

Public Document Pack

TENDRING DISTRICT COUNCIL

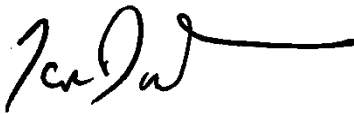
Committee Services
Room 29
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

22 February 2023

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Thursday 2 March 2023 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', with a long horizontal flourish extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Thursday, 2 March 2023

Prayers

1 Apologies for Absence

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

2 Minutes of the Last Meeting of the Council (Pages 1 - 14)

The Council is asked to approve, as a correct record, the minutes of the budget and council tax setting meeting of the Council held on Tuesday 14 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 Chairman of the Council

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

5 Announcements by the Chief Executive

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

6 Statements by the Leader of the Council

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

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

7 Statements by Members of the Cabinet

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

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

8 Annual State of the Tendring District Statement by the Leader of the Council

The Council will receive the annual State of the Tendring District Statement from the Leader of the Council.

9 Petitions to Council

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

10 Questions Pursuant to Council Procedure Rule 10.1 (Pages 15 - 16)

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

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

One such question was submitted in time for the deadline for this meeting of Noon on Monday 20 February 2023.

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

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

12 Minutes of Committees (Pages 17 - 92)

The Council will receive the minutes of the following Committees:

- (a) Community Leadership Overview & Scrutiny of Tuesday 13 December 2022;
- (b) Resources and Services Overview & Scrutiny of Wednesday 11 January 2023;
- (c) Planning Policy & Local Plan of Monday 23 January 2023;
- (d) Audit of Thursday 26 January 2023;
- (e) Resources and Services Overview & Scrutiny of Wednesday 1 February 2023; and
- (f) Standards of Wednesday 8 February 2023.

NOTES:

- (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record; and
- (2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

13 Reference from the Tendring Colchester Borders Garden Community Joint Committee - A.1 - Development Plan Document: Submission Version Plan - Regulation 19 (Pages 93 - 612)

To enable the Council to consider the recommendation of the Tendring Colchester Borders Garden Community Joint Committee that the Submission Version of the Plan, associated Sustainability Appraisal and other related evidence be published for six weeks' public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in order to begin the process of independent examination.

14 Motion to Council pursuant to Council Procedure Rule 12 - Ring-Fencing of Capital Receipts arising from the disposal of surplus land (Pages 613 - 614)

Council will consider the following motion notice of which has been given, pursuant to the provisions of Council Procedure Rule 12, by Councillor Steady:-

“That this Council resolves to recommend to Cabinet that -

(a) any future capital receipts arising from the disposal of surplus land be ring-fenced for investing back into the town or parish it is located in, and in the case of Brightlingsea this would include the proceeds from the future disposal of land in Dover Road identified in the report to Cabinet on 15 July 2022; and

(b) the relevant Town / Parish Council be consulted on any such investment proposals.”

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

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

NOTE: The Reference Report referred to under Agenda Item 18 below incorporates the recommendations made by the Resources and Services Overview and Scrutiny Committee in relation to the review of the Council's Cyber Security arrangements.

16 Reference from the Cabinet - A.2 - Annual Capital and Treasury Strategy for 2023/24 (including Prudential and Treasury Indicators) (Pages 615 - 660)

To enable the Council to consider the recommendation of the Cabinet in relation to the adoption of the Annual Capital and Treasury Strategy for 2023/24.

17 Joint Report of the Monitoring Officer and the Cabinet - A.3 - Proposed Amendments to the Council's Constitution (Council Procedure Rules) (Pages 661 - 676)

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, to approve the recommended changes to the Constitution (Council Procedure Rules) put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for this purpose.

18 Reference from the Cabinet - A.4 - Cyber Security for the Council (Pages 677 - 740)

To enable the Council to consider the recommendations of the Cabinet in relation to cyber security for the Council.

19 Report of the Chief Executive - A.5 - Term of Office for the members of the Independent Remuneration Panel (Pages 741 - 742)

To enable the Council to consider an extension to the term of office for the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 24 January 2023.

20 Report of the Assistant Director (Partnerships) - A.6 - Pay Policy Statement 2023/24 (Pages 743 - 758)

To present the Pay Policy Statement for 2023/24.

21 Questions Pursuant to Council Procedure Rule 11.2

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

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

No questions on notice from a Councillor were received by the submission deadline for this meeting of Noon on Monday 20 February 2023.

22 Urgent Matters for Debate

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

Date of the Next Scheduled Meeting of the Council

Annual Meeting - Tuesday, 23 May 2023 at 7.30 pm - Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

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

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

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

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 14TH FEBRUARY, 2023 AT 7.32 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Harris (Chairman), V E Guglielmi (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Bray, Bush, Calver, Casey, Cawthron, Chapman BEM, Chittock, Clifton, Coley, Davidson, Davis, Fowler, Griffiths, G V Guglielmi, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, King, Knowles, Land, McWilliams, Morrison, Newton, Scott, Skeels, Steady, M E Stephenson, Stock OBE, Talbot, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Madeline Adger (Leadership Support Manager), Keith Durran (Committee Services Officer) and Kai Aberdeen (Theatre General Manager (Technical))

80. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Codling, Fairley, Miles, Placey, Porter, G L Stephenson and Turner.

81. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the ordinary meeting of the Council held on 24 January 2023 be approved as a correct record and be signed by the Chairman.

82. DECLARATIONS OF INTEREST

The Monitoring Officer reminded Members that the Section 151 Officer and herself had circulated their annual joint guidance and advice on a number of matters relating to interests and voting on the annual budget and setting of Council Tax and, especially, the requirements of section 106 of the Local Government Finance Act 1992.

The Monitoring Officer also reminded Members that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 made it mandatory for councils to hold recorded votes at budget meetings. The Council's Constitution reflected this requirement in that Council Procedure Rule 19.4 stated that:

“A recorded vote is mandatory on any decision relating to the budget or Council Tax. This includes not only on the substantive budget motions agreeing the budget and setting Council taxes, but also on any amendments proposed at the meeting.”

83. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCILHarwich 1953 Flood Memorial

The Chairman reported that he had attended an emotional Church Service followed by a ceremony to open the superb new memorial gardens, which had been beautifully created, and put together, and which would continue to mature in time. He extended his thanks to:-

The Mayor of Harwich, Councillor Ivan Henderson;
Councillor Maria Fowler – who had played an integral role in organising the event; and
TDC's Open Space Team – who had created the new Garden.

Pride of Tendring Awards Evening – Thursday 9 February 2023

The Chairman informed Council that this had been a successful event with 18 awards given out to individuals and organisations that do so much good work for the residents of the District. He stated that it had been a great night, with very positive feedback, and which had included a video message of support from Johnny Mercer MP, Minister of State for Armed Forces Veterans. The Chairman recorded his thanks to:-

TDC Members – for their participation in this event;
TDC staff, especially the Princes Theatre team for their brilliant work in organising the event;
County Councillor Alan Goggin – for his brilliant job as compere;
Councillor Jeff Bray – for his fabulous work as Auctioneer, which had helped raise, on the night, £2,500 for the Chairman's Charities (the RNLI and veterans groups in the District); and the
Event Sponsors.

84. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

85. STATEMENTS BY THE LEADER OF THE COUNCIL

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

86. STATEMENTS BY MEMBERS OF THE CABINET

There were no statements made by members of the Cabinet (Portfolio Holders) on this occasion.

87. REPORT OF THE CABINET - A.1 - EXECUTIVE'S PROPOSALS - GENERAL FUND BUDGET AND COUNCIL TAX 2023/2024

Further to Minute 101 of the meeting of the Cabinet held on 27 January 2023, the Council considered the Executive's General Fund budget and Council Tax proposals for 2023/24.

It was reported that the information and recommendations set out in the report reflected the financial forecast considered by Cabinet on 27 January 2023, along with a limited number of subsequent changes.

Council was informed that the limited number of changes required were set out in Appendices A and B along with further comments within the main body of the report, which together resulted in a revised deficit position for the year of £1.528m (reduced from £2.487m that was presented to Cabinet on 27 January 2023).

Members were made aware that, in line with the approach set out in previous reports, the revised deficit of £1.528m would be funded via refocusing existing budgets / reserves long with a limited number of changes to income budgets.

Council was cognisant that, although the deficit had reduced since Cabinet's meeting on 27 January 2023, the deficit remained significant against the context of the Council's overall net budget. However, it did provide additional 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.

Given the impact of the various changes to the forecast across the remaining forecast period and reflecting the sensitivity analysis included within Appendix B, it remained prudent to continue the approach of transferring the remaining balance of funding of £2.576m, as set out within Appendix A to the Forecast Risk Fund.

Members were reminded that, as recommended by Cabinet on 27 January 2023, the Executive's budget proposals set out a Band D Council Tax of £188.11 in 2023/24, an increase of 3% (£5.47), with a Council Tax requirement of £9.603m.

Taking into account the changes to the budget required since Cabinet had met on 27 January 2023, the total net General Fund revenue budget for 2023/24 was £14.142m along with a General Fund capital programme totalling £0.827m.

Council was advised that the budget recommended by Cabinet for approval by Council included only the District and Parish elements of the Council Tax rather than those from the major precepting authorities. The formal approval of the 'full' Council Tax levy for the year, including the precepts from Essex County Council and the Police and Fire Commissioner for Essex, was delegated to the Human Resources and Council Tax Committee which was due to meet later on during February 2023.

The Leader of the Council (Councillor Stock OBE) made the following budget statement:-

"When I stand here every February to introduce the budget, which seems to be an occasion that comes around quicker and quicker each year, it is always worthwhile briefly looking back over the last twelve months before we look to the year that lies ahead.

With the benefit of hindsight, standing here last year now seems reminiscent of the same time in 2020 before COVID 19 reared its ugly head. When I say that, what I am referring to is the fact that without a reliable crystal ball, you never really know what is going to happen over the next 12 months. As was the case in 2020, no one could have predicted the various global events that unfolded after our meeting in February last year.

Over subsequent months we saw a range of global issues, along with some national ones too, which have had an impact on the Council directly or perhaps in less obvious ways.

As I mentioned late last year, many of the events were truly global and not, as some may see for political reasons, something unique to the UK.

The last twelve months have flown by, which perhaps is not surprising given how much has happened, with some examples being:

- Russia's invasion of Ukraine and the ongoing war, happening on European soil, leading immediately to a global fuel crisis and the cost of petrol, diesel, electricity and gas all skyrocketing.*
- Supply chain disruption as a direct consequence of the total shutdown of the world's economies due to Covid.*

All of which has contributed to:

- Commodity market volatility;*
- Weak GDP growth across the globe;*
- Workforce shortages;*
- Rising Interest rates; and*
- the highest inflation rates across the western world that we have seen for decades.*

The scale and speed at which the impact from these events started to hit home during 2022 was unprecedented.

In terms of the impact on our budget, we have seen the cost of projects significantly increase during 2022/23 along with substantial increases in employee and contract costs to name but a few. In terms of our 2023/24 budget, we have had to reflect cost increases totalling well over £4 million, a huge increase by any measure, but especially so when our overall net budget is £14 million.

Although this has been marginally offset by increases in income from Council Tax and Business Rates, the forecast deficits across 2023/24 to 2026/27 are significant and will be very challenging for us to respond to.

I often talk about financial stewardship and although maybe not being the most exciting subject in the world, it provides the backbone to everything we do. It enables us to deliver quality services as well as investing in our priorities. The pieces of the jigsaw puzzle that support good financial stewardship are things that we have strengthened over a number of years that then come together as part of our longer-term approach to the forecast we adopted back in 2017.

We need to continue our careful and prudent approach to financial stewardship – it is now more important than ever. It takes a long time to build the solid foundations that we have, which can easily be torn down overnight.

I talked about several major international events earlier – and there have been some closer to home over the past year where we have seen a number of Councils get into catastrophic financial difficulty, a trend which I am sure will continue into 2023/24. Good financial stewardship is often about finding the right balance and doing things in a

proportionate way. Many of the Councils that have found themselves in financial difficulty have not necessarily struck this balance. We all want to do bigger and better things and perhaps want to do them quicker, but this always must be tempered by affordability and financial sustainability.

In striking a more positive tone, it is worth saying that I have heard a number of economists being optimistic about 2024/25 and beyond. So, hopefully we can look forward to more positive economic news over the coming months and years. Although there can certainly be no guarantees, if this turns into a reality, it may give us a bit more wiggle room in our long-term forecast.

The phrase of not worrying about the things you can't control is also a useful bit of advice, as we have always tried to keep our destiny in our own hands. This ethos has not changed and remains a key element of our long-term plan along with how we react to things that are out of our control. With this in mind we will continue to be pragmatic and philosophical in equal measure.

In addition to the above and reflecting something I have said previously, all 48 members of this Council have an important part to play in the continuing success of this Council. Although some faces may change after the Local Elections in May, I believe we have built a really healthy culture here at Tendring District Council to enable us keep moving forward positively.

I am always genuinely impressed with how well we work together on this Council, constructively and positively, despite our many and varied political backgrounds, which I can assure you does not happen on many Councils! A few examples include:

- The Overview and scrutiny process which has gone from strength to strength, supported by task and finish groups as appropriate.*
- Member working groups tackling topics such as the Local Plan and the Council's constitution.*
- Member development sessions where we can freely share our views.*
- Working collaboratively with our various partners.*

Let's also not forget how Members work with Officers. We have a genuinely open and respectful relationship, which can make all the difference when faced with challenges and when we need to find solutions to problems. After hearing how other Local Authorities work, I know that we are the exception rather than the norm and we should never take for granted the fantastic culture we have all contributed to here at Tendring.

This does not happen without all of us being passionate about our District and wanting to do the absolute very best for our residents, businesses and visitors. I think we work in a very honest and open way with good communication which can go unnoticed sometimes given how routine it has become.

You only have to look at the Councils who have got themselves into difficulty to realise that what we take for granted is simply missing in other Councils, which I am sure is a major contributing factor to the place they find themselves in. In such situations it is the residents and businesses who have to pay the price and have to face potentially years of recovery and all of the adverse issues that it brings.

In terms of working with our partners, I think we can all agree that our reputation goes from strength to strength and external organisation really see us as a council that is easy to work with and can get things done. Great examples of this can be seen in the Freeports and Levelling up projects. Perhaps not in an exuberant style that some Councils may employ, but we try to bring to the table a 'safe pair of hands' approach coupled with the steel and tenacity to get the job done.

Turning my attention to the detailed budget we are considering tonight, I believe it responds robustly to the challenges ahead and helps us keep moving forward progressively. The budget, along with the use of the Forecast Risk Fund provides the flexibility and time to consider the longer-term plan and the delivery of savings in a more informed way rather than having to potentially take quick or short-term decisions that could have unforeseen consequences.

As I have said before, a Local Council is effectively a number of smaller yet diverse and varied businesses in one, where we also have to consider issues such as social value, health and inequality, climate change and social inclusion. These all have to form part of our wider financial planning processes.

In terms of the proposed 3% increase in the level of council tax, it is worth highlighting how much of it actually relates to the Services we provide. Although the Council Tax bills that come through all our letterboxes have the name of this Council at the top that's only because we have the job of collecting the money which we then have to distribute onwards to Essex County Council, to the Police, Fire and Crime Commissioner, and to the 27 town and parish councils. We actually keep only a very small proportion of the total council tax paid by households, with just £188.11 being retained by us in 2023/24. I also accept that most people in getting their council tax bill will be far more concerned about the bottom line figure and how they are going to be able to pay it rather than which public sector organisation is going to get what. Perhaps devolution will help to solve or at least ameliorate some of these issues, which is something that we may find ourselves thinking about sooner rather than later. Meaningful fiscal devolution, the ability of local government to be in charge of its own financial destiny and free from the constraints of Whitehall, cannot come soon enough!

In terms of the 3% proposed increase in council tax, this probably reflects the lowest real terms increase since council tax was introduced back in the early nineties.

Although the current financial environment has had an impact on our future investment plans, it is worth highlighting the various projects and schemes we are still delivering. Some Councils may have had to call a halt on a number of their projects in light of the financial challenges that have arisen over the past twelve months, but the careful management of our finances has allowed us to remain committed to the delivery of a number of key projects in the District, such as:

- The provision of a covered market and managed workspaces in Jaywick.*
- The development of the former Starlings site in Harwich.*
- Transformational regeneration in Clacton supported by levelling up funding.*
- Supporting the development of the internationally significant Freeport project.*
- Replacing the all-weather pitch at Clacton Leisure Centre along with wider investment in the centre.*
- Disposal of the former Weeley Council office site, which will provide us with additional local homes for local people.*

- *The major refurbishment of the skate park at Clacton Leisure Centre.*
- *A Clacton Airshow in 2023, which will be celebrating its 30th anniversary this year.*

In terms of some budget highlights, the overall budget deficit for 2023/24 is £1.528 million. Although the deficit has reduced since Cabinet's meeting on 27 January 2023, the deficit remains significant against the context of the Council's overall net budget. However, this change does provide some flexibility in terms of developing the forecast and the delivery of savings in future years that in turn will support the on-going financial sustainability of the Council. It is also important to highlight that the long-term approach and the flexibility I have just talked about provides time for income streams such as council tax and business rates to grow – let's not forget that this was one of the key underlying principles of our long-term plan; the more time we can allow, the more positive the overall net outcome is likely to be.

The budget for 2023/24 also recognises the significant income receivable from the Government as part of the Local Government Finance Settlement. Similarly to the point I just made, the money is welcomed and although it needs to be treated on a one-off basis in 2023/24 given the inherent uncertainty with any Government funding, it does contribute to the flexibility required to deliver the long term forecast and savings required.

In terms of developing the framework to identify the necessary savings, we will undoubtedly have to go back to basics and challenge everything we currently do. Although not exhaustive, such consideration will need to take into account issues such as what are our statutory obligations, what do we do using our discretionary powers, where can we make efficiencies, do we need to review existing service standards and how can zero-based budgeting play a role along with meeting future demand and customer expectations?

Although we would all want to avoid having to make any savings, we need to approach it in a positive way and 'squeeze' as much value out of everything we do - by doing so will lessen the impact on the affordability of delivering the range of services we currently provide. The perfect outcome would be that we don't have to reduce any services, but such an outcome is very unlikely. However, as I mentioned earlier, our long-term approach has given us the time to make well informed and consultative decisions rather than making some knee-jerk choices.

As I said earlier, we should only worry about the things we can control and we must not shy away from the tough decisions we are likely to have to make. We therefore need to undertake the task at hand in a transparent and positive way. It will be a good opportunity to review the things we currently do and also potentially to explore different ways of delivering activities such as the Airshow. As set out in Appendix A to the report, the Council remains committed to continuing to deliver this successful event beyond 2023. With this in mind, a more detailed review will be undertaken to explore options to secure the longer-term future of the show.

In bringing my introduction to the budget to a close, I hope that through working together collectively over recent years we have left a great financial legacy in terms of laying the financial foundations for whoever forms the New Administration in May. I have also committed to setting aside the new homes bonus funding of £1.2 million in 2023/24 to support the New Administration. This commitment is reflected in the budget we are considering tonight and so this figure remains available to support the New

Administration in meeting the financial challenges ahead and to keep delivering the Council's priorities.

Regardless of who forms the New Administration in May, by agreeing this budget tonight and continuing our approach to financial management and planning, priority setting, sound stewardship and ambition, the Council can continue to keep delivering on behalf of our residents and businesses as well as looking after the District and its natural environment."

It was moved by Councillor Stock OBE that the recommendations, as set out on page 16 of the Council Book, be approved.

It was then moved by Councillor Steady and seconded by Councillor Barry that Councillor Stock's motion be amended by the addition of the following:-

"That the budget of £122,530 that was set aside following the withdrawal of the joint use sports centre agreements with the Sigma trust is made available on a one-off basis in 2023/24 for investing back into the associated town and parish areas and that the relevant Town / Parish Council is consulted on any investment proposals."

In addition to Councillor Steady, Councillors Scott, G V Guglielmi, I J Henderson, Barry and Stock OBE addressed the Council on the subject matter of Councillor Steady's amendment.

The Chairman reminded Members that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 had made it mandatory for councils to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings. The Council's Constitution reflected this requirement within Council Procedure Rule 19.4.

In respect of Councillor Steady's amendment, the vote resulted as follows:-

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

Wiggins
Stock OBE
Talbot
White
Winfield

Councillor Steady's amendment was declared **LOST**.

In addition to Councillor Stock OBE, Councillors I J Henderson, Allen and Calver addressed the Council on the subject matter of Councillor Stock's motion.

In respect of Councillor Stock's motion, the vote resulted as follows:

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

Councillor Stock's motion was declared **CARRIED** and it was therefore:-

RESOLVED that, having had regard to the Chief Finance Officer's (Section 151 Officer) report on the Robustness of Estimates and Adequacy of Reserves in accordance with the requirements under Section 25 of the Local Government Act 2003, and having taken account of any responses to the budget consultation process the Council approves the budget proposals (based on a 3% (£5.47) Band D council tax increase for district services) and agrees that:

-
- i) the total General Fund net revenue budget for 2023/24 be set at £14.142m (a council tax requirement of £9.603m excluding parish precepts);
 - ii) that the General Fund capital programme be approved totalling £0.827m in 2023/24;
 - iii) the detailed General Fund budget for 2023/24 be as set out in Appendix C to item A.1 of the Report of the Cabinet;
 - iv) the calculation of the Council's Council Tax requirement, Special Expenses and Parish/Town Council precepts be as set out at Appendix E to item A.1 of the Report of the Cabinet;
 - v) the Council Tax for District and Parish/Town Councils' services be as set out at Appendix H to item A.1 of the Report of the Cabinet and that these are the amounts to be taken into account for the year in respect of the categories of dwellings listed in different valuation bands; and
 - vi) if budget adjustments are required such as those necessary to reflect the late notification of external / grant funding, then, in consultation with the Corporate Finance and Governance Portfolio Holder, budgets be adjusted accordingly with no net impact on the overall budget or capital programme set out above.

88. REPORT OF THE CABINET - A.2 - EXECUTIVE'S PROPOSALS - HOUSING REVENUE ACCOUNT BUDGET 2023/2024

Further to Minute 103 of the meeting of the Cabinet held on 27 January 2023, the Council considered the Executive's Housing Revenue Account (HRA) budget proposals for 2023/24.

Members were aware that the information and recommendations set out in the report reflected the Executive's HRA budget proposals, which had been approved for submission to Council at their meeting held on 27 January 2023.

Council was notified that there had been only a very limited number of changes since Cabinet on 27 January 2023, which had been reflected in Appendices A to E as necessary. The outcome being a marginally reduced deficit of £0.280m in 2023/24 compared with the figure of £0.296m reported to Cabinet in January.

It was reported that for 2023/24, the Executive's budget proposals set out an increase in dwelling rents of 7% along with a total HRA expenditure budget of £15.546m and a capital programme totalling £7.978m. The 7% increase in dwelling rents resulted in an average weekly rent of £93.68 in 2023/24. (£87.55 in 2022/23)

Members were informed that the proposed budget reflected the continued repayment of debt, with the total level of existing debt falling to £33.949m at the end of 2023/24.

Council was advised that the HRA general balance was forecast to total £3.770m at the end of 2023/24, which retained a strong financial position against which the associated HRA 30 year Business Plan could continue to be delivered / developed.

The Leader of the Council (Councillor Stock OBE) made the following budget statement:-

“In following on from the various issues that I highlighted as part of introducing the General Fund budget earlier, the Housing Revenue Account (the HRA) is as equally affected by the various issues that we saw unfold during the past 12 months. The HRA 30-year business plan has therefore been updated to reflect such issues in 2023/24 and beyond.

We want to remain a decent landlord to our tenants across the stock of over 3,000 homes as we want to ensure that they continue to live in safe, comfortable and quality housing.

To me this requires a decent housing management service, a decent repairs service and being able to undertake major investment in a timely manner, such as installing new kitchens and bathrooms, replacing windows and doors and the renewal of other significant fixtures.

The business plan and budget that we are considering tonight has all of these things at its core and over £7.5 million has been made available for investment in the homes of our tenants in 2023/24.

Similarly to the increase in council tax, there have been some equally tough decisions in terms of the proposed rent increase in 2023/24.

The annual increase in rents is usually tied to inflation as defined by the Consumer Price Index (the CPI), with the rules governing annual rent increases allowing Councils to increase rents by CPI plus 1% each year. Given that CPI is currently at a 40-year record high, the Government has effectively ‘capped’ the rent increase to a maximum of 7% - which although a large increase is much lower than the current level of CPI. As part of its intervention the Government provided its thinking behind why it settled for the 7% ‘cap’. Essentially they had arrived at this percentage by trying to balance the future financial sustainability of Local Authority Housing Revenue Accounts with the ‘cost of living’ pressures being faced by tenants. The 7% increase is still a real term reduction in the HRA’s spending power given the significant inflationary increases in costs reflected elsewhere in the business plan.

In terms of our own proposal to increase rents by the maximum allowed, I can only echo the point made by the Government, that any increase must be balanced within the context of the long-term financial stability of the Housing Revenue Account. The proposed increase therefore seeks to deliver this balance. I am sure that this is something that is acknowledged by our tenants – it was certainly something that our tenants’ panel recognised when Officers met with them last week.

Even after allowing for the 7% increase in rents, there is still a deficit on the HRA budget in 2023/24, given the inflationary increases in other areas of the budget as I mentioned earlier.

We often talk about the ‘telescopic’ effect of changes to the budget. The level of rent increase is a perfect example of this – say we increased rent by 6% instead of 7%, this would reduce the spending power of the HRA by £3 million over the life of the business plan and potentially put the financial sustainability of the HRA at risk.

In sticking with the subject of ‘telescopic’ effect, let’s not forget the 4 years that the Government required us to reduce rents by 1% each year. This effectively removed £30 million from our HRA budget over the long term, which has ultimately contributed to the challenging position we find ourselves in today.

But as I said earlier this evening, we must focus on the things we can control rather than get distracted by the things we can’t.

In terms of managing the deficit on the HRA in 2023/24, we had a couple of choices – we either reduced the investment in our tenants’ homes or we recognised the challenging environment we are currently in and use reserves in the short term to balance the books.

We have gone with the latter, as I don’t think any of us could agree that charging tenants 7% more in rent whilst reducing the investment in their homes was the way to go.

It is also worth mentioning that within the overall HRA budget we have to set aside money to pay off our outstanding loans, most of which we had no choice about given we had to buy ourselves out of the previous and unfair subsidy system back in 2012.

When we took on these loans we approached it in a level headed and prudent way by setting aside money within the budget to make loan repayments each year rather than taking on interest only type loans, which is the more traditional approach taken by some Local Authorities. We continue to see the benefits of this decision with money being ‘released’ from lower debt and interest payments for reinvesting within the wider HRA budget. This has therefore proved to be a key element of delivering a financially sustainable HRA in the longer term.

As is the case in the General fund, we have also ‘cash backed’ our important projects, with the refurbishment of Spendells House and the redevelopment of Honeycroft now included in the capital programme. They have been funded by ‘recycling’ capital receipts. We could have gone out to the market to borrow the money, but we would have had to pay an interest rate ‘premium’ given the current economic climate. Such an approach would have ‘saddled’ the HRA with unnecessary loan and interest payments long into the future – we were not prepared to do that.

Prudently managing the HRA therefore requires matching revenue money, capital receipts and reserves to associated expenditure, whilst remaining alert to the wider financial environment. Although this is done on an on-going basis, it all comes together as part of setting the annual budget for the HRA.

In terms of reserves, although we are proposing to draw some money down in 2023/24, we still estimate that over £3.7million will remain in general balances at the end of 2023/24. This money will play an important role in future HRA budgets as we start to turn our attention to 2024/25 and beyond.

On the back of everything I have just said and picking up the point Paul [Honeywood, Portfolio Holder for Housing] made back at our Cabinet meeting in January, maintaining the investment in our tenants’ homes is of upmost importance, but we also need to maximise any financial flexibilities that may emerge to continue to deliver local homes for local people. Although we have some tough times ahead in the short term to medium term, via the continued and prudent management of our HRA business plan, we will

always try and balance these two key activities whilst never forgetting the need to secure the on-going financial sustainability of the HRA.

The budget we are considering tonight is therefore another confident step in our long term plan that continues to reflect sustainability and financial stewardship to secure the long term future of our tenants' homes."

It was moved by Councillor Stock OBE and unanimously:-

RESOLVED that Council approves:-

- (a) a 7% increase in dwelling rents in 2023/24; and
- (b) the Housing Revenue Account Budget for 2023/24 as set out in Appendix B to item A.2 of the Report of the Cabinet, along with the Scale of Charges, HRA Capital Programme and the movement in HRA Balances / Reserves, as set out in Appendices C, D and E respectively, to the aforementioned report.

89. URGENT MATTERS FOR DEBATE

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

The Meeting was declared closed at 8.48 pm

Chairman

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Questions pursuant to Council Procedure 10.1

The following question has been received, on notice, from a member of the public:

Question

From Jeremy Rendle, to Councillor Neil Stock OBE, Leader of the Council:

“Does the Council agree with the proposition (in which case, please outline the next steps to be taken by the Council in relation to the two roads), or disagree with the proposition (in which case, please provide a full and reasoned statement outlining the Council's position on the applicability of s.230(7)?”

Background to his Question provided by Mr Rendle:

Seawick Road and Seaview Road in St Osyth are in a dangerous state and are in need of urgent repair. I acknowledge that they are 'Private Roads' and that they remain unadopted by TDC.

Section 230(7) of the Highways Act 1980 provides as follows:

“Without prejudice to the foregoing provisions of this section or to any other enactment for the time being in force relating to private street works, the street works authority and also, in the cases mentioned below, the district council may, in any street that is not a highway maintainable at the public expense, execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street.

The cases in which the district council may act under this subsection are those in which the street concerned [is situated in a non-metropolitan district and] is a footpath, bridleway or any such road as is mentioned in section 42(2)(c) above (urban roads).”

For completeness, s.42(2)(c) of the same Act does not preclude roads such as Seawick Road and Seaview Road.

PROPOSITION: TDC has a statutory power to carry out the urgent repairs required in Seawick Road and Seaview Road.

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**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON TUESDAY, 13TH DECEMBER, 2022 AT 7.30 PM
IN THE ESSEX HALL - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Chittock (Chairman), S Honeywood (Vice-Chairman), Clifton, Codling, Davidson, King, Miles and Steady
Also Present:	Councillor McWilliams
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), John Fox (Public Health, Wellbeing & Environmental Protection Manager) and Keith Durran (Committee Services Officer)
Also in Attendance:	Professor Nick Barker, Oracle Dental Group, Lizzie Mapplebeck, Associate Director of Strategic Change, Suffolk and North East Essex Integrated Care Board and Greg Brown, Senior Performance Improvement Manager, Suffolk and North East Essex Integrated Care Board

18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No Apologies were received for this meeting.

19. DECLARATIONS OF INTEREST

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

20. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

21. ENQUIRY INTO NHS DENTISTRY PROVISION IN THE DISTRICT OF TENDRING

The Committee had before it a report that provided the Committee information on NHS dentistry provision in the District, and the wider Suffolk and North East Essex Integrated Care Board geography.

The Committee was joined by:

- Lizzie Mapplebeck, Associate Director of Strategic Change, Suffolk and North East Essex Integrated Care Board
- Greg Brown, Senior Performance Improvement Manager, Suffolk and North East Essex Integrated Care Board
- Professor Nick Barker, Oracle Dental Group

The Members heard how there were longstanding issues with NHS dental access that included NHS routine dental care and urgent dental care. This problem had been amplified by the current COVID-19 pandemic. Treating oral diseases costs the NHS £3.4 billion per year. The pain experienced with dental problems such as toothache or abscess could be considerable, intractable and distressing, and might lead sufferers to extreme measures to address pain if urgent dental care was not available. Examples included DIY dentistry and overdoses of paracetamol, which in turn increases pressure on urgent and emergency care. There were also wider societal impacts and costs that arose when people could not access urgent care, such as increased demands and pressures placed on the wider health care system such as accident and emergency and primary care services, as well as costs to employers and reduced productivity due to time off work.

Commissioning, Legislation and Dental Fees

Commissioning and Legislation

It was reported to the Committee that NHS England directly commissioned all NHS dental services at primary, community, secondary and tertiary settings depending on the care and treatment required. Across England Integrated Care Boards (ICBs) receive delegated authority from NHS England on 1st April 2023 to commission and manage dental services locally.

Currently, all dentists in northeast Essex (and Suffolk), were paid by commissioners for the Courses of Treatment (CoT) they provided, each CoT was allocated a Unit of Dental Activity (UDA). A UDA was the technical term used in the NHS dental contract system regulations to describe weighted CoTs.

The Committee heard how UDAs were developed as part of the 2006 NHS dental contract. Under the old NHS contract dentists were paid for every item of treatment they provided: examination, filling, crown or denture. Under the 2006 system they were paid per course of treatment, irrespective of how many items were provided within it. Thus, a course of treatment involving one filling (3 UDAs) attracts the same fee as one containing five fillings, a root treatment and an extraction (also 3 UDAs). This factor was behind much of the resentment against this system.

In March 2021, NHS England were asked by the government to lead on the next stages of NHS dental system reform. At the outset six aims were agreed when considering what a reformed dental system should bring. They were:

- *“Be designed with the support of the profession*
- *Improve oral health outcomes*
- *Increase incentives to undertake preventative dentistry, prioritise evidence-based care for patients with the most needs and reduce incentives to deliver care that is of low clinical value*

-
- *Improve patient access to NHS care, with a specific focus on addressing inequalities, particularly deprivation and ethnicity*
 - *Demonstrate that patients are not having to pay privately for dental care that was previously commissioned NHS dental care*
 - *Be affordable within NHS resources made available by Government, including taking account of dental charge income.*

In July 2022, NHS England announced the first new reforms to the dental contract, these are the first in 16 years. The announcement included the following key points:

- *NHS dentists will be paid more for treating more complex cases, such as people who need three fillings or more.*
- *Dental therapists will also be able to accept patients for NHS treatments, providing fillings, sealants, preventative care for adults and children, which will free up dentists' time for urgent and complex cases.*
- *To make services more accessible for people, dentists must update the NHS website and directory of services so patients can easily find the availability of dentists in their local area.*
- *High-performing dental practices will have the opportunity to increase their activity by a further 10% and to see as many patients as possible.*

These reforms represent the first significant change to the contract since its introduction in 2006”.

Dental Fees

Adult patients paid a subsidised fee for receiving care unless they were exempt. The NHS operates a three-band fixed charge primary care treatment package and payment from adult patients depends on the treatment received. The bandings were:

- *“Emergency dental treatment – £23.80 This covers emergency care in a primary care NHS dental practice such as pain relief or a temporary filling.*
- *Band 1 course of treatment – £23.80 This covers an examination, diagnosis (including X-rays), advice on how to prevent future problems, a scale and polish if clinically needed, and preventative care such as the application of fluoride varnish or fissure sealant if appropriate.*

-
- *Band 2 course of treatment – £65.20 This covers everything listed in Band 1 above, plus any further treatment such as fillings, root canal work or removal of teeth but not more complex items covered by Band 3.*
 - *Band 3 course of treatment – £282.80 This covers everything listed in Bands 1 and 2 above, plus crowns, dentures, bridges and other laboratory work.*

Free NHS Dental Care is available to people in the following categories:

- *Under 18, or under 19 and in full time education*
- *Pregnant or have had a baby in the last 12 months*
- *Being treated in an NHS Hospital and treatment is carried out by the hospital dentists (dentures or bridges need to be paid for)*
- *Receiving low-income benefits, or under 20 and a dependant of someone receiving low-income benefits.*

Overall, the trend for NHS free dental care in Essex is going downwards when compared between 2017/18 to 2021/22”.

Local Data

Population Information

The Members were informed that according to the Office of National Statistics in 2017, the total population of the Tendring District was an estimated 145,803 people making it the fifth largest local authority area in Essex in terms of population size. This was an estimated increase of 3205 people since the 2011 census (a rise of 2.25%).

The Tendring District had the highest percentage of residents aged 65 and over in Essex (29.5%), 9% higher than the Essex average (20.5%). The proportion of Children and Young People aged 0-15 (16.5%) and 16 to 64 years olds (53.9%) was lower than the Essex average (18.9%, and 60.6%).

The Tendring District had an estimated Old Age Dependency Ratio of 544 people aged 65+ to every 1000 working age. This was equivalent to 1.8 working age people to every person aged 65 and over and was significantly above than the average for Essex (335.6) and England (286.8).

At the time of the 2011 Census there were an estimated 62,105 households in the Tendring District of which 16.9% contained dependent children. This was below the average for Essex (22.8%) and England (21.99%) and the lowest rate in the county.

Dental Access

The report before the Committee explained that there were 172 dentists in northeast Essex. During 2020 more than 2,000 NHS dentists quit the NHS dentistry which affected service users nationwide.

In Essex, due to the pandemic restrictions in 2020, there were around 30% less NHS dental services providing dentists compared with the previous year (2019). In 2021 the number of NHS dental services providing dentists increased by around 34% compared with the year before and was heading towards pre-pandemic levels.

Essex County Council completed an Oral Health Needs Assessment in September 2022, as part of this 1,201 residents were surveyed.

60% (721) of the surveyed residents were registered with an NHS dentist, 27% (329) private, and 11% (136) were not registered at all. The main reason for not being registered was not being able to find an NHS dentist to register with.

Members heard that qualitative data from the survey and in-depth interviews also showed that several residents found themselves without an NHS dentist because they had been deregistered from dental surgeries due to not having attended the surgery in over two years. Some of this was reported because of the busyness of life but for others it was the impact of the pandemic when many patients had routine appointments cancelled and were subsequently removed from the patient register once the two years lapsed.

Across northeast Essex 74,821 dental treatments were delivered in 2020-21, this was 66% below the pre-pandemic figure of 223,222. In the two years to June 2021, 101,293 adults saw their local NHS dentist in northeast Essex which is 37% of the over-18 population, a drop from 50% in the two years to June 2019.

Members also heard that 31% of the Suffolk and northeast Essex population unsuccessfully tried to get an appointment in the last two years, 9% more in comparison to the rest of England. The population were reporting to have resorted to extreme measures to address pain if urgent dental care was not available, such as extracting their own teeth. Nearly two thirds (73.1%) of adults surveyed in Essex indicated that they had existing treatment needs. This is the second highest among comparable counties. Essex has similar averages to East of England (77.1%) and England (70.5%).

According to data from 2018, approximately 1 in 6 adults (16.1%) in Essex haven't seen a dentist in the last two years. This is highest among similar counties and nearly double the England (7.9%) and East of England average (6.8%). There has been a 45% sustained drop-in Units of Dental Activity (UDA) undertaken across Suffolk and north east Essex.

Current Programmes of Work

Increased Routine and Urgent Capacity within SNEE

The Committee was informed that the NHS England, after discussion with SNEE ICB had agreed to offer increased activity within SNEE. Eight eligible providers were now working with the system to provide up to 20,000 additional check-ups. This activity was commissioned by NHSE until the 31 March 2023 and utilises funding made available by the ICB. Urgent Care Dentistry discussions were continuing to scope further opportunities to increase urgent care services within SNEE. NHSE had also identified that further capacity may be commissioned within SNEE for the same timeframe.

Support for Care Homes and Healthcare Professionals

The Members heard that dental care for care homes work looked to reduce waiting lists and promote oral hygiene in care homes and specialist care in Suffolk and North East Essex. This looked to address the lack of proactive dental care available to this vulnerable group. Community Dental Services run a course for Healthcare Professionals that interact with children in North East Essex to upskill the workforce on oral healthcare.

Looked After Children Dental Prioritisation

It was reported that the Looked After Children Dental Prioritisation work looked to increase dental capacity in each town across Suffolk and North East Essex for Looked After Children to receive routine dental care. It looked to address the lack of proactive dental care available to this vulnerable group. At the time of the meeting the ICB and NHSE had a pathway agreed for Children in Care, which allowed Children in Care to access specific dental services across SNEE. This was estimated to have helped at least 350 patients in Suffolk and over 1,000 across the East of England.

Urgent Dental Contract Variation

It was also reported that by looking at urgent dental contract variations there was an aim to increase Urgent Care capacity by requesting dentists allow 10% of UDA to be unknown urgent dental work. It looked to address lack of urgent dental capacity. This project was rolled out by NHSE, though uptake was low. NHSE were focusing work on a smaller number of ICB's, the NHSE transformation programme had been paused to allow the NHSE Team to focus on increasing activity across SNEE.

Children's Dental Health Education Initiative

The Committee heard that by increasing children's education, to support parents and children in understanding oral healthcare locally we would promote preventative dental care. At the time of the meeting the ICB was in discussions with Public Health and Community Dental Providers to enhance the level of support to Nurseries / Schools / childcare facilities to upskill the workforce on oral healthcare.

Homelessness Prioritisation within East Suffolk and North East Essex

It was reported to Members that evidence suggested that socially marginalised groups, including those experiencing homelessness, have significant difficulties in accessing dental care services. Those patients often present with high levels of treatment need and many required additional support to access care. Individuals may present with

complex health and psychosocial needs and a more holistic approach needed to be incorporated into delivery of oral healthcare for this population. Currently the ICB was proposing a project to NHSE (as the current commissioners) to have a pathway agreed for the homelessness population. It would allow better access for specific dental services across SNEE, agreement had been reached in North East Essex for homelessness support charities to support this model. The pathway was aiming to be live by January 2023.

Access Information

The Committee heard how the system access information looked to increase information about which services were seeing patients to allow appropriate redirection of patients to services accepting both emergency and non-emergency services. This looked to address the lack of suitable information regarding dental practices that were accepting new and emergency patients. Currently the ICB had increased the frequency of auditing dental services, and this was used to update the Directory of Services, which was searchable by 111, and healthcare professionals, further information was shared with dental nurses in the Integrated Urgent Care, Clinical Assessment Service.

The Committee thanked the guests for their attendance and **NOTED** the contents of the report.

The meeting was declared closed at 8.35 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

11 January 2023

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON WEDNESDAY, 11TH JANUARY, 2023 AT 11.00 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling, Griffiths and Morrison
Also Present:	Councillor Neil Stock OBE (Leader of the Council; Leader of the Conservatives Group), Councillor Carlo Guglielmi (Deputy Leader of Council; Portfolio Holder for Corporate Finance & Governance; Deputy Leader of Conservatives Group), Councillor Paul Honeywood (Portfolio Holder for Housing), Councillor Alex Porter (Portfolio Holder for Leisure & Tourism), Councillor Michael Talbot (Portfolio Holder for Environment & Public Space) and Councillors Andrew Baker and Jayne Nash
In Attendance:	Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections) and Keith Durran (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received by Councillors Amos and Skeels (with no substitutions).

2. DECLARATIONS OF INTEREST

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

3. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

4. BUDGET PROPOSALS FOR 2023/24

At the Committee's formal meeting on 11 January, it heard how the General Fund and the Housing Revenue Account (HRA) Budget proposals for 2023/24 had been considered by Cabinet on 16 December 2022.

The Committee had been provided, as part of the material for them to consider, the following:

- 1) Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – the report considered by Cabinet on 16 December 2022.
- 2) Updated Housing Revenue Account Business Plan and Budget Proposals 2023/24– the report considered by Cabinet on 16 December 2022.

The format for the meeting provided for the following elements.

11.00am - 11.30am	Private meeting of Members of the Committee to make final arrangements for the rest of the meeting.
11.30am - 12.00noon	Public meeting opens and a presentation by the Section 151 Officer on an introduction to the 2022/23 current budget position, the proposals for 2023/24 and the MTFS
12.00noon - 12.30pm	Cllr Alex Porter, Portfolio Holder for Leisure and Tourism
12.30pm - 1.00pm	Cllr Michael Talbot, Portfolio Holder for Environment and Public Space
1.00pm - 2.00pm	Adjourn for lunch
2.00pm - 2.30pm	Cllr Paul Honeywood, Portfolio Holder for Housing
2.30pm - 3.00pm	Cllr Carlo Guglielmi, Portfolio Holder for Corporate Finance & Governance (Deputy Leader of Council)
3.00pm - 3.30pm	Cllr Neil Stock OBE, Leader of the Council

A series of questions were asked by the Committee and responses were provided in writing to the Committee. The Minutes of the meeting record those questions and responses in an Appendix. Further supplementary questions were asked of Cabinet Members and responses provided.

During the dialogue with individual Cabinet Members, the following commitments to written responses being provided were given to the Committee:

- Cllr Alex Porter, Portfolio Holder for Leisure, and Tourism - regarding the implemented measures to reduce energy costs in leisure facilities and the envisaged pay back position in cash terms for those measures and the CO₂ savings generated, the Council's position on sea defences at the Naze in Walton-on-the-Naze and, separately, about past and future surveys of relevant beaches in relation to the need for future recharges of sand on those beaches.
- Cllr Paul Honeywood, Portfolio Holder for Housing – in relation to empty Council housing stock, its liable for the same Council Tax premiums as a private dwelling and, how many empty Council homes were subject to the different premium levels levied for Council Tax.
- Cllr Carlo Guglielmi, Deputy Leader of the Council and Portfolio Holder for Finance and IT - question regarding the premium council tax rate on empty

homes, how many empty homes were there at the start of the year versus how many at the end of the year and if he considers the levying of the premium to be a success.

The Committee expressed their gratitude to the Council's Section 151 Officer for his support for the budget scrutiny process, and more generally in respect of the budgetary position of the Council. In addition, the Committee thanked the Members of Cabinet and the officers who assisted the process of the review over the days leading up to the meeting, and on the day of its meeting in considering the questions posed by the Committee and providing responses.

Having considered all of the information that had been provided, including the responses to the questions posed to Cabinet Members and Officers referred to in the Appendix, it was **RESOLVED** that the **CABINET** be **RECOMMENDED** that:

- a) Requests a comprehensive piece of work be undertaken to assess the true costs of services subject to discretionary Fees and Charges (including full on-costs) to ensure that cost recovery is being achieved and that inadvertent subsidy of services from Council Tax income does not exist where those full costs should be met through relevant Fees and Charges;
- b) Requests that progress be made (at pace) in the coming months to ensure that Zero Based Budgeting is applied consistently to all major net expenditure areas for the Council and that this process should involve robust challenges to ensure efficiency, effectiveness and economy of those service based budgets;
- c) Makes any necessary arrangements so that, particularly while the current economic conditions prevail, strict caution is observed around estimates of costs of proposed projects/schemes (provided in support of decisions around those projects/schemes) with a view to supporting realistic budgetary allocations being made that more closely align with the costs identified for the projects/schemes following procurement in respect of those projects;
- d) Records that the failure of the External Auditors (to conclude in a timely fashion the Audit of the Council's accounts for 2020/21) is an impediment to good governance, including through this Overview and Scrutiny process, and to support the sterling efforts by the Council's Audit Committee to address this failure with the External Auditors;
- e) Concurs that, for future years, the Community Leadership Overview and Scrutiny Committee, shall be requested to examine and enquire into the spend in relation to grants to statutory and voluntary sector partners and to submit its findings to the Resources & Services Overview and Scrutiny Committee in time for its budget scrutiny process;

- f) Takes measures (without delay) to ensure that the Housing Stock Survey of the Council's homes is commenced at the earliest opportunity (with a view to it being completed within 2023/24), that regular updates on the Survey be made to all Councillors and that steps be taken to dispose of vacant Council homes that have particular long term maintenance issues with a view to the disposal sum being re-invested in properties that are easier to maintain and, potentially, meeting housing need locally more closely;
- g) Supports the statements to the Resources & Services Overview and Scrutiny Committee, that the New Homes Bonus for 2023/24 be held without being allocated until after the 4 May 2023 elections;
- h) Proposes to Council that the shortfall between income and expenditure which would otherwise occur in 2023/24 be met by utilising the Forecast Risk Fund and that the use of the Corporate Investment Plan 'Reserve' and Building for the Future Use be applied to balance the budget in 2024/25 if required; and
- i) Arranges that an update on the approved and pipeline schemes within/through the Corporate Investment Plan, since its creation, being submitted to the Resources & Services Overview and Scrutiny Committee's meeting on 21 February 2023 to enable that Committee to undertake an enquiry into the process around that Plan.

The meeting was declared closed at 4.00 pm

Chairman

**Resources and Services Overview and Services Committee – 11 January
2023**

Questions to Portfolio Holders on the Budget

<u>Question to which Portfolio Holder</u>	<u>Question from Member of the Committee</u>	<u>Question to be asked (followed by supplementary question(s) based on response – initially from questioner – and others only if time permits)</u>	<u>Answer from Portfolio Holder (If time is tight the question and the response may be read into the record rather than spoken)</u>
Cllr Porter, Portfolio Holder for Leisure and Tourism (from 12 noon to 12.30pm)	Cllr Barry	We have heard about the severe financial challenges for the Council corporately over the next three years. From the Outturn Report submitted to Cabinet on 15 July 2022, the actual expenditure in your Portfolio area was £7.062m. This is the second largest budgeted net expenditure of any Portfolio Holder. So how do you plan to support the Council meet the budget challenges we face next financial year and the two years after that?	<p>I thank Cllr Barry for his question. Due to the significant financial pressure faced by the Council, I have asked Officer's to prepare a full review of options to reduce subsidies and make savings. It is prudent at this stage that we consider every option available to us, based on their respective cost and subsequent impact on Council priorities. That will allow a balanced decision to be taken about the future direction. Significant procurement processes have taken place over recent months</p> <p>You will be aware that the Council has already taken the difficult decision to no longer invest in joint use facilities, owned by an external organisation. A decision on how to allocate respective budgets for these facilities has yet to be taken.</p>
	Cllr Barry	If not answered in the	I thank Cllr Barry for his

		<p>response to the above:</p> <p>What specifically has been implemented/spent this year to reduce energy usage in leisure and tourism facilities? What plans are there to help reduce energy use in those facilities next year?</p>	<p>question.</p> <p>The following has been implemented in our Sport and Leisure Facilities to reduce our energy consumption and reduce costs:</p> <ul style="list-style-type: none"> - Sensor Lighting in Sports Facilities and Princes Theatre - LED Lighting in Sports Facilities and Princes Theatre - New Air Handling Unit in the Clacton Leisure Centre Wellbeing Zone - Timers have been installed to the Theatre heating and air movement systems to restrict to essential use - Variable Speed Drive Pumps in Swimming Pool Circulation Systems <p>Subject to funding and respective decisions, the follow projects are being considered for next year:</p> <ul style="list-style-type: none"> - Swimming Pool Covers at the Council's Sports Facilities - Quotations are being sought for a company to design a heat pump system for Clacton
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			<p>Leisure Centre and Building Management Systems for Walton on the Naze Lifestyles.</p> <ul style="list-style-type: none"> We are looking at a proposal to remove the oil fired boiler at Clacton Leisure Centre A consultant is developing the business case for solar power on TDC estate, including our leisure facilities <p>Further to the above, the service is resolved to consider energy efficiency in all its technical procurement processes and moving forward, will not be purchasing any lighting fixtures that have an LED alternative.</p>
	<p>Cllr Barry</p>	<p>Can you outline the events the Council put on/financially supported in 2022/23, with the expenditure on each and whether you regard this as providing a good return on that investment? Will those events be repeated in 2023/24?</p>	<p>I thank Cllr Barry for his question.</p> <p>Clacton Airshow Cost: £138,000</p> <p>An Economic Impact Evaluation Report prepared by an external organisation using nationally</p>

			<p>recognised modelling data estimated that the 2022 Airshow contributed a net value of approximately £12,155,000 net income to the area with 166 jobs sustained. During a recent Town Centre survey, 40% of businesses suggested they did more trade during events like the Airshow</p> <p>Illuminate Festival (Harwich) Cost: £65,000</p> <p>At this stage an economic impact assessment has not been commissioned for Illuminate, there is no formal value for money assessment. Feedback from local businesses suggests that the several thousand visitors bought significant local business to the area. The presence of regional news crews and wider regional media, will have raised</p>
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			<p>the profile of Tendring.</p> <p>Tour Series Cost: £90,000</p> <p>At this stage an economic impact assessment has not been provided for the Tour Series. In addition to the regional media (as per Illuminate), this event received national and international television coverage, via a highlights programme on ITV4 and Eurosport.</p> <p>We were pleased with the outcome of all events, particularly after an extremely challenging two years, where mass participation events were not possible. That being said, it is only right that we now review everything the Council does, which will include the events programme</p> <p>A decision on which events take place in 2023 will take place imminently and following that, a longer term review of the Council's events programme will be carried out, together with wider scrutiny of the Council's budgets before the end of 2023.</p>
	Cllr Stephenson	What direction have you given officers in reviewing fees and	I thank Cllr Stephenson for his question. I have directed Officers to

		<p>charges for services/functions you are responsible for?</p>	<p>undertake a root and branch review of all fees and charges under my portfolio. An evaluation of that work is currently taking place, so balanced decisions can be taken prior to the decision being published.</p> <p>In some cases the direction to Officers has been to consider how the service subsidy can be reduced through prudent setting of charges, e.g. Sports Facilities, Clacton Airshow. In others, I have asked Officers to make recommendations as to how fees and charges can contribute towards essential expenditure in that particular service area, e.g. Beach Huts.</p> <p>We must be mindful of the impact of an increase in fees and charges on our residents, which the review currently taking place will do. Of course, we are charging not trading: we are setting fees to best cover our costs, or manage the level of service subsidy, we are not seeking to make a surplus.</p>
	<p>Cllr M Stephenson</p>	<p>What is known of the probability of cliff slippages at the sea front in Clacton-on-Sea and/or Holland-on-Sea over the next three years and what funding is</p>	

		provided for in the Council's budget to address the costs of remedial action at those slippage sites in each of those three years?	
	Cllr M Stephenson	What is known of the levels of beach erosion and the need for recharge in Clacton-on-Sea and/or Holland-on-Sea over the next three years and what funding is provided for in the Council's budget to address the costs of remedial action at those beach erosion sites in each of those three years?	

<u>Question to which Portfolio Holder</u>	<u>Question from Member of the Committee</u>	<u>Question to be asked (followed by supplementary question(s) based on response – initially from questioner – and others only if time permits)</u>	<u>Answer from Portfolio Holder (If time is tight the question and the response may be read into the record rather than spoken)</u>
<p>Cllr Michael Talbot, Portfolio Holder for Environment and Public Space <i>(from 12.30pm to 1.00pm)</i></p>	<p>Cllr Barry</p>	<p>We have heard about the severe financial challenges for the Council corporately over the next three years. From the Outturn Report submitted to Cabinet on 15 July 2022, the actual expenditure in your Portfolio area was £9.701m. This is the largest budgeted net expenditure of any Portfolio Holder. So how do you plan to support the Council meet the budget challenges we face next financial year and the two years after that?</p>	<p>The largest expenditure area within the Portfolio is the collection of domestic refuse. As a statutory responsibility the Council cannot escape the costs involved or the increasing costs brought about by changing government requirements. The officer team is already working on the re-procurement of this service for future years as the Committee knows. Part of that exercise will include member and market engagement, aimed at optimising the value compromises within that. Additionally the government has indicated the provision of additional burdens funding in relation to changes in waste and recycling requirements. We remain vigilant in order to ensure that appropriate provision is made.</p> <p>Outside of the</p>

			<p>statutory service there are likely to be some very tough choices ahead.</p> <p>The officer teams have already been active in:</p> <p>Seeking, maximising and using grant and other funding such as s106 monies, Levelling up Parks, tree planting and other funding sources. The volunteering programme in open spaces is gathering strength with the material benefit of promoting wellbeing in the communities.</p> <p>The officer teams are engaged in a range of small initiatives, subject to decisions and approvals to reduce costs such as: Partial switching from bedding to perennial planting, rewilding of some areas, developing charging and control policies for events, offering direct cremations, introducing charges for recycling container replacements and developing options for revised waste and recycling collections.</p> <p>There are also more wide ranging options for developing new income streams to the Council under</p>
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			<p>consideration that may require closer examination of risk, but with greater potential rewards. This includes:</p> <ul style="list-style-type: none"> • The development of a second chapel along with wake room facilities at Weeley Crematorium, • partnership with EV charge point operators for the use of Council land for electric vehicle charging points. • Charging for use of some public conveniences, • partnerships for green waste disposal / composting. • Beach hut construction and sale / lease. • Potential provision of services to partner organisations. <p>Care is needed in these areas in order to work within restrictions and to manage risk.</p>
	<p>Cllr Scott</p>	<p>On 11 October, I read a press release from the Council indicating that a small fee was to be introduced for replacement recycling boxes provided by the Council and increased charges for brown bins and for the garden waste</p>	<p>The charges for containers will start in April 2023. My decision to implement that was made earlier and published in the last few days. The fee for the garden waste service has not been reviewed since it</p>

		<p>service itself. Can you help the Committee with the approval process for those fees and whether they are to be introduced from 1 April 2023?</p>	<p>was introduced and the proposed increase reflects increased costs of delivering the service over time. The provision of containers for recycling has been ongoing since introduction and a large number of free containers has been issued. It is appropriate now to introduce fair charging for new containers seeking to recognise budgetary issues while acknowledging that a saturation of containers necessary for recycling purposes may have been reached and that households can use any container (in which the contents can be identified) to present recycling.</p>
	<p>Cllr Scott</p>	<p>Other than the fees and charges mentioned just now, what direction have you given officers in reviewing fees and charges for services/functions you are responsible for?</p>	<p>My request to the officer teams was to prepare proposals that fairly compromise between objectives to reflect rising service and overall costs, avoid compromising the affordability of services to users while having regard to the overall financial position of the organisation.</p>

<u>Question to which Portfolio Holder</u>	<u>Question from Member of the Committee</u>	<u>Question to be asked (followed by supplementary question(s) based on response – initially from questioner – and others only if time permits)</u>	<u>Answer from Portfolio Holder (If time is tight the question and the response may be read into the record rather than spoken)</u>
<p>Cllr Paul Honeywood, Portfolio Holder for Housing <i>(from 2.00pm to 2.30pm)</i></p> <p><i>(online to be arranged)</i></p> <p><i>Housing Revenue Account</i></p>	<p>Cllr Stephenson</p>	<p>Page 47 of the papers for today: Line 5 references Utility costs. For 2023/24 this is showing as costing ££505K. Can you set out detail about the utilities and the facilities that they relate to and the extent to which these are offset in service charges?</p>	<p>These charges relate in the main to communal power supplies and heating in our blocks of flats and sheltered housing schemes.</p> <p>Service charges are levied to tenants and leaseholders having regard to statutory caps on the total rents that can be charged. We anticipate that £164k will be recovered in 2023/24.</p> <p>Whilst the costs recovered are much lower than the costs incurred, we must be mindful of the current cost of living crisis and have limited the increase in service charges to 7% in line with the statutory cap on social housing rent. There is also a large degree of volatility in the energy markets and we hope that the anticipated expenditure is the worst case scenario.</p>
	<p>Cllr Scott</p>	<p>Pages 39 and 47 of the papers for today:</p>	<p>The Council has responsibilities both</p>

		<p>Line 3 – Revenue Contribution to the major repairs allowance – This includes the replacement of kitchens in Council Homes. Are you confident that this expenditure is being spent efficiently? I have reports of certain properties with no new kitchen and others where there are multiple replacements in the same period.</p>	<p>to review kitchens at least as frequently as 20 years in line with the Decent Home Standard. They also have to be replaced in shorter timescales if they are in disrepair for any reason. Of course it is regrettable if components do not reach their full lifetimes for whatever reason but the Council cannot avoid the need for replacement if it exists.</p>
	Cllr Scott	<p>Can you update the Committee for 2022/23 to date as to how many Right to Buy properties have come out of the Council's Housing Stock and how many homes have been acquired through the different routes of being gifted, built or bought? What is the net gain/loss so far this year?</p>	<p>During the financial year to date the Council has sold eight homes through the Right to Buy scheme and one further property was sold as it was no longer considered suitable to retain in our housing stock.</p> <p>In total 16 homes have been acquired</p>
	Cllr Stephenson	<p>What direction have you given officers in reviewing fees and charges for services/functions you are responsible for?</p>	<p>My request to the officer teams was to prepare proposals that fairly compromise between objectives to reflect rising service and overall costs, avoid compromising the affordability of services to users while having regard to the overall financial position of the organisation.</p>

	<p>Cllr Stephenson</p>	<p>This time last year you advised this Committee that “A budget has also been included for a Stock Condition Survey, with a budget of £100k, the results of which will assist in setting future budgets.” Can you update the Committee with the use of that £100K and the stock condition survey? I ask this given the tragic circumstances in Rotherham where a 2 year old boy lost his life with the contribution mould in his Council home. The importance of knowing the full extent of the condition of Council Homes (as a landlord) is vital.</p>	<p>Work is under way to procure the condition survey. The organisation needs to refresh information on property condition, integrate existing data held in various formats, capture ongoing incoming data as well as combining all into a functional database. It is impossible to complete a physical survey of all of the stock can be achieved within the budget. A system of surveying archetypical or beacon properties is an industry standard way to address this. It is planned to combine such information with other data held and information to be gathered during the course of the various scheduled and routine visits and inspections carried out by the team and contractors.</p> <p>Naturally the teams are saddened to hear of the tragic events in Rotherham. The Corporate Director is leading a task group with the objective of reducing the risk of damp and mould in our stock not being properly addressed.</p>
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	<p>Cllr Stephenson</p>	<p>Pages 37 and 47 of the papers for today: Where Council Homes are vacant, the Council picks up the cost of Council Tax liability. It is therefore in the interests of the Housing Revenue Account (and therefore our tenants) that we reduce the amount and length of time Council Houses are vacant. I see that Council Tax on empty properties has been reassessed back to £130K for this financial year rather than the anticipated £76K. What assurances can be given that the £78K figure for next year will be achieved given the experience this year?</p>	<p>Indeed. There are also utility costs, lost rent and risk of damage or intruders. The Chief executive has chaired an officer group during the course of the year which has supported other officers to substantially reduce void times. The officer teams have also brought forward work on a small number of long term void properties which has brought them back into use.</p> <p>Void properties and the costs of them are a fact of life and I can't make promises to eliminate them but I am certain that the team has taken positive steps to address an issue and that further initiatives and ongoing effort will minimise the cost and lost opportunities.</p>
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<u>Question to which Portfolio Holder</u>	<u>Question from Member of the Committee</u>	<u>Question to be asked (followed by supplementary question(s) based on response – initially from questioner – and others only if time permits)</u>	<u>Answer from Portfolio Holder (If time is tight the question and the response may be read into the record rather than spoken)</u>
<p>Cllr Carlo Guglielmi, Portfolio Holder for Corporate Finance & Governance (Deputy Leader of Council) (from 2.30pm to 3.00pm)</p>	<p>Cllr Stephenson</p>	<p>From page 27 of the papers for today: As Portfolio Holder for Corporate Finance, your report to Cabinet on 16 December identified (before the use of balances, reserves etc.) a deficit in the General Fund of £3.433m for 2023/24, £3.722m for 2024/25 and a need for savings of £4.150m in 2025/26 to avoid a deficit in that year. I accept that Government funding through the Revenue Support Grant of £1.2m in 2023/24 was not known when these figures were prepared. But should residents be worried about the services they rely upon over the coming years?</p>	<p>As I have mentioned before, the long term plan has given us a really strong platform against which we can consider our longer term financial position. We have in effect given the new Administration from May this year the time to carefully consider what actions are required to deliver the long-term financial stability of the Council. Given the speed in which the current shortfall has materialised, as nobody could have forecasted the toxic combinations of events which have led to it, it is without doubt that the New Administration will face some tough decisions in terms of the current forecast and any financial framework that is established to manage the associated process. It will, of course, need to include the consultation with our residents as</p>

			necessary, to make sure we can continue to reflect their expectations as far as is reasonably possible.
	Cllr Stephenson	I believe that the last point at which the Corporate Investment Plan list of approved and pipeline schemes was last published for Cabinet's meeting in March 2022. Are you in apposition to provide us with an update on those schemes and any subsequently approved or pipeline schemes added to the Plan since?	As set out in a report to Cabinet in July, it was highlighted that further reporting of the Corporate Investment Plan would be delayed until such time as the Council had a clearer position on its future financial position, given the scale of the challenges emerging during the year. This still remains the case. However, a number of urgent items have been subject to separate decisions during the year along with the unavoidable items set out in the budget report that was considered by Cabinet at its meeting on 16 December. I am happy to provide an update in due course as part of 'relaunching' the Corporate Investment Plan process going into 2023/24.
	Cllr Stephenson	From page 25 of the papers today: I see that in 2023/24 there is a proposal to apply £1.433m from the Corporate Investment	In terms of the 4 remaining years of the current forecast period, I have affectively looked at 2023/24 and 2024/25

		<p>Plan Reserve and £2.339m from the Building for the Future Reserve to 'balance' what would otherwise be the General Fund deficit in that year. However, the Forecast Risk Fund exists to provide that type of support for the General Fund and that is not proposed to be used in 2023/24. I understand that it is then proposed to be used in 2024/25. But my question is why the Forecast Risk Fund was not used first. Local Government Finance changes year to year – just look at the change from last year to this one – so would it not have been better to propose to use the Forecast Risk Fund first before exhausting the Corporate Investment Plan and Building for the Future Reserves?</p>	<p>together, with the proposed use of funding simply reflecting a practical approach. However given the funding that has recently been announced as part of the Government's Local Government's Financial Settlement, this will be reviewed in terms of updating financial position for reporting to Cabinet later in January.</p>
	<p>Cllr Stephenson</p>	<p>From page 25 of the papers today: I note that the former Council Offices in Weeley are still costing this Council £60K in this financial year and a projected £50K in next financial year. Could you remind the Committee of the decision to dispose of the Offices, when the Council ceased to use the offices for operational purposes and when the offices will be disposed of? The question is then</p>	<p>While I fully understand, and share the same frustration, as we too very much hoped that the disposal of the former Council Offices site in Weeley would have taken place by now, the decision was a rather complex one than simply an open market transaction. The Council has a duty of care to maximise the value of the site via</p>

		<p>whether these costs were in any way avoidable?</p>	<p>development to deliver new homes, including new and high quality Council housing for local people. Such decisions include the appropriation of land for planning purposes, planning permission, procurement, the requirements of the Council's Housing Acquisitions and Development Policy along with detailed negotiations with relevant parties.</p> <p>The various activities have remained on-going throughout 2022 and will continue in 2023 with the aim of concluding the disposal this year.</p> <p>In terms of complexities, it is also worth highlighting that the sequence of events have to be carefully considered to protect the Council as far as possible such as securing / receiving consideration for the land ahead of the land transfer, which in this case will be homes rather than monetary.</p>
	<p>Cllr Griffiths</p>	<p>From page 41 of the papers today: A budget of £0.6m was included in the HRA Capital programme for the redevelopment of the Spendells site.</p>	<p>As with any capital investment decision, an estimate of the likely project costs would be determined as part of the various steps in the decision</p>

		<p>However, the current estimate is that it will cost £1.4m. Is the Council's pricing strategy fit for purpose? Otherwise the Council will be approving schemes on one basis that then turns out to be a fraction of the actual cost.</p>	<p>making process. The actual cost of a project can only really be determined once the associated procurement process has been undertaken. It is also important to highlight that if a scheme is approved based on an estimated cost that is subsequently higher, then a further decision would be required as to whether to continue or not with the project, which would involve the usual value for money / business case considerations.</p> <p>Based on the above, it is not necessarily a question of a 'pricing strategy' not being fit for purpose, but rather around the strength of the wider governance processes that protect the Council's overall position.</p> <p>Notwithstanding the above, the accuracy of initial estimates is an important point to raise, which I will highlight as part of future investment decisions going forward; we must however all be very mindful that the current turbulent situation from an inflation point of view</p>
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			has caused havoc in many areas, especially with the raw cost of materials spiralling almost out of control.
	Cllr Stephenson	The Council is nearly half way through its 10 year financial strategy. I cannot see that the report references that strategy. Accepting that any forecast can only reflect what is known, but will Cabinet receive an updated or extended 10 year financial strategy which includes a review of what has occurred in the earlier years of that strategy?	The review of the long-term strategy is effectively undertaken each year as part of the wider budget setting cycle. As set out in earlier reports, it is proposed to review the long-term approach during 2023, which will be a key considered for the New Administration after May.
	Cllr Stephenson	What direction have you given officers in reviewing fees and charges for services/functions you are responsible for?	This high level direction was set out in the report considered by Cabinet on 16 December 2022 – hopefully you are therefore happy for me to reference page 145 of that agenda rather than reproduce the detailed information here. In terms of the services / functions I am responsible for we have applied a 12% increase which will produce an extra £10k of income, with the exception of Solicitor’s hourly rate which has been capped at 6% as this is an area where the Council cannot

			make a profit but to recover costs only, therefore a lower increase around the rate of the pay award, which Unison averaged at 7% is justifiable. The 12% increase also applies to any external hire of the Connaught Room, the Whitelaw Room, and the Committee Room.
	Cllr Stephenson	The Council has entered into the agreement with Essex County Council to provide procurement services for it. What other areas for shared services with other Councils are being considered?	As discussed previously, shared services have been recognised as a potential element of the Council's wider response to the financial challenges that it faces rather than an issue that has been explored in any detail at the present time.
	Cllr Stephenson	For 2022/23, the Council introduced a premium for Council Tax on empty homes with a view to encouraging occupation of those homes. Can you tell me how many empty homes in the District there were at the start of the year (subject to the premium) and how many there are currently? And do you regard the introduction of the premium to be working?	The most recent position was set out in the reported to Full Council in November 2022, so hopefully you are happy for me to reference page 142 of that agenda rather than reproduce that information here. In terms of second homes, the Council does not have the power to levy such premiums at the present time. As set

		<p>As an addition to the above, would it be possible to introduce a similar premium for second homes in the District where individuals live elsewhere and only visit the District occasionally?</p>	<p>out in the report Full Council highlighted above, the Government are however considering this and so it will be kept under review.</p>
	<p>Cllr Griffiths</p>	<p>On page 25 of the papers for today: I note the proposal to reduce the budget to support the Tendring-Colchester Borders Garden Community from £1.3m to £0.8m. Is Cabinet confident that this reduced level is sufficient to meet the need for support for the project? I ask this given the fact that the delivery timetable for the Garden Community will span, maybe, several general elections and Government policy will no doubt change. And how does the Cabinet consider that the costs of public open space and public buildings/facilities in the Garden Community will be met.</p>	<p>As part of reducing the budget from £1.3m to £0.800m, the issues raised were discussed with the relevant Service. The Council's involvement in the project largely reflects its planning authority / local plan responsibilities with an additional and on-going local plan budget available to potentially support the project moving forwards.</p> <p>It is also important to highlight that as part of the on-going development of the project, 'Stewardship' options to provide the necessary funding to support the on-going costs of assets such as open space and public facilities will be explored, with the aim of ensuring that such costs do not fall to the Council.</p> <p>The Members Steering Group has been very clear with</p>

			<p>Officers to task them to bring forward Stewardship options in the very near future so that a strong and sustainable model is put in place at the earliest opportunity.</p>
	<p>Cllr Stephenson</p>	<p>On page 14 of the papers for today: I note the statement about the New Homes Bonus. As I understand it, there is anticipated to be £1.4m to be received in 2022/23. What are your intentions around allocating the use of that funding?</p>	<p>I have referred to the New Administration several times above and I think it is important that they have financial flexibility to respond to the challenges that lie ahead. I therefore believe that it is important that the current Administration provides a strong financial foundation for the New Administration, and I propose setting this funding aside so that it forms part of the associated handover process in May.</p>

<u>Question to which Portfolio Holder</u>	<u>Question from Member of the Committee</u>	<u>Question to be asked (followed by supplementary question(s) based on response – initially from questioner – and others only if time permits)</u>	<u>Answer from Portfolio Holder (If time is tight the question and the response may be read into the record rather than spoken)</u>
Cllr Neil Stock OBE, Leader of the Council <i>(from 3.00pm to 3.30pm)</i>	Cllr Stephenson	We have heard about the severe financial challenges for the Council corporately over the next three years. What is your assessment of those challenges and the plans to meet those challenges?	
	Cllr Stephenson	Do you still believe in the value of Freeport East and the financial gain this is supposed to bring?	
	The Committee may have further questions of the Leader based on the questioning/responses from individual Portfolio Holders during the day.		

In writing, with responses written into the record of the meeting, the question below to be sent to:

Cllr Jeff Bray, Portfolio Holder for Planning

Cllr Lynda McWilliams, Portfolio Holder for Partnerships

Cllr Mary Newton, Portfolio Holder for Business & Economic Growth

“What direction have you given officers in reviewing fees and charges for services/functions you are responsible for?”

The response to this question are as follows:

Cllr Lynda McWilliams, Portfolio Holder for Partnerships

“I regularly meet with the Assistant Director, Partnerships and other senior managers across the Department to review all high-level performance priorities and targets, including budgets. Each of the managers provide me with a regular update about progress across their service areas. We discuss budgets, income, bids that are being considered for various projects, that link to priorities. I encourage all of my Officers to seek funding opportunities where possible to deliver priorities that support the residents of Tendring. As part of my advice and direction, I also ensure that the Council’s governance processes are followed.”

Cllr Mary Newton, Portfolio Holder for Business & Economic Growth

*“There are no published fees and charges which fall under the jurisdiction
of Business and Economic Growth”*

*Cllr Jeff Bray, Portfolio Holder for Planning
“Awaited”*

Public Document Pack

Planning Policy and Local Plan Committee

23 January 2023

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON MONDAY, 23RD JANUARY, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman BEM and Fowler
Also Present:	Councillors Bray (Portfolio Holder for Planning), Casey (except item 32), M E Stephenson (except item 32) and White (Chairman of the Planning Committee)
In Attendance:	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Paul Woods (Planning Officer), Will Fuller (Planning Officer) and Emma Haward (Leadership Support Assistant)
Also in Attendance:	Hana Loftus (HAT Projects)

24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Chittock, Nash and Winfield. There were no substitutions.

25. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 10 October 2022 be approved as a correct record and signed by the Chairman.

26. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members on this occasion.

27. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

28. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question regarding the matters contained in the reports of the Director (Planning).

No member of the public attended the meeting to make a statement on the matters contained in the reports of the Director (Planning).

29. REPORT OF DIRECTOR (PLANNING) - A.1 - LOCAL DEVELOPMENT SCHEME 2023 - 2027

The Committee considered a report of the Director (Planning) (A.1) which sought its agreement to publish a new 'Local Development Scheme' (LDS) to update the proposed timetable for preparing planning documents, including the Local Plan Review and the Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community (TCBGC).

Members were aware that the LDS was designed to set out the process for preparing key planning documents. It included the anticipated timetable of consultation periods, examinations and expected dates of adoption for the Local Plan Review and the TCBGC DPD. Publishing the LDS ensured that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate were kept aware of the timetable the Council was working to and could organise their time and resources accordingly. The LDS was usually updated to cover three-year cycles of Plan preparation.

The Committee was informed that, following the adoption of Section 1 of the Local Plan in January 2021 and Section 2 in January 2022, the main focus of the LDS was now the 5-year review of the Local Plan as well as the TCBGC DPD.

It was reported that the review of the Local Plan would follow the same statutory process as the preparation of the Local Plan itself. A provisional timetable which covered the period 2023-2026 was proposed, which would enable the updated Local Plan to be examined by a Planning Inspector and adopted before January 2027.

The Committee was advised that the timetable for the TCBGC DPD had also been updated, reflecting the stages that had now been completed to date and the revised timescale for the subsequent steps, with adoption of that document anticipated to occur in the winter of 2023/24.

The LDS also included broad timescales for the following Supplementary Planning Documents and Neighbourhood Plans:

- Hartley Gardens SPD
- Jaywick Sands Design SPD
- Open Space SPD
- Climate Change SPD
- Elmstead Market Neighbourhood Plan and Neighbourhood Development Order
- Ardleigh Neighbourhood Plan
- Brightlingsea Neighbourhood Plan
- Community Infrastructure Levy (CIL) Charging Schedule

During the consideration of this item the Chairman extended an invitation to the Planning Portfolio Holder (Councillor Bray) and the Chairman of the Planning Committee (Councillor White) (both present at the meeting) to address the Committee.

Members requested the Director (Planning) to initiate, as soon as practicable, reviews of the following matters:-

Walton-on-the-Naze Regeneration Framework; and
Haven Gateway Watercycle Study.

Having considered and discussed all of the information contained in the Officer report (A.1):-

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

RESOLVED that the updated Local Development Scheme 2023-2027, as attached as Appendix 1 to item A.1 of the Report of the Director (Planning), be approved for publication on the Council's website.

30. REPORT OF DIRECTOR (PLANNING) - A.2 - JAYWICK SANDS PLACE PLAN CONSULTATION REPORT

The Committee considered a report of the Director (Planning) (A.2) which sought its comments on the initial consultation in relation to the Jaywick Sands Place Plan which would inform the preparation of a first proper version of the Place Plan for further consultation and adoption as a Supplementary Planning Document (SPD).

Members recalled that the purpose of the Place Plan was to provide a long-term strategy for the regeneration of Jaywick Sands. As part of producing the regeneration strategy, a series of public consultation events had taken place from 5 September 2022 to 27 October 2022.

The Committee was informed that the feedback had shown showed that people appreciated the beach and sense of community and the character and uniqueness of the community (including the built form). The residents felt that derelict houses and plots should be demolished and used for new functions and also wanted improvement and maintenance of the public realm, including dealing with fly-tipping, potholes and maintaining the green/open space and street lighting. There was strong support from for making Brooklands a one-way street if resident parking issues could be solved. Most owners wanted to make improvements to their properties but requested help to do so. Some renters wanted to move elsewhere, others wanted to stay in Jaywick Sands. There was more support for building new homes on vacant/derelict plots than on greenfield land.

However, concerns had been expressed by residents about the design of new homes, particularly in relation to disabled access. The responses were divided on whether flood risk was a concern with over half the respondents stating they would not move away from Jaywick Sands, or were otherwise unsure, even if flooding was more common.

Most respondents had identified a lack of shops and services locally, with the provision of a small supermarket being the most popular suggestion for additional shops, followed by the need for healthcare.

Importantly, the Environment Agency had commented that it would not support any strategy that would lead to a net increase in population. For example, any new housing off Lotus Way would, in their view, need to rehouse existing residents. However, the Environment Agency did support the replacement dwellings policy as set out in the Council's consultation draft Jaywick Sands Design Guide SPD. The Environment Agency's position, if upheld, would have a significant impact on the direction of the Place Plan and how much new development could take place.

Members were advised that all comments received would be considered in producing a first proper version of a Place Plan, which would itself, be the subject of consultation and adoption as a SPD in due course.

At the invitation of the Chairman, the Planning Portfolio Holder (Councillor Bray) and the Chairman of the Planning Committee (Councillor White) addressed the Committee on the subject matter of this item.

Having considered and discussed all of the information contained in the Officer report (A.2):-

It was moved by Councillor Fairley, seconded by Councillor Chapman BEM and:-

RESOLVED that the contents of this report be noted.

31. REPORT OF DIRECTOR (PLANNING) - A.3 - JAYWICK SANDS DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT

The Committee considered a report of the Director (Planning) (A.3) which:-

- (i) sought its comments on the Jaywick Sands Design Guide Supplementary Planning Document (SPD) Draft April 2022 consultation exercise; and
- (ii) sought its approval to recommend to Cabinet that the document be adopted with the proposed alterations.

It was reported that the following feedback had been received during the consultation period:-

Public and non-statutory bodies

The comments from the public and non-statutory body response could be summarised as follows:-

- *Seafront development must include disabled access to the sea wall and promenade;*
- *Designs of buildings should be flood proof and have aesthetic design in keeping with a seaside resort;*
- *Consideration should be made to make the new properties wheelchair accessible allowing for appropriate access in the case of flooding;*
- *4 storey buildings are not conducive with a seaside town;*
- *Building companies should install solar panels as standard;*
- *Limited and in many cases impossible access for disabled people to local amenities, shops, dental surgeries and doctors;*
- *Disabled access must be fully considered in the future;*
- *Cycle parking – cycle garage, cycle hangars, security of cycling storage should be included; and*
- *Developer contributions should be used towards improving the Jaywick-Clacton cycle route.*

Statutory consultees responses:-

- *Affinity Water: no specific comments, welcome mention and continued consistent application of Policy PPL5: Water Conservation, Drainage and Sewerage from the Tendring Local Plan;*
- *Coal Authority: no comments;*
- *Historic England: no specific comments;*
- *Marine Management Organisation: no specific comments, standard advice regarding the Coastal Concordat reiterated;*
- *National Highways: no comments; and*
- *Natural England: no specific comments.*
- *Essex Police: no comment*

Essex County Fire and Rescue Service (ECFRS) had submitted a number of detailed comments, the key issues in relation to this document being that it noted that the design guide discussed and considered climate change over the longer term. ECFRS agreed that climate change was a vital consideration due to the increased vulnerability in the Jaywick area and the possible range of impacts arising for vulnerable residents in the area from climate change. ECFRS supported engagement with communities. ECFRS also had advise consideration of:-

- *suitable principles in design to avoid deliberate fire setting;*
- *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);*
- *the inclusion of electric vehicle charging points is welcomed, however, the position of the charging points should be considered in relation to fire spread to properties in the event of a fire in an electric vehicle;*
- *support the proposed provision of off street (on plot) parking;*
- *the location of storage of refuse should consider the potential for fire spread in event of an accidental or deliberate fire within stored refuse.*

The NHS Suffolk and North East Integrated Care Board had supported the objectives of the SPD. However, they had made the following comments:-

- *The need to ensure the community is fully engaged in future plans, particularly, people impacted by inequalities;*
- *NHS England will not support new health facilities within a flood risk zone, however, a health hub, possibly using community infrastructure, may be possible;*
- *Significant new development of houses would require section 106 contributions to mitigate the impact on the local surgery.*

Essex County Council (ECC) was supportive of the document but had made a series of detailed comments and suggested changes to each section of the document as follows:-

- *Would like to see Local Plan policies referred to in each guidance section (Shaded box);*
- *Introduction - Refer to Local Plan Policies PPL1 and PPL10;*
- *Page 4 - Note that car and cycle parking standards are not 'Essex County Council' standards but are 'Essex Parking Standards';*
- *Page 7 - Further define 'High quality frontage';*
- *Page 29 – clarify that the Shoreline Management Plan is a government document and the responsibility of the Environment Agency;*

- *Page 32 – update reference to PPG (Planning Practice Guidance) 3 to reflect new PPG referencing;*
- *Page 39 – clarify whether TDC seeks, or has sought, to withdraw permitted development rights; and*
- *Page 41 - The introductory text to this section in the third paragraph should refer to ECC as the Lead Local Flood Authority (LLFA) responsible for surface water management. The Essex SuDS Design Guide should also be referenced. 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.*

ECC’s comments had also suggested that the following requirements be included in the SPD:-

- *Development is built to the highest standards of energy efficiency, water efficiency and renewable energy generation;*
- *All buildings are net zero carbon;*
- *Proposals must demonstrate the application of the ‘energy hierarchy’ to reduce energy demand for heating, lighting, and cooling and minimise carbon dioxide emissions using an energy assessment tool proportional to the scale of the development;*
- *Proposals must minimise carbon emissions associated with operational energy and construction, including materials; and*
- *All buildings must be designed to reduce energy demand and maximise fabric energy efficiency including such measures as: building orientation; high levels of insulation of roofs, floors, and walls; maximising air tightness; and using solar gain through window/door orientation whilst avoiding overheating.*
- *Section 7B: should state that all new development should incorporate SuDS (Sustainable Urban Drainage Systems) and have regard to the Essex SuDS Design Guide. Reference should be made to 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.*
- *Section 7C: ECC seek wording similar to the below to be included regarding green infrastructure. Proposals will be encouraged that seek to conserve, and where appropriate enhance the green infrastructure of Jaywick Sands, 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.*

The Environment Agency was supportive of the document but had in addition the following comments:-

- *Comments on the stated flood depths are from most recent modelling. Ensure source of modelling is included in notes;*
- *Does not support any net increase in people living within the areas of Jaywick Sands within Flood Zone 3;*
- *Appendix worked examples should mention flood resilient construction; and*
- *Minor comments on referencing to updated Planning Practice Guidance and other minor wording changes (not substantive).*

The Committee was informed that the Council's proposed response to the above comments was as follows:-

Page/section ref	Change	Reason
Page 4, Page 37,	Replace 'Essex County Council Highways standards' with 'Essex Parking Standards' throughout.	Using correct terminology following comment from Essex County Council
Page 7, section 2A	Amended guidance on what a 'high quality frontage	Comment from Essex County Council
Page 32	Change reference to Planning Practice Guidance 3 to Planning Practice Guidance: Flood Risk and Coastal Change and add hyperlink to https://www.gov.uk/guidance/flood-risk-and-coastal-change	For accuracy
Page 37	Change 'car charging point' to 'electric car charging point'.	For clarity following comment from Essex County Council
Page 37	Change 'Secure dedicated cycle storage' to 'Secure dedicated cycle storage, which could be in the form of a cycle hangar or cycle garage, and should include electric bike charging facilities'.	Comment from Colchester Cycling Campaign
Page 41	Third paragraph –reference added to Essex County Council as the Lead Local	Comment from Essex County

	<i>Flood Authority (LLFA) responsible for surface water management. Included reference to the Essex Climate Action Commission (ECAC)</i>	<i>Council</i>
<i>Page 42 section 7B</i>	<i>Amendment to first guidance point to read ‘...engineering mains drainage must be limited to 1-year greenfield rates, or 1 litre/second, whichever is greater. Add guidance point to read ‘Development must have regard to the Essex SuDS Design Guide when designing sustainable drainage systems.’ Add guidance point to read ‘Development should incorporate rainwater harvesting and grey-water recycling where possible.’</i>	<i>Comment from Essex County Council</i>
<i>Generally</i>	<i>Many community members raised concerns about accessibility to properties with raised ground floors. Further guidance on this has been included, i.e. how to meet and interpret requirements of Part M of the Building Regulations and to require:</i> <ul style="list-style-type: none"> <i>- Internal stairs where required to access habitable space above a certain level.</i> <i>- Lift access for multi-family development (i.e. flats).</i> <i>- Design of external stairs to be non-slip and not to use metal handrails or steps.</i> 	<i>Community comments</i>
<i>Generally</i>	<i>EA provided further detailed data and flood levels for 0.5% AEP in text and diagrams have been updated accordingly. Source of modelling included in references.</i>	<i>Comment from Environment Agency</i>
<i>Generally</i>	<i>Section 1 has been updated to clarify how guidance applies to development that results net increase and development that would result in no net increase.</i>	<i>Comment from Environment Agency (response to EA request adapted to align with wider Place Plan strategy)</i>
<i>Appendix</i>	<i>Add reference to flood resilience construction to worked examples</i>	<i>Comment from Environment Agency</i>

At the invitation of the Chairman, a local Ward Member for West Clacton & Jaywick Sands, Councillor Casey, addressed the Committee on this item.

During the consideration of this item the Chairman also extended an invitation to the Planning Portfolio Holder (Councillor Bray) and the Chairman of the Planning Committee (Councillor White) (both present at the meeting) to address the Committee.

Having considered and discussed all of the information contained in the Officer report (A.3):-

It was moved by Councillor Allen, seconded by Councillor Fowler and:-

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.

32. REPORT OF DIRECTOR (PLANNING) - A.4 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN: BRIGHTLINGSEA HALL AND ALL SAINTS CHURCH

The Committee considered a comprehensive report of the Director (Planning) (A.4) which reported to it the Brightlingsea Hall and All Saints Church Conservation Area Appraisal and Management Plan prepared for the Council by Essex Place Services, and requested that the Committee agreed a recommendation to Cabinet that it be published for consultation purposes.

Alterations to Boundaries

The boundary currently included the listed church, its surrounding churchyard, and the Hall with historic barn complex which was now occupied by businesses.

It was proposed that the area be extended to include the pair of early nineteenth century dwellings to the south of the area. They contributed positively to the historic character and appearance of the area. Their location and proximity to the road created a sense of a gateway for the Conservation Area. They were prominent in views towards the Church to the north-west. The building was red brick with details such as the flat headed arches at ground floor level, and single polychromatic diamond above the original central entrance. The simple but decorative detail added to the quality and character of the building and Conservation Area. Although some changes had occurred, such as the loss of original windows and roofing, and timber lean to extensions on both sides, the building still made a positive contribution. It was considered, therefore, that the Conservation Area and building would both benefit from inclusion within the boundary.

Designated Heritage Assets

There was one designated heritage asset within the Brightlingsea Hall and All Saints Church Conservation Area, the Grade I Listed Church of All Saints (List UID: 1337182).

This building had been listed due to its special architectural and historic interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Proposed non-designated heritage assets

Local listing was an important tool for local planning authorities to identify non-listed buildings and heritage assets which made a positive contribution to the locality. This Appraisal had identified heritage assets, which made a positive contribution to the Conservation Area and could be considered for local listing in the future. This list was not exhaustive, and further buildings could be identified as non-designated heritage assets through the planning application process. Buildings and features within the Conservation Area which were considered to be non-designated heritage assets included:

- Brightlingsea Hall
- All Saints Church Lych-gate

Heritage at Risk

The Grade I Church of All Saints was included on Historic England's Heritage at Risk Register, as being in a 'very bad' condition and at immediate risk of further rapid deterioration or loss of fabric, with no solution agreed. As a key, landmark building of the Conservation Area, it was important that a solution was agreed to work towards taking this building off the register.

Archaeology

Throughout the Conservation Area there was the potential for a multitude of below-ground heritage assets yet to be discovered. In general, the appraisal promoted a cautious approach to development which might disturb or destroy those assets.

Assessment of significance

A detailed assessment of significance of the Conservation Area had considered the following features:

- Layout
- Building materials and boundary treatments
- Listed buildings and non-designated heritage assets
- Other buildings
- Landscaping and open spaces
- Views

Opportunities for Enhancement

This identified the issues facing the Conservation Area. A large number of the issues were common to all Conservation Areas throughout the District, but where they were unique, that was highlighted as follows:-

- *the Conservation Area could use better interpretation to complement that already in place within the Church building.*
- *on-street parking detracted from the historic character of the Conservation Area.*
- *the Conservation Area suffered from the loss of, or inappropriate use of, architectural detailing such as UPVC windows and doors, rainwater goods and external paintwork.*
- *the public realm and green spaces could be better utilised.*

Management Proposals

As outlined above, there were a wide range of issues facing this Conservation Area, many of which shared common themes with other Conservation Areas previously seen by the Committee. This section recommended management proposals, which addressed those issues in both the short and long term such as:-

- *the preparation a Local Heritage List of non-designated heritage assets was suggested for this Conservation Area.*
- *the Council was encouraged to use its enforcement powers to prevent inappropriate development.*
- *the monitoring of trees and additions to tree planting within public open space was recommended.*
- *publishing guidance for homeowners and businesses in Conservation Areas could help owners identify appropriate alterations to their properties within Conservation Areas.*
- *the timely renewal of these Conservation Area Appraisals could help to monitor change within the Conservation Areas more accurately.*
- *further interpretation could help with legibility.*

Funding Opportunities

- Heritage Lottery Fund
- Section 106 Agreements
- Partnership Schemes in Conservation Areas

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

It was moved by Councillor Chapman BEM, seconded by Councillor Allen and:-

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 Appraisals 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.

The meeting was declared closed at 8.00 pm

Chairman

Public Document Pack

Audit Committee

26 January 2023

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 26TH JANUARY, 2023 AT 10.30 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Fairley, Miles and Steady
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Craig Clawson (Internal Audit Manager), Clare Lewis (Assurance and Resilience Manager), Karen Townshend (Executive Projects Manager (Governance)) and Keith Durran (Committee Services Officer)
Also in Attendance:	Tharshiha Vosper of BDO LLP (the Council's External Auditors)

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No apologies for absence were submitted on behalf of Councillors on this occasion.

21. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 15 December 2022 were approved as a correct record and were signed by the Chairman.

The Committee were also updated by Tharshiha Vosper of BDO LLP (the Council's External Auditors) in relation to matter of undisclosed directorships that was brought up in the last meeting, she confirmed that this matter was now closed.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

23. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to the provisions of Council Procedure Rule 38 had been submitted on this occasion.

24. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT

The Committee was provided with a progress report on the Internal Audit function for the period September 2022 – December 2022.

It covered three main points as follows:-

- A total of nine audits had been completed since the previous update in September 2022. Four of the six audits in fieldwork were close to completion. The final 12 audits had been allocated and were due to progress in the final quarter.

- All audits completed in this period had received a satisfactory level of assurance.
- An external quality assessment was recommended for Internal Audit functions every five years. Therefore, this Council's assessment would be due in March 2023. As this was the end of the financial year, which was one of the busiest periods in the year, it was proposed to delay the assessment until later in the 2023/24 financial year.

Members heard that a total of nine audits had been completed during the period September 2022 to December 2022. All audits completed in that period had received a satisfactory level of assurance with no significant issues to report. A further six audits from the 2022/23 Internal Audit Plan were in fieldwork phase, four of which were near completion. The final 12 audits from the plan had been allocated to be scoped and completed in the final quarter of the 2022/23 financial year.

Members also heard that although the Council currently had 12 audits due to be scoped and progress in this quarter it was not too far behind where it had been in the same period last year, therefore there was currently no concern at this stage as to whether enough audit work would be completed by the end of the financial year in order to be able to provide the Head of Internal Audit's Annual Opinion. If there was any change to this the Audit Committee would be updated accordingly. The majority of the key system audits were now completed or nearing completion which held significant weight when contributing to the annual opinion.

The Committee was informed that the Internal Audit function issued satisfaction surveys for each audit when completed. In the period under review, 100% of the responses received had indicated that the auditee was satisfied with the audit work undertaken. Members were also reminded that Internal Audit was currently an establishment of 4 full time employees with access to a third party provider of Internal Audit Services for specialist audit days as and when required. At the time of the meeting the Council had an Audit Technician post vacant.

It had been reported at the previous meeting of the Committee that the Council would explore a shared apprenticeship route with other authorities as a way for new recruits to gain experience across different sectors and authorities while learning. Unfortunately, this Council had not been able to gain enough interest across all authorities to make it worthwhile therefore it was now going to have to revisit the normal apprenticeship route.

It was reported to Members that the Public Sector Internal Audit Standards required the Audit Manager to report to the Audit Committee on significant risk exposures and control issues. Since the last report nine audits had been completed and the final report issued.

Assurance	Colour	Number this Period	Total for 2022/23 Plan	
Substantial		3	4	
Adequate		6	9	
Improvement Required		0	0	
Significant Improvement Required		0	0	

No Opinion Required		0	1	One consultative engagement in 2022/23 to date
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For the purpose of the colour coding approach, both the substantial and adequate opinions were shown in green as both were within acceptable tolerances.

There were no issues arising from audits completed in the period under review as none had received an 'Improvement Required' opinion which required reporting to the Committee.

The report to the Committee laid out the Management Response to Internal Audit Findings. There were processes in place to track the action taken regarding findings raised in Internal Audit reports and to seek assurance that appropriate corrective action had been taken. Where appropriate, follow up audits had been arranged to revisit significant issues identified after an appropriate time.

The number of high severity issues outstanding was as follows: -

Status	Number	Comments
Overdue more than 3 months	0	
Overdue less than 3 months	0	
Not yet due	5	

The Committee was updated on the following previous significant issues reported to it:-

Depot Operations, issues had previously been reported to the Audit Committee relating to Housing Repairs and Maintenance and Depot Operations relating to the following areas:

- *Lack of regular stock takes for the stores*
- *Lack of contract variation tracking as part of the Housing Repairs Contract Management*
- *Missing tenancy information*
- *Lack of clear record keeping*
- *Discrepancies between Oneserve Management Software and Invoices*

All of the above actions relating to the above issues were not yet due to be implemented and the Corporate Director was due to provide an update in March 2023. However, an interim update had been provided by the service. The implementation of stock takes had begun and a review of how the stores would be managed going forwards was currently being undertaken.

All other issues would be resolved by implementing the Oneserve software completely and ensuring that all officers used it going forwards. There was a working group tasked with ensuring this and specified staff were being trained as administrators with a view to rolling it out to all other officers to use.

The Corporate Director (or Assistant Director) for the service would provide a more

detailed update in March 2023 as previously requested by the Committee.

The Committee **NOTED** the contents of the report and **RESOLVED** that:

- a) the Five Yearly External Quality Assessment due in March 2023 be deferred to later in the 2023/24 financial year; and
- b) a note from this Committee be drafted by the Audit Manager and sent to the Leader of the Council, regarding the attempted collaboration with other Authorities in relation to audit apprenticeships and how this had not been successful.

25. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - TABLE OF OUTSTANDING ISSUES

The Committee considered the Table of Outstanding Issues. It had been reviewed and updated since it had last been considered by the Committee in September 2022.

There were two main elements to this report, namely:-

- 1) Updates against general items raised by the Committee; and
- 2) Updates against the 2021/22 and 2022/23 Annual Governance Statement Action Plan.

Members heard that in terms of item 1), there were no significant issues to raise, with actions remaining in progress. In terms of item 2), it set out the latest Annual Governance Statement agreed by the Leader of the Council and Chief Executive at the end of July 2022, and included any outstanding actions from the previous statement along with a number of new items identified. Activity would remain in progress against the various items, which would be reported to Members as part of this report mechanism going forward.

It was reported to the Committee that the Statement of Accounts 2020/21 remained subject to the conclusion of the work of the External Auditor. At the last meeting of the Committee, the External Auditor had provided a progress report, which set out the work that they had completed on the areas of significant risk and the results of that work. Those results were still going through a quality and review process but what was very positive to report was that the Auditors had not identified any errors, significant concerns or any control weaknesses that they needed to bring to the Council's attention.

It was reported to Members that the Auditors had increased their staffing on this particular audit in order to complete it.

RIPA – Regulatory Investigatory Powers Act 2000

It was reported that this Authority had not conducted any RIPA activity in the last quarter, and that it was rare that it would be required to do so.

Redmond Review

It was reported to Members that the Department for Levelling Up, Housing and Communities, acting as interim system leader, had provided local authorities with a

general update on 28 September 2022; stating that the Department had led work on a system-wide package of measures aimed at addressing audit delays. That programme continued to deliver on initiatives responding to the Redmond Review, whilst addressing matters to assist with wider market issues, including timeliness.

For Members' information a recent Local Government Chronicle article had indicated that nationally there were 600 audits still outstanding. As further progress was announced by the Government, updates would be provided to future meetings of this Committee, which would hopefully set out the necessary practical steps to implement the recommendations made as part of this review.

Planning Enforcement

The Committee heard that, at its September 2022 meeting, Members had been provided with an update regarding the Planning Enforcement Policy. In response the Chairman had stated the following namely that:-

- a) *he had concerns as to whether the staffing resources would be adequate to implement the Planning Enforcement Policy;*
- b) *he felt that an audit should be carried out of the planning enforcement service; and*
- c) *he had concerns as to whether the Policy had, in fact, been formally adopted given the amendments made and the decision made by the Planning Committee on 1 September 2022.*

In October 2022, the Planning Department had provided the following update by e-mail to Members of the Committee:

“Planning Enforcement is a priority for the Planning Management team and the arrival of the new Enforcement Team Leader on 25th October will assist with the improvements currently being implemented and those proposed for the coming months. The adoption of the Enforcement Policy, new reporting systems via the Corporate Enforcement Group & Planning Committee, and an updated harm assessment form with traffic light filters all feed into these improvements in service.

In addition, a recruitment campaign is underway to attract ex-police or ex-military personnel to the roles currently covered by agency staff. Having permanent staff in these roles will provide the department with a team of officers who are committed to the local area and delivery a high quality service. The new Team Leader, guided by the Planning Management team, will be a driving force behind training, customer service and a more efficient and effective enforcement department”.

Since the above update, the Planning Service had provided the following further comment:-

“Planning Enforcement remains a priority for the Planning Management team, and we now benefit from the arrival an Enforcement Team Leader. We are working through the historic caseload and have significantly reduced the caseload. The adoption of the Enforcement Policy means officers are following the priorities and using the harm assessment, but new reporting systems are needing to be put into place and process changed to match the policy requirements. The traffic light system is also being used.

A recruitment campaign has been carried out and did seek to attract ex-police or ex-military personnel alongside normal candidates to the roles currently covered by agency staff. We are shortlisting now. Having permanent staff in these roles will provide the department with a team of officers who are committed to the local area and delivery a high quality service. The new Team Leader, guided by the Planning Management team, will be a driving force behind training, customer service and a more efficient and effective enforcement department”.

External audit appointment from 2023/24

It was also reported that the Council had now received confirmation that the external auditor appointed to Tendring District Council from 2023/24, as part of the ‘opting in’ arrangements, would be KPMG LLP. This appointment covered a five-year period from 2023/24 to 2027/28. This appointment had been made under Regulation 13 of the Local Audit (Appointing Person) Regulations 2015 and had been approved by the PSAA Board at its meeting held on 16 December 2022.

After a short discussion the Members **RESOLVED** that:

- a) the Committee notes the progress against the actions as set out in Appendices A and B; and
- b) the Committee will re-examine, in due course, the Planning Enforcement function as regards to its effectiveness and efficiency once the new Policy is fully implemented and all enforcement staff are in place.

26. REPORT OF THE ASSURANCE AND RESILIENCE MANAGER - A.3 - ANTI-FRAUD AND CORRUPTION STRATEGY

The Committee considered an updated Anti-Fraud and Corruption Strategy.

Members were reminded that the Council’s Anti-Fraud and Corruption Strategy had last been updated in April 2022 and it remained subject to an annual review process.

An amended strategy was attached as Appendix A to the Officer report which reflected a number of minor amendments emerging as part of the annual review process. Amendments made since the last review had been highlighted in red/ italic font. For completeness, any sections being removed had been retained for the purpose of reporting the final version back to the Committee, with the font being struck through and in a red/ italic font.

The Strategy continued to be based on CIPFA’s code of practice on managing the risk of fraud and corruption as previously adopted by the Committee at its meeting held on 22 March 2018. As its foundation, the Strategy set out the Council’s commitments along with the following key areas:

- Purpose, Commitment and Procedure
- Legislation and General Governance
- Definitions
- Standards, Expectations and Commitment

- Roles and Responsibilities
- Prevention
- Detection and Investigation
- Resources Invested in Counter Fraud and Corruption

It was reported that the updated strategy provided details of ongoing projects and provided realistic timescale for these to be finalised.

It was **RESOLVED** that the amended Anti-Fraud and Corruption Strategy, as set out in Appendix A to the Report of the Assurance and Resilience Manager, be approved.

The meeting was declared closed at 11.32 am

Chairman

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Resources and Services Overview and
Scrutiny Committee

1 February 2023

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON WEDNESDAY, 1ST FEBRUARY, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Amos, Barry, Codling, Griffiths and Morrison
Also Present:	Councillor Baker and Clifton
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Michael Carran (Assistant Director (Economic Growth & Leisure)), Keith Simmons (Head of Democratic Services and Elections), John Higgins (Head of IT and Corporate Resilience) and Keith Durran (Committee Services Officer)

5. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology was received from Councillor Skeels (no substitution).

6. DECLARATIONS OF INTEREST

Councillors Allen and Barry both declared a personal interest in the Beach Hut item as both were Town Councillors for Town Councils that owned Beach Huts with in the District of Tendring.

7. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

8. TASK AND FINISH GROUP - SCRUTINY OF THE COUNCIL'S PROPOSALS TO REVIEW THE BEACH HUT STRATEGY

The Committee heard that throughout the enquiry, the Task and Finish Group (T&FG) looked into the issues which the emerging Beach Hut Strategy proposed to address. In order to understand how the various issues would impact on the Council, residents, Beach Hut Licence Holders and other stakeholders, the T&FG spent time listening and asking questions of various stakeholders.

In preparation for Cabinet considering the emerging Beach Hut Strategy, the T&FG understood that the Council had consulted on the key issues included in the draft document. The T&FG Group reviewed each of those items to establish a view and make recommendations where appropriate.

For clarity, the eight points which formed the consultation were listed, together with what the Council was minded to implement once the strategy was adopted. The T&FG findings and comments were listed below each item:

1. RENTING OF BEACH HUTS

What was the Council considering?

“The Council is proposing to issue commercial agreements for those wishing to rent out Beach Huts for more than 10 days per year, which will regulate the market for rentals. It is proposed that commercial agreements are issued to those requesting them, but based on a criteria. This will cover key points such as accessibility and safety of huts, to ensure those with commercial agreements are able to provide a high quality service and support the appropriate points set out in the Council’s Tourism Strategy. New agreements would be through a lease and not a licence and as such, the cost would be identified by establishing a market value, which would increase the amount paid. A specific clause will be included on all other agreements to prohibit renting for more than 10 days per year. The annual charge for the lease will vary from location to location and will be based on an independent valuation”.

Comments from the Task and Finish Group

- The T&FG expressed concern about the potential cost of the lease and the proposed terms and conditions, which were unknown. The T&FG requested that Cabinet ensure future charges were set at a fair and reasonable level.
- The T&FG were originally concerned with the requirement to tender (in the original proposal which was consulted), but agreed with the new proposal for an application process;
- The T&FG expressed concern about the significant administration processes that may be involved in implementing the strategy and the subsequent cost to the Council of processing leases.

2. OWNING BEACH HUTS

What was the Council’s considering?

“The Council is considering whether to limit new beach huts licences to one per household. The Council is considering honouring multiple existing licences to one household. However, if a household already has a beach hut, then they would not be able to apply for a second licence. This would ensure that Beach Hut are more accessible to local people”.

Comments from the Task and Finish Group

- The Task and Finish Working Group agreed to the principal of this point

3. THE CURRENT BEACH HUT SPECIFICATION

What was the Council’s considering?

“The Council is minded to work through a review of the current specification and consider adding new products, such as modern cladding which do not currently meet the specification. This can also consider how beach huts could support the Council’s carbon neutral agenda”.

Comments from the Task and Finish Group

- The T&FG were supportive of bright colours and vibrant designs for Beach Huts. This followed their visit to Beach Hut locations during the enquiry.
- The T&FG requested that Cabinet acknowledge the differences in locations along the Tendring seafronts and their respective unique features, such as cliff slopes. Following the enquiry, the T&FG noted that appropriate adaptations in parts of the District were essential for reasons of access and should be included in the revised specification, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis.
- The T&FG requested that a map was attached to the emerging strategy to clearly define which land was owned by Tendring District Council. During the enquiry, they noted that some Beach Hut locations were located on private land and were not under the jurisdiction of the Council
- The T&FG were minded to note and requested that no designs should be permitted that were contrary to current or emerging legislation.
- The T&FG requested that high standards were maintained on Beach Huts and dilapidated Beach Huts should be subject to appropriate enforcement action. This should be proportionate to the agreement holders personal circumstances, but ensured the design specification standards were maintained.

4. BEACH HUT ADAPTATIONS

What was the Council considering?

“Following a review of the specification, the Council is minded to work with licence holders to ensure a removal of those adaptations which fall outside of the revised specification”.

Comments from the Task and Finish Group

- The T&FG requested that Cabinet were mindful of their previous comments on the revision of the specification.
- The T&FG requested that Cabinet set a reasonable timescale for adaptations to be removed, which fall outside of the revised specification. The timescales recommended was a period of two years.

5. MONITORING OF BEACH HUT LICENCE CONDITIONS & COMPLAINT MANAGEMENT

What was the Council considering?

“The Council is considering additional staffing resources to ensure licence conditions are adhered to and taking appropriate enforcement action where necessary. The Council will also need to consider how this would be funded to ensure complaints are acted upon in a timely manner”.

Comments from the Task and Finish Group

- Where conditions were included in Beach Hut agreements, the T&FG asked that there should be appropriate resources to take action when they were not being adhered to. They were mindful that it was not good practice to allow conditions to be ignored and they cannot be addressed without appropriate resources.

6. AN IMPROVED DIGITAL SERVICE FOR LICENCE HOLDERS

What was the Council’s considering?

“The Council is considering installing new software to improve services to licence holders and allow them to complete processes online. This would also be used to gather and record appropriate information about conditions, including which huts are licenced to rent and to make complaints easier to report and manage”.

Comments from the Task and Finish Working Group

- The T&FG asked that those without access or ability to use digital platforms are still able to deal with a member of staff. As such, sufficient resources should be in place.

7. BUILDING NEW BEACH HUTS

What was the Council’s considering?

“The Council is considering whether to build new beach huts around the District, which will be accessible through a lease. The amount of new huts will depend on the space available in appropriate seafront locations and the demand for new huts from local people”.

Comments from the Task and Finish Group

- The T&FG requested that any new Beach Huts were made available through an affordable set of fees and charges
- The T&FG requested that any Council built Beach Huts built which were sold in the future were done so directly and through an equitable process; and not to use third parties.

8. A MOVE FROM LICENCES TO LEASES

What was the Council considering?

“It is suggested that licences are phased out over the next year and are replaced by leases from 1 April 2024. Leases will also provide those with beach huts on Council land with additional security of tenure, which they do not currently have with a licence agreement. The cost of a lease will increase the annual amount paid by those with beach huts, which will be identified by establishing the market value once the strategy has been adopted. The annual charge for the lease will vary from location to location and will be based on an independent valuation.

Further to this, consideration has been given as to how the revised specification could be embedded into Beach Hut Agreements. As such, the conditions for which beach hut users have to comply with for design, would form part of the agreement”.

Comments from the Task and Finish Group

- Concern was expressed by the T&FG about the potential cost of lease agreements and the proposed terms and conditions – which were at the time of the meetings, unknown. T&FG requested that Cabinet ensure future charges were set at a fair and reasonable level.

- The T&FG requested that consideration be given to including a condition in future agreements, that third party Estate Agents were no longer able to sell Beach Huts on behalf of their respective owners. This would enable the Council to maintain a control on this process and ensure future sales were not priced excessively; and as such be unaffordable to many local people.

After a detailed discussion it was **RECOEMMENDED** to **CABINET** that:

- a) The Task and Finish Group recommends the following to the Resources and Services Overview and Scrutiny Committee, to subsequently request that Cabinet take into account prior to consideration of the draft Beach Hut Strategy, on 17 February 2023:
- b) 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.
- c) It is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) It is recommended that a map was attached to the emerging strategy to clearly define which land was owned by Tendring District Council.

-
- i) It is recommended that no Beach Hut designs should be permitted that are contrary to current or legislation.
 - j) 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.
 - k) 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.
 - l) 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.
 - m) That the New Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time.

9. TASK AND FINISH GROUP - CYBER SECURITY

The Committee heard that the Cyber Security T&FG (Task and Finish Group) were tasked to:

- 1) *To challenge/ better understand the cybersecurity risks, defences, and mitigations the Council has in place.*

Following Full Council 22nd November 2022, the T&FG mandate was extended to additionally:

- 2) *Review different proposals of Members' access to emails and the current practice of auto-forwarding to personal email accounts, in line with the Council's Risk Management Framework, and make recommendations to Cabinet and Council along with relevant costings.*

During its first meeting the Cyber Security T&FG agreed to use the Department of Levelling Up Housing and Communities (DLUHC) Cyber Assessment Framework (CAF) document template as a self-assessment, auditing, and reporting framework template to review council cyber-security as referenced above.

It was reported to Members that the DLUHC CAF proved relevant to the review of Members' access to emails, auto-forwarding of council official business emails to personal devices and council data stored on personal devices as it included a number of National Cyber Security Centre (NCSC) compliance statements covering: data security and understanding, data protection in transit across the UK network, data storage

security, mobile device data security, media equipment sanitisation and disposal, secure device configuration.

CAF Explanatory Notes

The DLUHC Cyber Assessment Framework (CAF) provided the pragmatic basis to 'self-assess' the Council's own cyber security performance across the following activities:

- 1) Managing Cyber Security (organisational structures, policies, processes, understanding).
- 2) Protecting Against Cyber Attack - security measures to protect networks and systems.
- 3) Detecting Cyber Security Events ensuring effective security defences/ event detection.
- 4) Minimising The Impact of cyber security Incidents and their adverse impact.

The Committee was informed that the self-assessment CAF was a National Cyber Security Centre (NCSC) assessment document that was a mandatory cyber-security 'readiness state audit' document for critical UK national infrastructure providers since 2021. During 2022 the CAF had become mandatory for every central government department and whilst CAF completion was currently voluntary for local government DLUHC have repeatedly advised that it would become mandatory during 2023/24.

In this sense the CAF would replace the now defunct Public Services Network (PSN) IT Health Check annual audit/ certification process reporting local government cyber-security capabilities and fitness to remain securely connected and sharing data with central government Department of Works & Pensions (DWP). The reader should note that several council statutory service functions were completely reliant upon this connectivity, for example: Council Tax, Housing Benefit administration. Loss/ exclusion from central government connectivity would quickly stop those services from functioning.

With regards to the outcome, outlined recommendations were made by T&FG Members with due regard and consideration to:

- *The Full Council background information report.*
- *All Member's subject-matter comments received considered 23rd Jan'23.*
- *A newly published Information Commissioner's Office Freedom of Information (FOI) guidance note considered 23rd Jan'23.*

-
- *The four costed options provided and their respective financial, cyber-security and Member-user working practicality satisfaction and non-satisfaction implications considered 23rd Jan'23.*
 - *A full copy of the council's Cyber Assessment Framework (CAF). For simplicity, CAF compliance was reviewed utilising 'traffic light' red, amber and green representing non-compliance, improvements required and full compliance respectively.*

Members heard that following CAF cyber-security compliance self-assessment, the T&FG identified that the council generally had robust cyber-security arrangements and working practices in place to manage, protect and safeguard the data that it held to deliver both statutory and non-statutory services. Its cyber-security event(s) detective arrangements utilising business industry-standard multi-vendor best-of-breed products were similarly robust and well managed.

However, the cyber-security self-analysis review also identified some areas of CAF cyber-security non-compliance, some areas where improvements could be made to further strengthen the Council's cyber-security.

The T&FG recommendations reflect improvements necessary to resolve CAF self-assessment key areas of non-compliance. Key areas considered by the T&FG were:

- ***Recruitment and resourcing key IT vacancies.***
- ***Risks unresolved for prolonged periods.***
- ***Information retention with data (including personal and sensitive data) stored for long periods of time with no clear business need.***
- ***Generic account used or shared or default name accounts.***
- ***Training and understanding individuals' contribution to essential cyber security.***
- ***Formal Adoption of the new Cyber Incident Response Plan (CIRP).***
- ***Members' email auto-forwarding to personal/ mobile devices, including; identification and data management, data security in transit, physical and/or technical security protection against unauthorised access, lack of knowledge around which mobile devices hold data, allowing data to be stored on devices not managed by your organisation or to at least equivalent standard, lack of security on mobile devices, device disposal without data sanitisation, security builds that conform to your baseline or the latest known good configuration version.***

After a short discussion the Committee **RECOMMENDED** to **CABINET** that:

- a) As soon as is possible the Human Resources and Council Tax Committee with appropriate officers look at the salary(s) being offered for the advertised and unfilled senior IT posts and including cyber security senior technical positions.
- b) By 31/03/23 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) By 31/07/23 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) By 31/05/23 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) Commencing no later than May 2023 following the election of the New Administration Cyber Security and Information Governance training for all members after every election and for staff in their inductions with periodic refresher training for both be made mandatory.
- f) As soon as possible in consultation with 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) As soon as possible the new Cyber Incident Response Plan (CIRP) included as Appendix F to this report be adopted.

In reviewing the different options of Members' access to emails, reflecting the Council's Risk Management Framework, the recommendations to Full Council that the T&FG are submitting to the Resources and Services Overview and Scrutiny Committee and onwards to Cabinet are;

- h) That post-May 2023 local elections under the New Administration, that the Member practice of auto-forwarding of emails be ceased; and

- i) that subject to the associated funding of £8,000 being identified that the preferred Option 2 (*Appendix D refers*) - 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 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 will be asked to fund the cost from allowances (circa two hundred pounds per annum).

The meeting was declared closed at 10.35 pm

Chairman

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Standards Committee

8 February 2023

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 8TH FEBRUARY, 2023 AT 9.32 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Casey, Coley and Placey
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Karen Townshend (Executive Projects Manager (Governance)), Keith Durran (Committee Services Officer) and Debbie Bunce (Legal and Governance Officer)
Also in Attendance:	Clarissa Gosling and Jane Watts (two of the Council's Independent Persons)

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Val Guglielmi (with Councillor Alan Coley substituting), Councillor Jo Henderson (with no substitute), Councillor Mick Skeels (with no substitute), Sue Gallone (one of the Council's Independent Persons) and David Irvine (one of the Council's Independent Persons).

17. MINUTES OF THE LAST MEETING

It was moved by Councillor Placey, seconded by Councillor Casey and:-

RESOLVED that the Minutes of the meeting of the Committee held on Wednesday 26 October 2022 be approved as a correct record and be signed by the Chairman.

18. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members at this time.

19. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted by Members pursuant to Council Procedure Rule 38 on this occasion.

20. REPORT OF THE MONITORING OFFICER - A.1 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

Members recalled that it had been agreed at the meeting of the Standards Committee held on 29 June 2016 that, as part of its annual work programme, the Committee would receive an annual report on declarations of interest and associated matters. The report now before the Committee covered the period from 22 January 2022 to 31 December 2022 and provided statistics on:-

- *the number of declarations of interest made at meetings;*
- *the number of offers of gifts and hospitality that had been registered by Members during this period; and*

- *updates to the Members' Register of Interests.*

The data had been collated from the Committee IT system Modern.gov which the Council had started using as of August 2016 and from Members' submissions.

Register of Members' Disclosable Pecuniary Interests

The Committee was aware that the Council was required to publish the 'Register of Disclosable Pecuniary Interests' on its website in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, which prescribed the categories of interests.

It was confirmed that the Council's website included a Register of Disclosable Pecuniary Interests for all District Councillors and this was updated, when an individual Member provided details of an amendment directly to the Monitoring Officer. Any entry, which was relevant to a business item on an agenda, must be declared by the individual Member and they must subsequently remove themselves from the meeting, unless a prior dispensation had been granted by the Monitoring Officer.

Eight dispensations had been requested during the relevant period.

Declarations of interest at meetings

Members were required to declare Personal and Disclosable Pecuniary Interests at meetings and those recorded on the committee system, as declared by District Councillors for the period 22 January 2022 to 31 December 2022, were set out in Appendix A to the Monitoring Officer's report. Minutes of the meetings also recorded the declarations.

Use of Blanket dispensations

The Committee was reminded that the Members' Code of Conduct at paragraph 7.3, as agreed by full Council in January 2018, contained blanket dispensations for any business of the Authority where that business related to the Council's functions in respect of:

- i. housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;*
- ii. school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;*
- iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or are entitled to the receipt of, such pay;*
- iv. an allowance, payment or indemnity given to Members;*
- v. any ceremonial honour given to Members; and*
- vi. setting Council Tax or a Precept under the Local Government Finance Act 1992*

Since their introduction, only category iv and vi dispensations had been called upon at meetings of the Cabinet and full Council.

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee's review of the Council's Gift and Hospitality Policy for Members, new guidance and a notification form had been issued to all District Councillors in May 2016. There had been one recorded declaration of offers/receipt of gifts and hospitality made by a District Councillor in the time period covered by this report.

Updates to Members' Register of Interests

Since the new Members' Code of Conduct had been adopted to take effect in April 2018, Members had been required to register details of their Disclosable Pecuniary Interests and their Personal Interests within 28 days of becoming a Member (or being re-elected or reappointed) or a change in those details, in the Authority's Register of Interests. Personal Interests were defined in Paragraph 5 of the Code as relating to, or is likely to affect, any item of business of the Authority within any of the six categories as set out in 5.1 (a) to (f).

It was reported that, following Guidance and a Notification Form being issued in 2018, Members were advised to register their Personal Interests with the Monitoring Officer. In the time period covered by this report three Members had registered a Personal Interest with the Monitoring Officer. To date those forms had not been published on the Council's website but retained within a central register.

The most common declarations were made under paragraph 5.1 (d) being -

"any other body of which the Councillor is a member and in which they hold a position of general control or management –

- (i) exercising functions of a public nature;*
- (ii) directed to charitable purposes; or*
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);"*

Having duly considered and discussed the contents of the report:-

It was moved by Councillor Steady, seconded by Councillor Placey and:-

RESOLVED that the contents of this report be noted.

21. REPORT OF THE MONITORING OFFICER - A.2 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

The Standards Committee, as part of its agreed work programme since 2014, was updated on the current position of mandatory training for Members (and named substitute members) of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

Appendix A to the Monitoring Officer's report provided details of the training record for the Planning Committee and the Licensing and Registration Committee.

Mandatory Training in the context of Councillor Development more widely

It was reported that the mandatory training referenced in the Monitoring Officer's report also formed part of the overall training provision for all Councillors within the framework established by the Council's "Councillor Development Statement" (as reported to this Committee on 2 October 2019 (Minute 14 referred)). The resources required for training Councillors (beyond the mandatory training to which this report concerned) had a budget allocation of £8,300.

Members were aware that during 2021/22 the Portfolio Holder for Corporate Finance and Governance had established a Working Party, which provided a cross-party mechanism for the regular input into development opportunities for Councillors. The membership provided for input from all the main Committees of the Council and all the political groups on the Council and was broadly proportionate to the overall position on the Council as a whole. Thus far, five sessions had taken place, with a further session planned, along with specific planning development sessions.

In addition, access to the Local Government Association's online training portal was available for all Councillors and this provided training modules on:

- Community Engagement and Leadership
- Councillor Induction
- Commissioning Council services
- Equality, Diversity and Unconscious Bias
- The Effective Ward Councillor
- Facilitation and Conflict Resolution
- Handling Complaints for service improvement
- Handling intimidation
- Holding Council meetings online
- Influencing skills
- Licensing and Regulation
- Local Government Finance
- Planning
- Police and Crime Panels
- Scrutiny for Councillors
- Stress management and personal resilience
- Supporting mentally healthier communities
- Supporting your constituents with complex issues

The completed and returned evaluation sheets, circulated following any training sessions provided, were used by Officers to assist the Council to refine and improve its training offer.

The above itself did not reference the training provided for Councillors through All Member Briefings.

The Committee was informed that the new Member Induction Programme for 2023/24 would be presented to it at its next meeting.

The Monitoring Officer informed the Committee that Councillor Maria Fowler had contacted Officers to inform them that she had in fact attended the "TCPA Webinar: An introduction to planning reform on 15th June 2022" and that this had inadvertently been omitted from the Appendix.

Having duly considered and discussed the contents of the report:-

It was moved by Councillor Steady, seconded by Councillor Casey and:-

RESOLVED that the Standards Committee -

- (a) notes the contents of this report and its Appendix; and
- (b) continues to encourage Members of the Planning, Licensing and Registration and Audit Committees to attend all organised mandatory training events in order to comply with the requirements of the Council's Constitution.

22. REPORT OF THE MONITORING OFFICER - A.3 - PRE-ELECTION GUIDANCE FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

The Committee considered the Pre-Election Publicity Guidance produced in readiness for the 2023 District Council elections. The Guidance Note concerning publicity and resources was attached as an Appendix to the Monitoring Officer's report (A.3). The Committee was requested to provide any comments or seek clarification on the content of the guidance to ensure that it was clear, concise and easily understood by Members and Officers. Any feedback from the Standards Committee would be considered by the Chief Executive (who was also the Returning Officer for the elections) in issuing the revised guidance during February 2023.

The Committee was reminded that paragraph 3.8 (b) of the Council's Members' Code of Conduct required Compliance with the Law and the Authority's Rules and Policies and stated that Members must comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued.

Members were informed that then Secretary of State for Communities and Local Government had issued the Code of Recommended Practice on Local Authority Publicity, under the Local Government Act 1986 (as amended) ("the Act") and which had come into force on 31 March 2011. The Code was recognised as the statutory guidance for local authorities to have regard to, at all times, ensuring their publicity complied with all applicable requirements and also to ensure that special care was taken during periods of heightened sensitivity such as during the period just before elections.

It was reported that local authorities were required by section 4(1) of the Act to have regard to the contents of the Code in coming to any decision on publicity. Section 6 of the Act defined publicity as: "*any communication in whatever form, addressed to the public at large or a section of the public*". The Code therefore applied in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newssheets and maintenance of websites – including the hosting of material, which was created by third parties.

Nothing in the Code overrode the prohibition by Section 2 of the Act on the publication by local authorities of material, which in whole or in part, appeared to be designed to affect public support for a political party. Paragraphs 21 to 24 of the Publicity Code offered some guidance for local authorities on the management of publicity, which might contain, or have links to, party political material.

Members were advised that Tendring District Council's Guidance followed best practice and assisted the Council to fulfil its statutory duty to have regard to national guidance for pre-election periods. The Local Government Association's short guide to publicity during the pre-election period published in 2021 (and updated for 2023) had been reviewed and its contents had been taken into account.

The Committee was made aware that the Council was due to publish its Notice of Election on 13th March 2023, which would commence the formal Pre-Election Period for Tendring District Council.

Having duly considered the information and advice contained in the Monitoring Officer's report (A.3), together with the proposed Pre-Election Guidance for Tendring District Council Members and Officers:-

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

RESOLVED that the Committee -

- (a) notes the contents of the Monitoring Officer's report (A.3);
- (b) endorses the Pre-Election Guidance for Tendring District Council Members and Officers being circulated to all Tendring District Councillors, together with a reminder of paragraph 3.8(b) of the Members' Code of Conduct; and
- (c) supports the Guidance being circulated to all Town and Parish Councils in the District.

23. **QUARTERLY COMPLAINTS UPDATE AND OTHER GENERAL MATTERS**

The Committee had before it the Monitoring Officer's quarterly schedule, which updated it on existing and new conduct complaint cases, along with other general matters.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE FEBRUARY 2023				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
None				
New Cases since last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PARISH COUNCILLOR	ONGOING		Complaint and the response received were currently being reviewed by an Independent Person.
DISTRICT	PUBLIC	CLOSED	No further action	
TOWN	TOWN COUNCILLOR	CLOSED	Complaint withdrawn	Matter resolved informally within

				the Town Council.
PARISH	PARISH COUNCILLOR	ONGOING		Complaint received relating to the aforementioned Parish Council complaint. To run in parallel with the initial complaint.
PARISH	PARISH COUNCILLOR	ONGOING		Matter related to behaviour within Parish Council meetings and also related to electronic correspondence.
<p><u>General Notes – 2022/23 Summary:</u></p> <p>Overall, 7 cases had been received in 2022/23.</p> <p>During this period, advice had been given to all Town and Parish Councils to remind the individual Councillors to ensure that their Disclosable Pecuniary Interests were up to date on their websites. The Monitoring Officer would be delivering training to one Parish Councillor on the DPI requirements.</p>				
<p>Requests for dispensations:</p> <p>There have not been any requests for dispensation.</p>				

The Committee noted the foregoing.

The meeting was declared closed at 10.09 am

Chairman

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COUNCIL

2 MARCH 2023

REFERENCE FROM THE TENDRING & COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

A.1 DEVELOPMENT PLAN DOCUMENT: SUBMISSION VERSION PLAN – REGULATION 19

(Report prepared by Ian Ford and Lisa Hastings)

PURPOSE OF THE REPORT

To enable the Council to consider the recommendation of the Tendring Colchester Borders Garden Community Joint Committee, that the Submission Version of the Development Plan Document, associated Sustainability Appraisal and other related evidence be published for public consultation and thereafter, submission to the Secretary of State, in order to begin the process of independent examination, in accordance with the necessary legislation.

EXECUTIVE SUMMARY

The Tendring & Colchester Borders Garden Community Joint Committee (“the Joint Committee”), at its meeting due to be held on 27 February 2023, will consider a comprehensive report (and appendices) which will seek the Joint Committee’s recommendations to both Tendring District Council and Colchester City Council. The recommendations are that Submission Version of the Development Plan Document (DPD) for the Garden Community be approved for public consultation purposes and that thereafter the DPD be submitted to the Secretary of State in order to commence the independent examination process.

The Joint Committee’s decision at its meeting to be held on 27 February 2023 will be circulated to Members, as soon as possible, after that meeting.

JOINT ADVICE OF TENDRING DISTRICT COUNCIL’S AND COLCHESTER CITY COUNCIL’S MONITORING OFFICERS

The recommendations from the Joint Committee being presented to the Full Councils at Tendring and Colchester, are with the intention of seeking decisions being taken by the Full Councils prior to the upcoming Local Elections, to enable the Regulation 19 consultations to commence shortly thereafter. A delay in determination until after the election period is likely to pose a high risk to the timetable for the overall Garden Community project and the delivery of the first phase of homes and associated infrastructure in accordance with the Housing Infrastructure Funding agreement with Homes England (subject to variation).

Section 1 Local Plan requires that planning permissions are not to be granted until the DPD has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground. If agreed, the proposal is to consult on the DPD for six weeks later in 2023 following the Local Elections. The updated version of the Local Development Scheme (LDS), recommends a new timetable for the DPD. This takes into account the need to consult for a period of six weeks on the DPD, and charts a realistic

timetable for independent Government Examination in Autumn/Winter 2023, with adoption of the DPD anticipated early in 2024.

Due to Pre-election Periods and post elections administration to form Councils, it is unlikely that decisions could be made by the Joint Committee until June/July 2023 and Full Councils in September. However, Officers would not be presenting the Submission Version Plan for consideration and public consultation if it did not meet the tests of soundness, based on evidence and taking into account the outcome previous stakeholder engagement under Regulation 18, and supported by a Sustainability Appraisal. Summary of the Regulation 18 consultation is included within the report to the Joint Committee highlighting the three main issues related to Green Buffers and Land South of the A133, Salary Brook and Crockleford Heath and Bromley Road. Technical evidence has been completed and changes incorporated into the Submission Version Plan on all three of these key issues.

It is important to remember that this stage of the process is plan making, setting policy direction and not the determination of planning applications, which will follow once the DPD is adopted as required by Section 1 of the Local Plans. There will be detailed s.106 planning agreements negotiated and in place, prior to planning permissions being granted. There may be details which members would wish to seek further assurances on, which relate to the later stages of the process, including planning obligations, commitments and delivery.

Essex County Council entered into a formal contract (Grant Determination Agreement) with Homes England for the Housing Infrastructure Fund. Tendring District Council and Colchester City Council signed a Memorandum of Understanding setting out how they will work together with Essex County Council towards their intended objective of unlocking development at Tendring Colchester Borders Garden Community (TCBGC). This included demonstrating the Local Planning Authorities' agreement with the content of the Housing Delivery Statement and the Recovery and Recycling Strategy. Paragraph 2.3 is relevant for the purpose of this report, which states:

“The Parties will work together to ensure that TCBGC’s dependence on the HIF infrastructure is effectively and comprehensively articulated where evidence is available to demonstrate that dependence including through the preparation of Development Plan Documents, Supplementary Planning Documents, and other relevant documents.”

Therefore, Members should reflect the importance of the HIF for delivery of the Garden Community and do not seek, unnecessarily to put this funding at risk through its decision-making.

In setting up the Joint Committee, Tendring District Council, Colchester City Council and Essex County Council delegated certain functions, for the purpose of this report, to exercise the Council’s respective functions relating to overseeing the preparation of the joint TCBGC DPD and ensuring it:

- (a) is in accordance with the Local Development Schemes;
- (b) includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;
- (c) meets the “tests of soundness” as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;

- (d) has regard to the adopted Section 1 of CBC & TDC's Local Plan;
- (e) has regard to the resources likely to be available for implementing the proposals in the document;
- (f) other such matters the Secretary of State prescribes; and
- (g) complies with the Council's Statement of Community Involvement

The Joint Committee has carried out these functions and if approved, has satisfied itself to exercise a further delegated function and make recommendations to TDC and CBC in relation to the approval of the TCBGC DPD for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the 2004 Act, and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Full Council is therefore being requested to approve the Submission Version of the DPD, for Regulation 19 consultation and submitted to the Secretary of State's Planning Inspectorate, for an examination process similar to that of the Section 1 and 2 of the Local Plan stages.

Without a DPD in place for the Garden Community, the Councils are in a weaker position with regards to our respective Local Plans. The principle of development in this area has been established in Section 1 and the Councils are under an obligation to move to the next phase. Section 1 contained Policies SP8 and SP9 requiring DPDs to set out how the new Garden Community will be designed, developed and delivered in phases, in accordance with a set of principles.

The Developer and their partners are committed to the Garden Community and up to the examination, and prior to the Section 106 negotiations, it is our advice for the Councils to seek a Memorandum of Understanding with the developer focusing on some principles for delivery and wider relations.

RECOMMENDATION

That, subject to Council's consideration of the recommendations of the Tendring & Colchester Borders Garden Community Joint Committee arising from its meeting to be held on 27 February 2023, Council resolves that –

- (a) the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the 'Development Plan Document' or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise, be published for six weeks' public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination; and**
- (b) the Garden Community Planning Manager, in consultation with Tendring District Council's Director of Planning, Colchester City Council's Executive Director of**

Place and the Chairman and the Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, be authorised to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation.

CURRENT POSITION

Council is requested to consider the recommendations submitted to it by the Joint Committee.

The Officer Report and accompanying Appendices which were considered by the Joint Committee at its meeting held on 27 February 2023 are attached as Appendices to this report.

APPENDICES

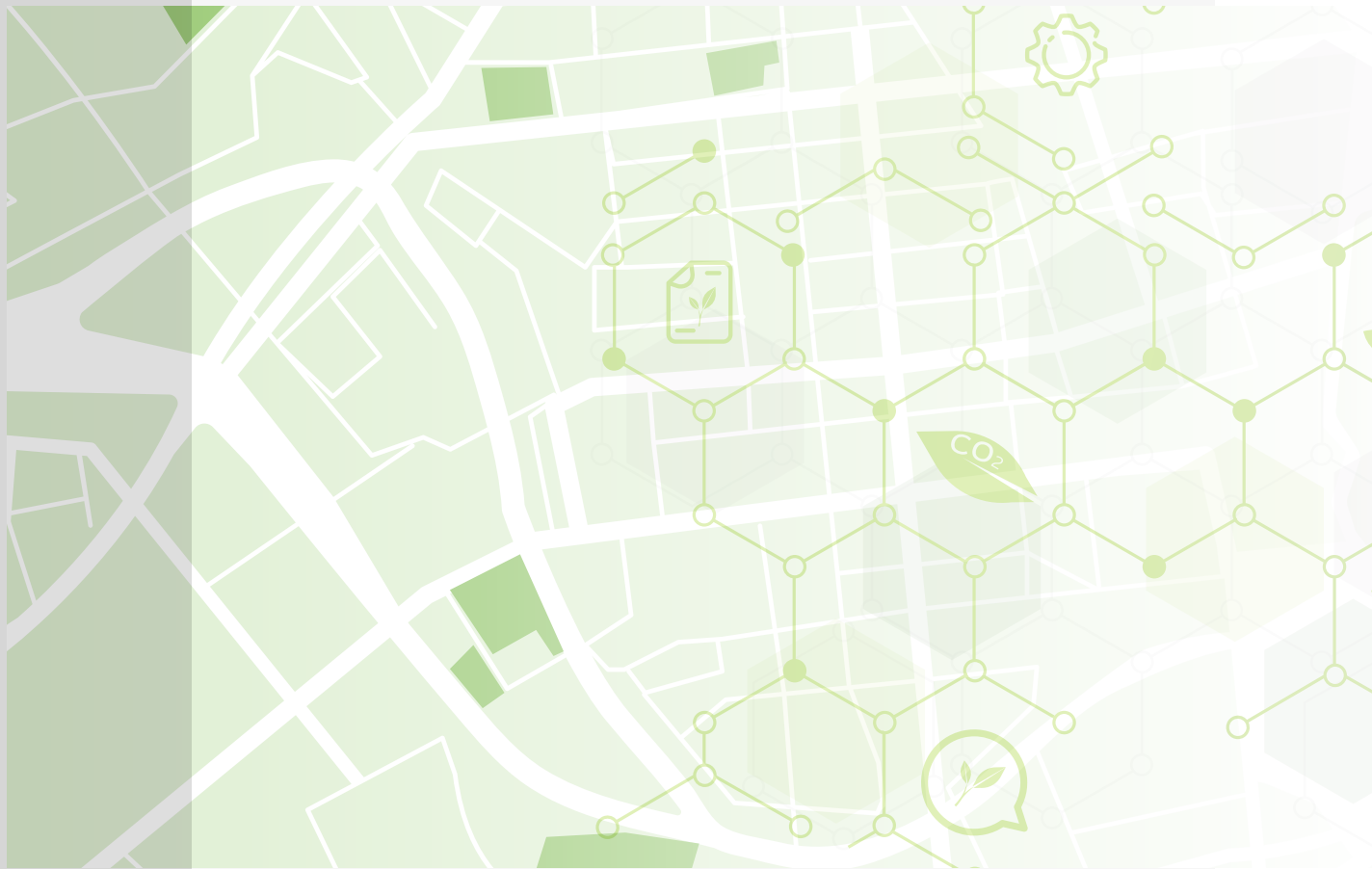
Appendix 1: Tendring Colchester Borders Garden Community Submission Version Development Plan Document

Appendix 2: Sustainability Appraisal Regulation 19 (February 2023)

Appendix 3: Updated extract from the TDC and CCC Local Development Scheme (LDS) – note that this appendix is found at the end of Appendix 5

Appendix 4: Submission Version DPD Policies Map – note that this appendix is found at the end of Appendix 5

Appendix 5: Officer Report (and Appendices 3 & 4) (item A.1) to the meeting of the Joint Committee held on 27 February 2023.



Tending Colchester Borders Garden Community

Development Plan Document (DPD)

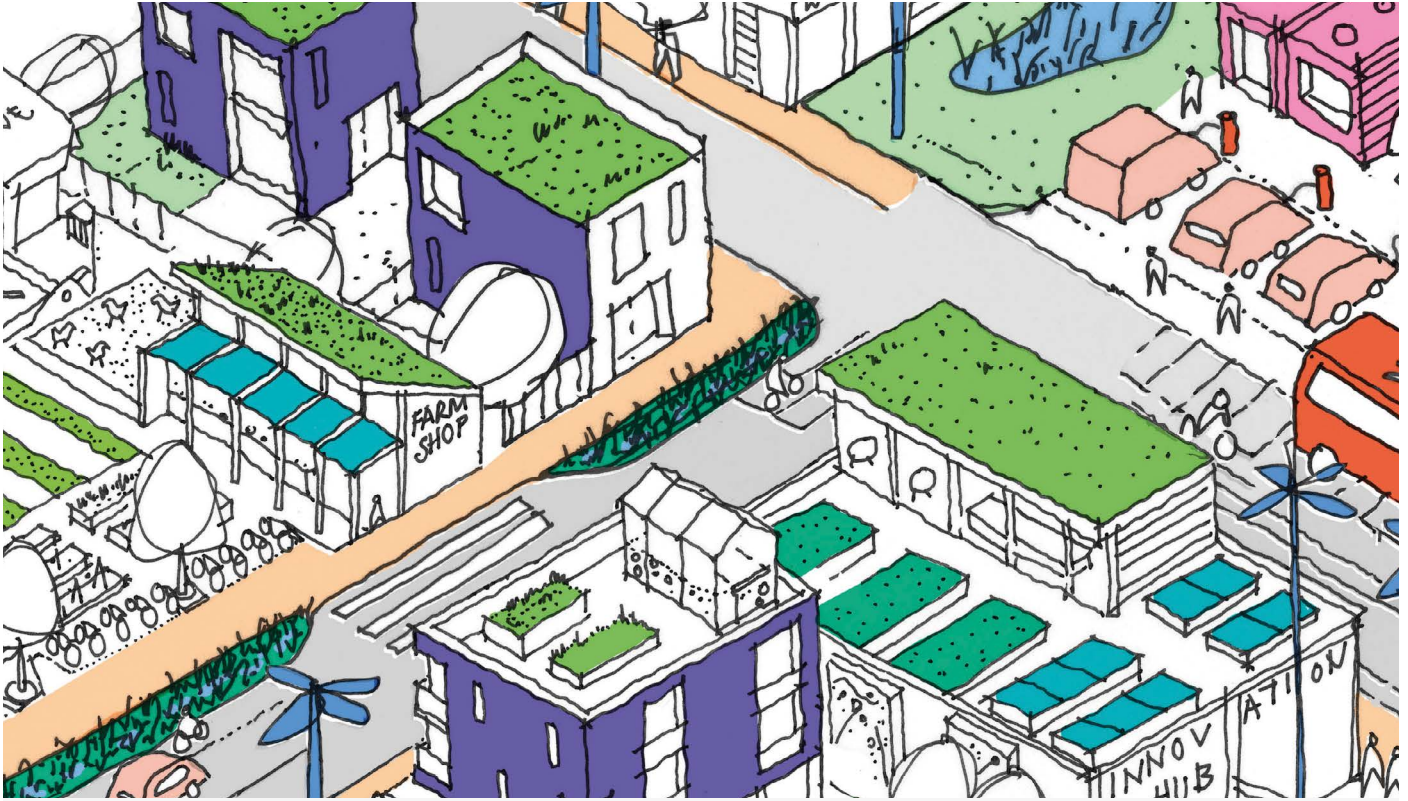
Submission Version Plan

(Regulation 19 Consultation)

Summer 2023

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Chapter 1: Introduction

What is this document about?

This document is the Submission Version of a **Plan** setting out the detail of a new Garden Community proposed for land crossing the Tendring and Colchester border. It has been prepared by Tendring District Council and Colchester City Council, in partnership with Essex County Council ('the Councils'), following consultation on a first draft of the Plan which took place between March – April 2022.

What is a Regulation 19 consultation?

This Submission Version **Plan** is the subject of a formal consultation under 'Regulation 19' of the Planning and Compulsory Purchase Act 2004 (PCPA). We are inviting comments from all interested parties including (but not limited to) local residents, community organisations, statutory consultees and businesses.

The purpose of the 'Regulation 19' consultation is to provide an opportunity for representations to be made on the content of the **Plan** before it is examined by a Planning Inspector. This is a formal process that requires comments on the soundness and legal compliance of the **Plan**. In accordance with the Planning and Compulsory Purchase Act 2004 (PCPA), the appointed Planning Inspector will consider all comments on the plans that were made within the consultation period.

The Councils will submit this Submission Version **Plan**, all the comments received from the consultation, and the evidence base that has informed the production of the **Plan**, to the Secretary of State. An independent, government-appointed Planning Inspector will then scrutinise the **Plan** by carrying out an 'Examination in Public' before making a decision on whether the **Plan** is legally compliant, sound and can be adopted by the Councils.

The examination will assess whether the **Plan** has been prepared in accordance with legal and procedural requirements and if it is sound. The four tests of soundness are set out in the [National Planning Policy Framework \(NPPF\)](#).

What is the Garden Community and why is it needed?



To meet the needs of a growing population over the next 30 to 40 years for housing, employment and associated community facilities and infrastructure, the Councils are working together to plan for a new Garden Community. The Garden Community will be on a large area of land east of Colchester, crossing into the Tendring District and adjacent to the University of Essex.

The Garden Community will be large enough to accommodate new homes and supporting community facilities and services, alongside employment land for business and industrial use. It will be served by a network of green and beautiful spaces to promote wildlife, attractive places, healthy living, recreational activity, sustainable drainage and to tackle the climate emergency; and new services, facilities and infrastructure including a new Rapid Transit System (RTS) and a new dual carriageway Link Road between the A120 and the A133.

Building a new Garden Community brings the opportunity to create a brand-new place for people to live, work and play, which will be planned from the start to provide high quality, energy efficient and innovatively designed homes. These homes will be located in well-designed neighbourhoods to meet a variety of needs and aspirations, as well as jobs, transport infrastructure, green and blue infrastructure and leisure and recreation facilities.

By building a Garden Community, the pressure for existing towns and villages to expand around their edges across North Essex can be more carefully managed, to avoid housing developments that can overwhelm existing facilities and infrastructure and compromise the character and feel of existing communities.

What has already been agreed?

In 2021, Tendring District Council (TDC) and Colchester City Council (CCC) both agreed to formally adopt the 'North Essex Authorities' Shared Strategic Section 1 Local Plan' ([Section 1 Local Plan](#)) which, amongst other things, identifies the broad location of the Garden Community and sets out the Strategic Policies and the overarching requirements and expectations that it will need to meet. The Garden Community will be underpinned by key '[Garden Community Principles](#)' developed from the Town and Country Planning Association principles, in consultation with stakeholders, to be specific to North Essex.

The adoption of the Section 1 Local Plan followed years of technical analysis, public consultation, and an independent examination by a government-appointed Planning Inspector. The independent examination enabled the Planning Inspector to conclude that the Garden Community would be the most appropriate and sustainable option for meeting the need for long-term growth in the North Essex area – having considered and discounted a variety of alternative ideas and options.

The content of this Submission Version **Plan** has been informed by technical evidence, masterplanning work and comments received through formal and informal public engagement activities. However, like the Section 1 Local Plan, this Plan is the subject of a formal legal process of public consultation, decisions from locally elected Councillors, and an examination by an independent Planning Inspector once it is submitted to the Secretary of State.

There is also now a legal requirement that the **Plan** for the Garden Community will need to be reviewed every five years, to ensure it is kept up to date and responds, as necessary, to any changes in the economy or the environment, or actual changes on the ground, as well as complying with any new government policies.

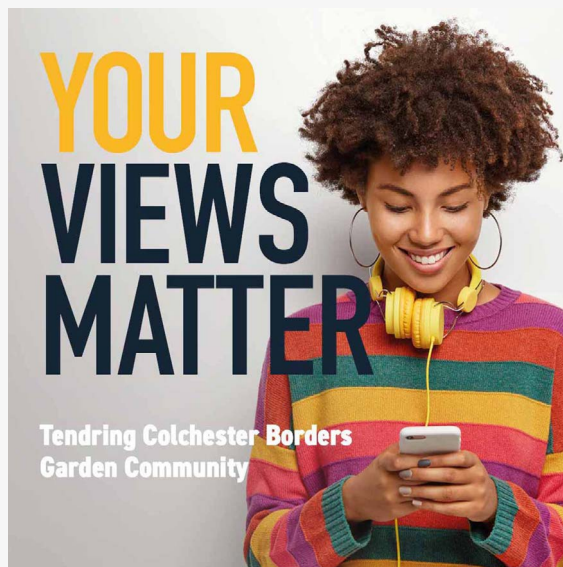
Policy SP8 of the Section 1 Local Plan explains that this **Plan** must set out how the new Garden Community will be designed, developed, and delivered in phases, in accordance with a detailed set of principles. The Garden Community will be holistically and comprehensively planned with a distinct identity that responds directly to its context and is of sufficient scale to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. It will be comprehensively planned from the outset, phased to achieve the whole development in a coordinated manner, and will be underpinned by a broad package of infrastructure.

Policy SP9 of the Section 1 Local Plan includes principles and requirements for the design, development, and delivery of the Garden Community under the themes of; Place-Making and Design Quality, Housing, Employment and Jobs, Transportation and Community Infrastructure. Relevant requirements from the Section 1 Local Plan are included in each of the themed chapters of this **Plan**.

In addition to the Section 1 Local Plan, TDC and CCC each have their own Section 2 Local Plans, which contain policies and allocations that apply to any land or properties outside of the Garden Community. There is also a Neighbourhood Plan for Wivenhoe and Neighbourhood Plans are being prepared for Ardleigh and Elmstead, but they will only apply to land and property outside of the Garden Community. TDC adopted its Section 2 Local Plan in January 2022 and CCC adopted its Section 2 Local Plan in July 2022. Requirements from relevant development management policies from the TDC and CCC Section 2 Plans have been included in this **Plan**. Therefore, proposals for the Garden Community will need to comply with all policies set out in this **Plan**, which replaces all policies set out in both the TDC and CCC Section 2 Local Plans.

The Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan also apply to the Garden Community and plan policies will be applied where relevant.

Engagement



The Councils' first step in the Draft Plan making process was the publication of a [Community and Stakeholder Engagement Report](#) in December 2020. The strategy outlined the approach the Councils would take to engage and communicate with various audiences, to help produce both the content of the **2022 Draft Plan and this 2023 Submission Version of the Plan**. The strategy pointed out the different 'engagement' and 'consultation' activities that the Councils would carry out.

A dedicated [website](#) was established to provide a central source of information on the Garden Community and an [engagement website](#) was established, providing information and different tools to engage people and gather ideas.

All of the formal and informal engagement feedback has been carefully considered by the Councils. Following the informal engagement activity, two reports were published summarising the feedback received.

One [report](#) was prepared by the Councils and summarises the Council led informal engagement activity that took place between February – October 2021. The report looks at the feedback received via the various engagement opportunities that were made available to the community and stakeholders.

The other [report](#) was produced by [Traverse](#) and [Community Regen](#) who were commissioned to design and facilitate an engagement program over the summer and autumn of 2021, in close collaboration with masterplanners [Prior + Partners](#), as part of their visioning work and for the preparation of the masterplan layout options.

Following the statutory **Draft Plan** consultation in the spring of 2022 ('Regulation 18'), a Consultation Statement has been produced summarising the representations (comments) received and the Councils responses, and documents the consultation activity undertaken.

What does this Submission Version Plan contain?

With the principle of a Garden Community already agreed, this Submission Version Plan contains more detail about the development and the specific requirements that developers will be expected to follow, when applying for planning permission and carrying out the development.

The **Plan** policies have been prepared to get the best possible design and placemaking. This is a once in a lifetime opportunity to create a place for people to live, work and play in a better way.

The structure of this **Plan** follows some overarching 'themes' which emerged from the main requirements for the Garden Community set out in the Section 1 Local Plan, the [National Model Design Code](#), the main topics of interest raised and discussed during public engagement activities, and wider evidence gathering. The chapter themes are listed below.

Chapter 2: Vision

Chapter 2 sets out a vision for what it is hoped the Garden Community will be like in the future - informed by the discussions with residents, stakeholders and other interested parties through the various engagement activities that took place. From the vision, a set of specific principles and objectives have been identified – to which all the policy requirements, and guidance in this **Plan** will help to achieve.

Chapter 3: Land Uses and Spatial Approach

Chapter 3 confirms the boundary of the Garden Community, includes a 'Policies Map', and explains how planning applications for development of the Garden Community will be expected to come forward.

The big decisions about what land will be included in the Garden Community; how the development will broadly be laid out; which areas will be allocated to housing, employment, open space or other uses or infrastructure; and which areas will be protected from development, are set out in the Policies Map.

The Policies Map has been informed by an evidence base supported by technical analysis, survey work and the comments of local people, stakeholders, and other interested parties as part of public engagement and formal consultation activities.

Chapter 4: Nature

Chapter 4 sets out the Councils' expectations and its policy on nature within the Garden Community – including the protection and creation of open spaces and green and blue infrastructure; the planting of trees; tree-lined streets; the creation of wildlife habitats; the protection and enhancement of woodland, historic lanes and other important landscape, heritage, and biodiversity assets.

Chapter 5: Buildings, Place and Character

Chapter 5 contains the policy expectations for creating unique and distinctive places, buildings and neighbourhoods whilst respecting the character of nearby towns, villages, and heritage assets.

Chapter 6: Economic Activity and Employment

Chapter 6 sets out the details around the use of employment land; the promotion of economic growth and developing skills; as well as the creation of a variety of job opportunities across different sectors, including research and development, on-site construction and the service sector industries; and measures for embracing self-employment and home working.

Chapter 7: Community and Social Infrastructure

Chapter 7 contains the Councils' expectations and policy on ensuring the Garden Community is served by community services and facilities of the right type in the right location, including schools and sports facilities; as well as access to health services, including acute care and emergency services, and how the development will incorporate measures to encourage inclusive, healthy, and happy lifestyles.

Chapter 8: Movement and Connections

Chapter 8 sets out policy and the expectations around the focus on active travel and the creation of 'walkable neighbourhoods' in the Garden Community where walking, cycling and rapid public transport facilities are prioritised, convenient and available to all as the preferred means of travel. It also sets out requirements for car parking for residents, workers, and visitors with the aim of embracing advancements in electric vehicle technology.

Chapter 9: Sustainable Infrastructure

Chapter 9 sets out the Councils' aspirations and expectations for creating a Garden Community fit for the future and incorporates measures aimed at tackling climate change, minimising carbon emissions and climate change adaptation.

Chapter 10: Infrastructure Delivery, Impact Mitigation and Monitoring

The final Chapter sets out the mechanisms for securing developer contributions towards infrastructure and social and community services, including contributions towards the A120-A133 Link Road and Rapid Transit System. Chapter 10 also sets out a draft framework of 'indicators' that the Councils will use as measures to periodically monitor the progress and success of the Garden Community and to determine whether any changes in approach are required when this **Plan** is reviewed.

Each of the themed chapters outlined above includes a summary of the Section 1 Local Plan requirements, the principles for the theme, the policy, justification, a summary of alternative approaches considered, and information on how to comment on the Submission Version **Plan** consultation.

Sustainability Appraisal

The policies in this **Plan** have been assessed against a series of 'sustainability objectives' as part of a 'Sustainability Appraisal'. The 'Sustainability Appraisal' is a legal requirement of the planning system which has helped the Councils to ensure that the social, economic and environmental impacts of the policies it has chosen have been identified and properly considered, and that the most appropriate strategy and policies have been chosen, when considered against reasonable alternatives.

The 'Sustainability Appraisal' concluded that taken as a whole, the **Plan** sets out a positive plan for the achievement of the Garden Community. The policies of the **Plan** set a high standard which development will be required to meet, and it is considered consistent with the principles of sustainable development. This **Plan** contains references to the 'Sustainability Appraisal' and any alternative approaches that were considered through the plan making process.

How can I comment on this Submission Version Plan?

This **Plan** has been published for a period of six weeks for public consultation from **xx** 2023.

The **Plan** has been published on the Tendring Colchester Borders (TCB) [Engagement website](#), with hyperlinks from the Council's websites, along with instructions on how to comment. Information has been presented online to enable people to view a high-level summary, and the whole Submission Version **Plan**. Hard copies of the **Plan** will be made available to view at Colchester Town Hall, Tendring District Council Offices, Wivenhoe library, Greenstead library, Colchester library, and all libraries in the Tendring district.

Please note that in this consultation, it is recommended that comments be focused on whether the **Plan** is sound and legally compliant, There have been previous opportunities for more general comments and feedback on the **Plan** which have been considered by the Councils. Many of these were taken forward, however due to the need to comply with national policy, some could not be. This consultation is for you to formally tell the government-appointed Planning Inspector, whether with the changes, you consider the Councils have prepared a sound and legally compliant **Plan**.

[Link to Reg.19 video explainer](#)

If you commented on the **Draft Plan** in 2022, your representations will still be submitted to the Planning Inspector. **Please do not re-submit your comments from the last consultation.** Instead, submit your comments on the changes which have subsequently been made. The government-appointed Planning Inspector will have access to all the comments from the 2022 consultation as well as reports highlighting the main issues raised in both consultations.

To comment and to find out more, please visit the Tendring Colchester Borders (TCB) [Engagement website](#). You can email your comments on the Plan to the addresses below, but we recommend you read the guidance on the engagement website first:

tcbgardencommunity@colchester.gov.uk or
planning.policy@tendringdc.gov.uk

You can also send a letter to the following freepost address:

Freepost TCB GC.

**Any emails or letters must be received by 5pm on xx xxx 2023.
Late submissions will not be accepted.**

What happens next?

Once the consultation closes the Councils will submit this Submission Version **Plan**, all the comments received from the consultation, any recommended changes, and the evidence base, to the Secretary of State. An independent, government-appointed Planning Inspector will then scrutinise the Plan via an 'Examination in Public' before making decisions on whether the **Plan** is legally compliant, sound and can be adopted by the Councils.

WHAT'S NEXT?

Indicative timeline.



TENDRING COLCHESTER BORDERS GARDEN COMMUNITY



Chapter 2: Vision

The Vision for the Future of the Garden Community

The Garden Community provides a once in a lifetime opportunity to create a place to live, work and play in a better way. It is an opportunity to create a brand-new community in a comprehensively planned way from the start, and the opportunity to embrace and deliver the very best in placemaking for the future. Its development is underpinned by a positive vision for the future which has been developed through engagement with residents, stakeholders, businesses, partners, and other interested parties.

The Strategic Vision includes the following Mission Statement for the Garden Community:

Tendring Colchester Borders Garden Community aspires to become an exemplar and forward-thinking new community in its own right, while resulting in clear benefits to its surrounding area. The new Garden Community will enable its residents to live healthy, happy, green, sustainable, connected and thriving lifestyles. This is a once in a lifetime opportunity to create a place to live, work and play in a better way.

The Vision for each of the five themes is set out at the start of Chapters 4-9 of this document. Each theme establishes purpose and identity and articulates a top-level description of the kind of place the Garden Community could become. The vision for each theme is supported by Strategic Principles and Objectives.

The Strategic Principles describe the outcomes that will be achieved at completion.

The Objectives set out in more detail how the strategic principles will be achieved.

They address both spatial and non-spatial implications and have been the core guiding elements within the 'Strategic Masterplan' process. The Principles are included in the theme chapters and the Objectives are included in Appendix 1.

Garden City Principles

The Tendring Colchester Borders Garden Community will meet the Garden City Principles, set out by Town and Country Planning Association (TCPA). These include:

- Land value capture for the benefit of the community
- Strong vision, leadership and community engagement
- Community ownership of land and long-term stewardship of assets
- Mixed-tenure homes and housing types that are genuinely affordable
- A wide range of local jobs within easy commuting distance of homes

- Beautifully and imaginatively-designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience
- Strong cultural, recreational and shopping facilities in walkable, vibrant and sociable neighbourhoods
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport

NATURE

The outdoor natural environment of the Garden Community will be its biggest asset. It will comprise green infrastructure where neighbours will spend time, play, interact and grow. It will provide a natural support system for both people and wildlife.

BUILDINGS, PLACES AND CHARACTER

The Garden Community will provide the right jobs, homes and spaces for all aspects of life. It will create thriving distinctive places for a range of activities and employment opportunities. It will be memorable for its landscape and architecture and will be widely recognisable of its place in North Essex.

ECONOMIC ACTIVITY AND EMPLOYMENT

The Garden Community will provide and promote opportunities for employment within the new community, within sustainable commuting distance and will facilitate a vibrant, thriving local economy with the latest digital infrastructure.

COMMUNITY AND SOCIAL INFRASTRUCTURE

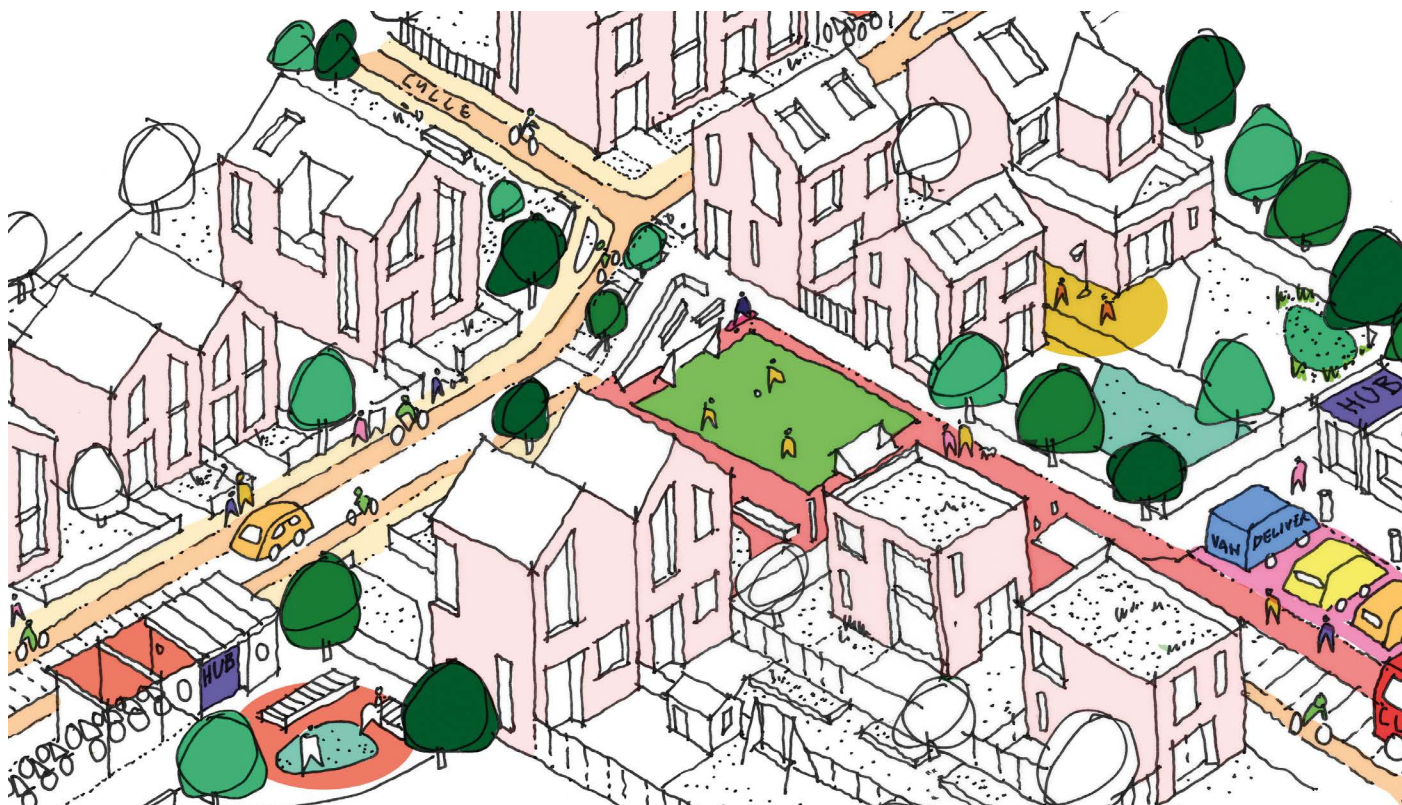
The Garden Community will be known for its healthy and happy community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport and leisure facilities. It will establish long term and participative stewardship of infrastructure from the outset.

MOVEMENT AND CONNECTIONS

The Garden Community will be structured around a dense network of traffic-free walk and cycle routes with rapid public transit prioritised and supported by a range of innovative mobility measures. This will ensure day to day trips are shorter, quicker and cheaper without a car.

SUSTAINABLE INFRASTRUCTURE

The Garden Community will make living sustainably easy for its residents. Green infrastructure and building solutions will be integrated from the outset and follow best practice standards.



Chapter 3: Land Uses and Spatial Approach

This chapter sets out what land will be included in the Garden Community, how the development will be laid out, which areas will be allocated to housing, employment, open space or other uses or infrastructure, and which areas will be protected from development.

The approach has been informed by a thorough strategic masterplanning process, which has been supported by an appropriate evidence base with proportionate technical evidence, survey work and the comments of local people, stakeholders, and other interested parties as part of public engagement and formal consultation activities.

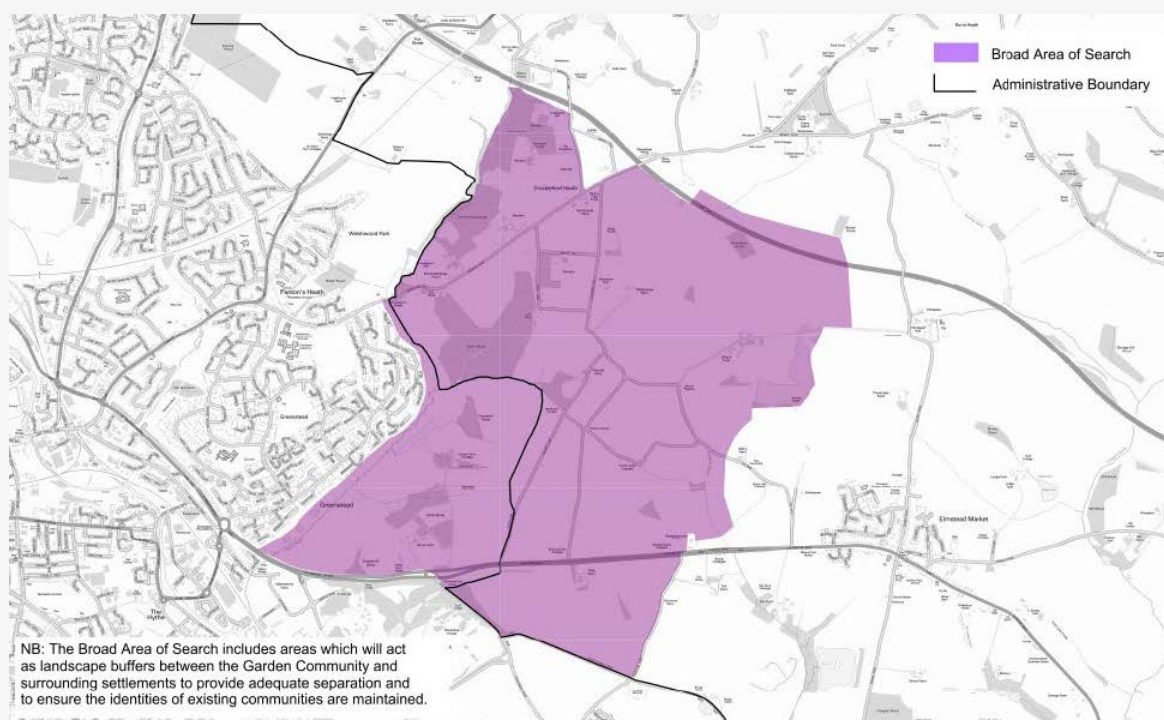
As well as explaining, in broad strategic terms, how different parts of the Garden Community are expected to be developed and protected, GC Policy 1 also sets out how this **Plan** will be followed by additional future masterplanning and design guidance, for both the whole of the Garden Community area and the neighbourhoods within it, and how these will be adhered to when considering detailed proposals and specific planning applications.

GC Policy 1 is supported by a 'Policies Map' which can be found at the end of the policy and at Appendix 2. Appendix 3 includes illustrative masterplan maps taken from the Strategic Masterplan

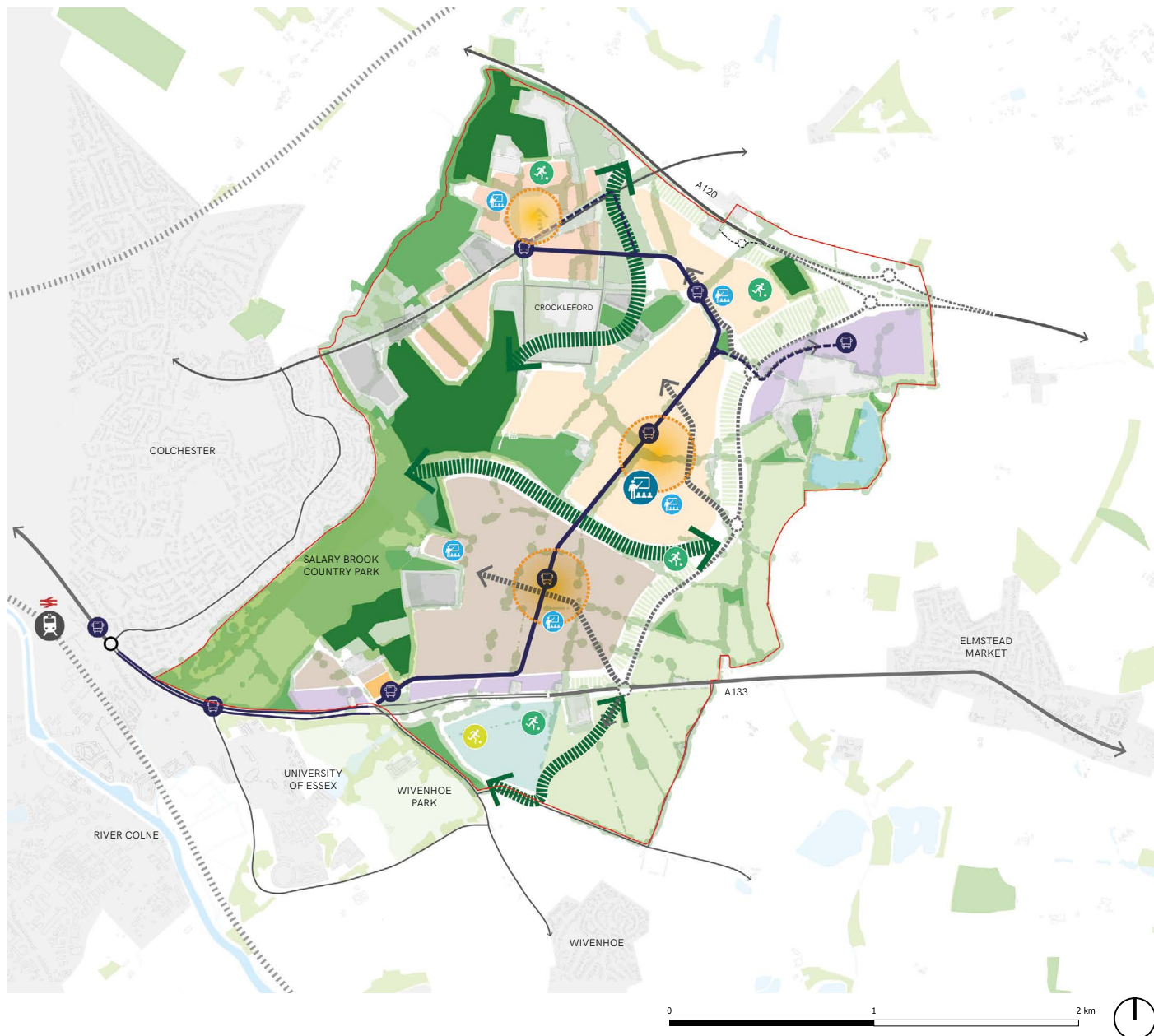
Broad Area of Search

The map below is the 'Area of Search' for the Garden Community, as specified in the Section 1 Local Plan. **This map is not the Policies Map** however it shows the broad area of land identified by the Councils where it is envisaged most of the Garden Community will be located.

FIG. 1 BROAD AREA OF SEARCH



STRATEGIC ILLUSTRATIVE FRAMEWORK MASTERPLAN



KEY

- | | | |
|-------------------------|--|---------------------------|
| Area of Search of TCBGC | Attenuation Ponds | Central Neighbourhood |
| District Boundary | Existing Roads | Crockleford neighbourhood |
| Ancient Woodlands | Green links | Employment uses |
| Woodlands | Indicative Rapid Transit Route/halt | Sports and Leisure Park |
| Country Park | Indicative Peak/additional Rapid Transit Route | Primary Schools |
| Amenity Green Space | Main vehicular entrance points | Secondary Schools |
| Strategic Green Gaps | Proposed Neighbourhood centres | Sports Hubs |
| Water Course | Southern Neighbourhood | University Sports |

*The location of specific land uses, facilities and activities are illustrative and subject to further masterplanning.

GC POLICY 1: LAND USES AND SPATIAL APPROACH

Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, GC Policy 1 sets out the key land uses and spatial parameters within which the Garden Community is expected to be built. It also sets out the Councils' expectations for the information that will need to be submitted and approved ahead of the determination of any outline or detailed planning applications for development of the Garden Community. This will enable the Councils to ensure that development will achieve a comprehensive approach that delivers garden community principles and the Councils' high expectations for design and quality as set out in this **Plan**.

Proposals will be designed to ensure that the new Garden Community will develop as an inclusive, safe, and healthy community. They will represent sustainable developments that manage natural and heritage assets wisely for future generations and existing communities. The new Garden Community will make the fullest possible contribution to minimising greenhouse gas emissions by ensuring resource efficiency, minimisation of waste, reduction in embodied carbon, the prioritisation of renewable energy and through maximizing sustainable and active modes of travel. Proposals will mitigate against and improve resilience to the effects of climate change and contribute positively to the health, wellbeing and resilience of communities and the natural environment.

Part A: Land Use Parameters and Policies Map

Development will be confined to land within the Garden Community location as identified in the Section 1 Local Plan and will adhere to the 'Land Use Parameters', as shown on the 'Policies Map'. Land within the identified Garden Community location is specifically allocated or protected for the following uses:

- Delivery of circa 7,500 new homes with a range of shops, jobs, services and community facilities, including education (see Part B below).
- A new 'Salary Brook Country Park' incorporating land and woodland at and around the Salary Brook Local Nature Reserve (see Part C below).
- A 'Wivenhoe Strategic Green Gap' incorporating land north of Brightlingsea Road and west of Elmstead Road (see Part D below).

- An 'Elmstead Strategic Green Gap' east of the new A120-A133 Link Road (see Part E below).
- A Sports and Leisure Park to serve the local community and for the expansion of sports facilities for the University of Essex (see Part F below).
- Approximately 25 hectares of employment land in form of a new Business Park and a 'Knowledge-Based Employment' site (see Parts G and H below).
- Provision for the Rapid Transit System.
- A Gypsy and Traveller Site (see Part I below).
- A 'Park and Choose' facility (see Part J below).

Proposals for development must comply with the 'Policies Map' and meet the specific requirements of policies elsewhere in this Plan and in the adopted Section 1 Local Plan.

Any proposal for land within or nearby the Garden Community location that would prejudice the comprehensive development of the Garden Community, as envisaged by the 'Policies Map', the Councils 'Strategic Masterplan', the policies in this Plan or any subsequently approved Masterplans and Design Codes, will not be supported by the Councils.

Part B: The Garden Community Neighbourhoods

The Garden Community Neighbourhoods, extending from the A133 to the A120, will be the principal focus of new development and will deliver three distinct, but interconnected 'Neighbourhoods' containing circa 7,500 new homes of varying size, type, tenure and densities.

'South and North Neighbourhoods'

Broad locations for two distinct but interlinked Neighbourhoods, referred to as the 'South and North Neighbourhoods' are shown on the Policies Map. The 'North and South Neighbourhoods' between them will accommodate around 6,000-6,500 new homes. Development within and across the two 'Neighbourhoods' will be phased to ensure housing development is aligned with infrastructure delivery, with an expectation that the early phases of development will begin in the 'South Neighbourhood'.

Each 'Neighbourhood' will adopt appropriate approaches to architecture, design, character, density and public open space to achieve a distinctive sense of place that will appeal to a variety of needs and lifestyles. The approaches to development will also reflect the varying levels of physical and environmental opportunities and constraints across the site, as well as proximity to existing communities, key features and assets – such as green spaces, woodland, heritage assets, the University of Essex, new and existing roads, lanes and walking and cycling connections.

Residents within the 'South and North Neighbourhoods' will have high accessibility to local services and facilities. To facilitate the use of walking, cycling and public transport as the preferred alternatives to the private car, each neighbourhood will develop around a 'Neighbourhood Centre' containing shops, services, and community facilities, and where appropriate employment land and job opportunities. The centres will be connected to the neighbourhoods by coherent, direct, safe, and attractive walking and cycling routes designed around the 20-minute neighbourhood principles. Land and property will be provided in the form of 'hubs' within, around and along a corridor of activity between both 'Neighbourhood Centres' to provide for a flexible range of local business needs alongside service sector jobs provided by new schools, nurseries, shops and community facilities.

The provision of student accommodation will be encouraged in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community.

The new Rapid Transit System will connect the 'South and North Neighbourhoods' as part of a wider network, providing fast and reliable connectivity between them and key areas of employment both within the site and in surrounding areas, such as the University of Essex, the City of Colchester, Colchester General Hospital, and Colchester Sports Park.

The 'South and North Neighbourhoods' will each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes. The Councils will work with the University of Essex and other partners, as appropriate, to deliver the key infrastructure (health, education, and other community uses) necessary to serve the early phases of development. Such infrastructure will be delivered either on a permanent basis, or on an interim basis if it is required ahead of the establishment of the first of the 'Neighbourhood Centres'.

'Crockleford Neighbourhood'

The 'Crockleford Neighbourhood' will be developed as an individual community that is physically separated from, but connected by walking, cycling and other sustainable transport modes to the 'South and North Neighbourhoods' and the City of Colchester. The 'Crockleford Neighbourhood' will grow to accommodate around 1,000-1,500 new homes, with its phasing linked to the provision of its own proportionate 'Neighbourhood Centre', associated infrastructure, and sustainable connections to the 'South and North Neighbourhoods'. Accessibility to services and facilities, utilities infrastructure and the Rapid Transit System will be key to determining the phasing of development in the 'Crockleford Neighbourhood'.

The 'Crockleford Neighbourhood' will develop its own character in an incremental and sequenced manner over the longer-term in line with its own specific Masterplan and Design Code. This will protect and respect the character formed by its heritage assets and their settings, its distinctive network of green lanes, small fields and land parcels. The 'Crockleford Heath Area of Special Character' is shown on the 'Policies Map and reflects the core concentration of buildings, spaces and other features requiring specific consideration as part of any wider proposals for development. Within the 'Crockleford Heath Area of Special Character' development must preserve or enhance the intrinsic character of the area, whilst within the wider setting/environs of Crockleford Heath, development should respect/respond positively to the existing landscape structure.

The approach to residential development will need to involve the sequenced servicing and release of individual parcels of land which could include plots for self-build and custom-built homes, with a mechanism to be agreed for the Councils to secure financial contributions from each home towards the delivery of infrastructure and affordable housing.

Part C: Salary Brook Country Park

Land and woodland around and including the Salary Brook Local Nature Reserve is designated as a new Country Park that will be promoted and managed for that purpose. The 'Salary Brook Country Park' will be protected and enhanced as an important corridor for wildlife conservation, informal recreation, and education, and will connect to the wider network of green and blue infrastructure and walking/cycling routes serving the Garden Community and its 'Neighbourhoods'. This designation will provide protection to this area of countryside and will maintain the long-term physical and visual separation to the adjacent City of Colchester.

The section of the new 'Salary Brook Country Park' between the A133 and Bromley Road shown on the 'Policies Map' will be brought forward alongside the earliest phases of development within the Garden Community with further northward extension being secured longer-term alongside development of the 'Crockleford Neighbourhood'.

Part D: Wivenhoe Strategic Green Gap

Land north of Brightlingsea Road and west of Elmstead Road, connecting Wivenhoe Park and the University of Essex, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the south of the Garden Community; maintain the long-term physical and visual separation to Wivenhoe and continue the coalescent break established within the Wivenhoe Neighbourhood Plan. The 'Wivenhoe Strategic Green Gap' will comprise of a strong landscaped edge, protecting the character of the surrounding landscape and creating new enhanced habitats for a range of biodiversity. It will connect to the wider network of multifunctional green and blue infrastructure and walking/cycling routes serving the Garden Community and its 'Neighbourhoods'.

Development will only be supported where its role and function would not be materially harmed; it represents the provision of appropriate development for a countryside location; or is for facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, renewable energy, cemeteries and burial grounds or allotments.

Part E: Elmstead Strategic Green Gap

Land east of the new A120-A133 Link Road and the new 'Business Park' south of the A120, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the east of the Garden Community; maintain the long-term physical and visual separation to Elmstead Market, and to assist in protecting the setting of the heritage assets of the Church of St. Anne and St. Lawrence, Elmstead Hall, Allens Farmhouse and the Round Burrow.

Development will only be supported where its role and function would not be materially harmed; it represents the provision of appropriate development for a countryside location; or is for facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, local low carbon energy generation, cemeteries and burial grounds or allotments.

Part F: Sports and Leisure Park and University of Essex Expansion

Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' for new a 'Sports and Leisure Park'. This will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University.

The 'Sports and Leisure Park' will comprise of a strong landscaped edge to the south, adjacent to the 'Wivenhoe Strategic Green Gap', protecting the character of the surrounding landscape and to creating new habitats for a range of biodiversity. It will connect to the wider network of multifunctional green and blue infrastructure and will provide walking/cycling routes serving the Garden Community and its 'Neighbourhoods'.

Part G: Knowledge-Based Employment Land

Approximately 8 hectares of land north of the A133, opposite Wivenhoe Park and the University of Essex, is allocated on the 'Policies Map' for knowledge-based employment purposes to maximise the benefits arising from close proximity to the University of Essex and the developing Knowledge Gateway. This would be attractive to securing business investment whilst encouraging the provision of sustainable travel trips via walking and cycling routes either directly across the A133, or via the 'Salary Brook Country Park'. Development will be designed and landscaped to make an efficient use of the land available and to ensure an appropriate transition between built development and the open countryside – particularly towards the 'Salary Brook Country Park'.

Part H: A120 Business Park

Approximately 17 hectares of land immediately south of the A120 and east of the new A120-A133 Link Road, is allocated on the 'Policies Map' for a new 'Business Park'. This would be principally used for general employment, business and industrial purposes providing a range of unit types and sizes for different occupiers. The business park will be accessed via the new A120-A133 Link Road and will be connected to the Rapid Transit System.

The 'Business Park' will be designed and landscaped in a manner that ensures an appropriate transition between built development and the open countryside forming part of the 'Elmstead Strategic Green Gap'. Development will be required to respect the setting of the heritage assets of the Church of St. Anne and St. Lawrence, Elmstead Hall and Allens Farmhouse.

Part I: Provision for Gypsies and Travellers

A new site for the accommodation of Gypsies and Travellers will be delivered within the 'North Neighbourhood' to the south of the A120 and west of the new A120-A133 Link Road. A broad location is identified on the 'Policies Map'. The site will accommodate 18 pitches which will count equally (nine pitches respectively) towards Tendring and Colchester Councils' projected need for such accommodation and will form an integral part of the wider Garden Community. The location and size of the site will be informed by the 'Strategic Masterplan' and subsequent Masterplans prepared by the developer, and shall be detailed as part of a relevant planning application.

The Gypsy and Traveller site will come forward in response to need.

Part J: A133 Park and Choose Facility

One new 'Park and Choose Facility' will be developed on land adjacent to the A133 in one of the two the broad locations shown on the 'Policies Map'. This facility will provide the opportunity for visitors by car to access the walking, cycling and Rapid Transit System networks that connect to the Garden Community, the City of Colchester, and the wider area. It will be located where the Rapid Transport System route intersects with the A133 and within close proximity to the new 'Knowledge-Based Employment Land'. The location and size of the facility will be informed by the 'Strategic Masterplan' and subsequent Masterplans prepared by the developer, and shall be detailed as part of a relevant planning application.

The 'Park and Choose Facility' will be delivered and brought forward alongside early phases of development to coincide with the first operation of the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.

Part K: Planning Application Requirements

A comprehensive approach to development must be developed that meets with the Councils' high expectations for design and quality, and the key principles that underpin the development of Garden Communities.

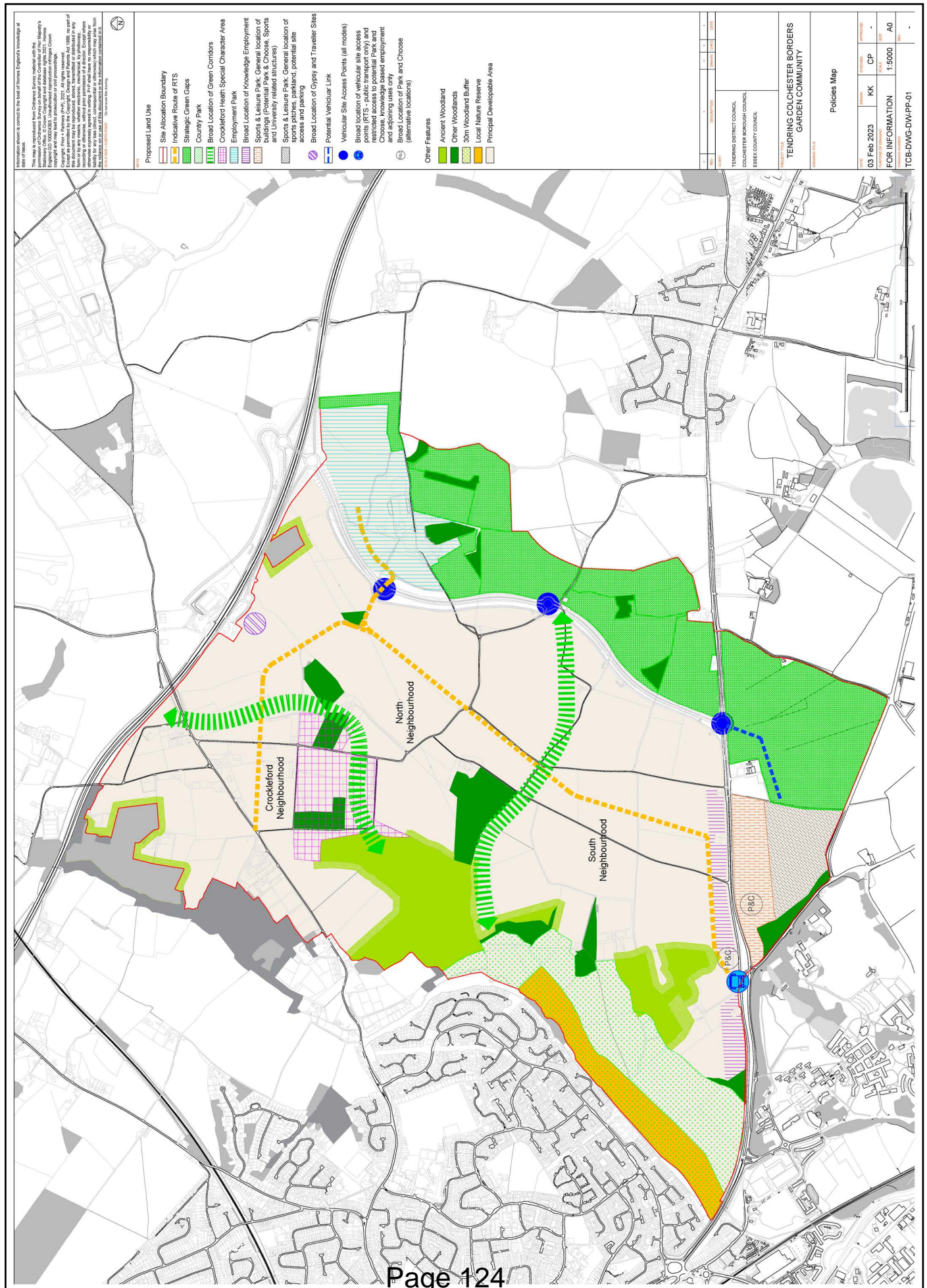
A comprehensive site wide Garden Community Masterplan, detailed Area Specific Masterplans and Design Codes for relevant phases of development should be prepared by the developers through a collaborative process with the Councils and key stakeholders and which should have regard to the Councils 'Strategic Masterplan'.

These will be informed by use of design review and assessment frameworks such as the National Design Guide, National Model Design Code, Building for a Healthy Life and Building with Nature, or similar. These should be approved alongside and/or prior to the determination of relevant planning applications, as appropriate.

Planning applications will be determined considering the policies and proposals within this **Plan**. For planning applications to be considered valid, a range of information must be submitted including plans and/or supporting documents. The Councils local validation lists are available on their websites and clarifies what information is required. This will vary for different types and scales of application being made and will be reviewed as necessary to take account of statutory changes or Government guidance.

Each individual policy of this **Plan** specifies required supporting documents that must be submitted either prior to or in support of planning applications. A full list of these documents can be found at Appendix 4.

FIG. 2 POLICIES MAP



Justification

The chosen strategy for development at the Garden Community confines the majority of development to land south of the A120, north of the A133, west of the new A120-A133 Link Road and east of a new country park (Part C) to be designated around Salary Brook Local Nature Reserve. In addition, selected land around the area of Crockleford Heath has been specifically identified as an Area of Special Character, where development must preserve or enhance its intrinsic character.

Land is designated and shown on the 'Policies Map' as Strategic Green Gaps. Land within the Strategic Green Gaps will be protected from most forms of built development to ensure the Garden Community does not extend or sprawl into locations where it could eventually merge or coalesce with Wivenhoe or Elmstead Market – one of the main concerns raised by local people throughout the public engagement activities. Additional open space is proposed adjacent to Salary Brook Local Nature Reserve to strengthen this area as a buffer to the Colchester urban area encompassing the steep adjoining slopes of the brook as well as nearby woodland. This designation will also prevent coalescence in the Greenstead and Longridge areas.

The evidence has developed to show that the residential capacity of the site is towards the lower end of the 7,000 to 9,000 range set out in the Section 1 Local Plan. This is given the physical constraints of the site with boundaries defined by the Strategic Green Gaps and both the existing and proposed roads. The total number of new homes expected at the Garden Community has therefore been refined to circa 7,500.

The new homes will be delivered across three distinct but interconnected 'Neighbourhoods' (Part B) in the south, north and Crockleford parts of the site, each with associated facilities and infrastructure. Broad locations for these neighbourhoods are shown on the Policies Map. Each neighbourhood will adopt its own approach to architecture, design, character, development density and public space to achieve a distinctive 'sense of place' for each area, that will appeal to a variety of needs and lifestyles. The number of homes and density of housing development will vary both within and across the neighbourhoods, with a general expectation that the overall average density of development will be higher in the southern neighbourhood to reflect its proximity to the University of Essex, and the opportunity for early connection to the Rapid Transit System; and lower in the northern neighbourhoods, further from the University, and which reflects the more sensitive nature of the landscape and existing communities further north particularly around Crockleford Heath.

Each neighbourhood will be served by at least one 'Neighbourhood Centre' and will be focused around high accessibility to the Rapid Transit System. Each neighbourhood will contain a range of employment land and job opportunities, shops, services, and community facilities, including green-blue infrastructure, which will be located within close walking and cycling distance of the new homes, designed to help reduce people's reliance on private cars.



The Garden Community will be planned and developed on the concept of a "20-minute neighbourhood", and this **Plan** involves a range of interrelated policy actions that seeks to provide residents access to most of their daily needs within a short walk or cycle ride from their home. To help achieve this, higher density development will be focused around each centre. The 20-minute neighbourhood principle makes life more livable for residents, by improving air quality and making neighbourhoods safer, quieter, more diverse, inclusive, and economically vibrant.

Another way of minimising the reliance on private car use is to promote and prioritise sustainable travel choices such as walking, cycling and use of public transport, including the new Rapid Transit System, by making them as convenient as possible, whilst still accommodating the practical needs of private car users and users of commercial vehicles. To help achieve this, as well as providing services and facilities within walking and cycling distance of new homes, connectivity through and between the three neighbourhoods will be primarily limited to walking, cycling and public transport, including the Rapid Transit System. The neighbourhoods will be accessible by private

car and commercial vehicles with appropriate levels of parking and electric charging facilities provided, however, access will be from separate junctions on the new A120-A133 Link Road with no direct vehicle access between the neighbourhoods, with the exception of emergency vehicles and public transport. This approach will help to promote and prioritise sustainable transport choices and reduce the possibility of 'rat-running' through the Garden Community.

A new 'Park and Choose' facility (Part J) would be provided for the Garden Community to enable visitors by car to access more sustainable transport choices such as walking, cycling and the Rapid Transit System, which can also provide access to key areas of employment and services within Colchester. This will be located at a location adjacent to the A133 where the Rapid Transport System route intersects with important transport corridors and the two principal areas of employment uses.

The approach taken to delivering employment and knowledge based employment at the Garden Community is designed to deliver a range of job and training opportunities across different sectors, which could include general business and light industrial activity, to research and development, construction, and services. Two principal areas of employment land have been allocated. One will be located immediately south of the A120 and east of the new A120-A133 Link Road (Part H) primarily to serve the needs of general business and industry (which could include manufacturing of green technologies and modular components to assist in construction of the new homes and buildings at the Garden Community). The second would be located on land north of the A133 adjacent to the University of Essex and Knowledge Gateway (Part G). Suitable early years and childcare facilities, and primary and secondary schools will also be provided.

The Councils support the University of Essex in its future plans to expand services, increase student intake and provide business, research and development space and sports facilities, and will support appropriate proposals that will help to achieve this both within and beyond the plan period. The development of a new 'Sports and Leisure Park' will enable the wider expansion of the University of Essex to the benefit of the local economy. The Councils and Developers will work with the University of Essex to make maximum use of land and property on the existing campus for the expansion of its academic facilities and to increase the supply of student accommodation both within the Garden Community 'Neighbourhoods' and elsewhere throughout the City of Colchester where there are good connections to the Rapid Transit System.



Land and property will be provided in the form of 'hubs' within and around the 'Neighbourhood Centres' to provide for a flexible range of local business needs alongside service sector jobs provided by new schools, shops and community facilities. New homes and business premises will also be designed and served by the necessary digital infrastructure to accommodate and promote home working and self-employment.

At this early stage of planning for the Garden Community, it is not possible, nor sensible, for this **Plan** to contain full or precise details of design, layout and appearance of the new buildings and spaces that will be delivered. Instead, this **Plan** provides the overarching strategy and policies that will provide direction for more detailed Masterplans, Design Codes and, ultimately, planning applications to follow.



Chapter 4: Nature

The outdoor natural environment of the garden community will be its biggest asset. It will comprise green infrastructure where neighbours will spend time, play, interact and grow. It will provide a natural support system for both people and wildlife.

This chapter sets out the policy expectations in relation to nature and green-blue infrastructure. The natural environment of the Garden Community will be its greatest asset. Nature will be placed at the heart of the development to contribute towards nature's recovery, to realise the wellbeing and economic benefits to individuals, and to deliver nature-based solutions. A well-connected, multifunctional green-blue infrastructure network will help to create a community where neighbours can interact, live active lifestyles and where nature can thrive.

Section 1 Local Plan

Under the theme of Nature, the main requirements covered in this **Plan**, as set out in the policies of the adopted Section 1 Local Plan, include:

- Create distinctive environments which are based on comprehensive assessments of the surrounding environment and that celebrate natural and historic environments and systems, utilise a multi-functional green-grid to create significant networks of new green infrastructure including a new country park at the garden community, provide a high degree of connectivity to existing corridors and networks, and enhance biodiversity.
- Natural measures to avoid, protect and/or enhance wildlife areas within and surrounding the site such as Bullock Wood Site of Special Scientific Interest (SSSI), Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI, Upper Colne Marshes SSSI and habitats sites of international importance.
- Measures to incorporate biodiversity creation and enhancement measures.
- A network of multi-functional green (and blue) infrastructure incorporating key elements of the existing green assets within the site and also including new community parks, allotments, a new country park and the provision of sports areas and play areas with associated facilities.
- Provision of water and wastewater mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions.



Principles

A PLACE SHAPED BY NATURE AND LANDSCAPE

The Garden Community will incorporate important existing landscape features and provide a high degree of connectivity to existing green corridors and networks. Alongside a new Country Park provided along the Salary Brook Corridor it will also deliver a variety of new spaces - parks, fields, wild spaces, communal spaces, private places, secret spaces.

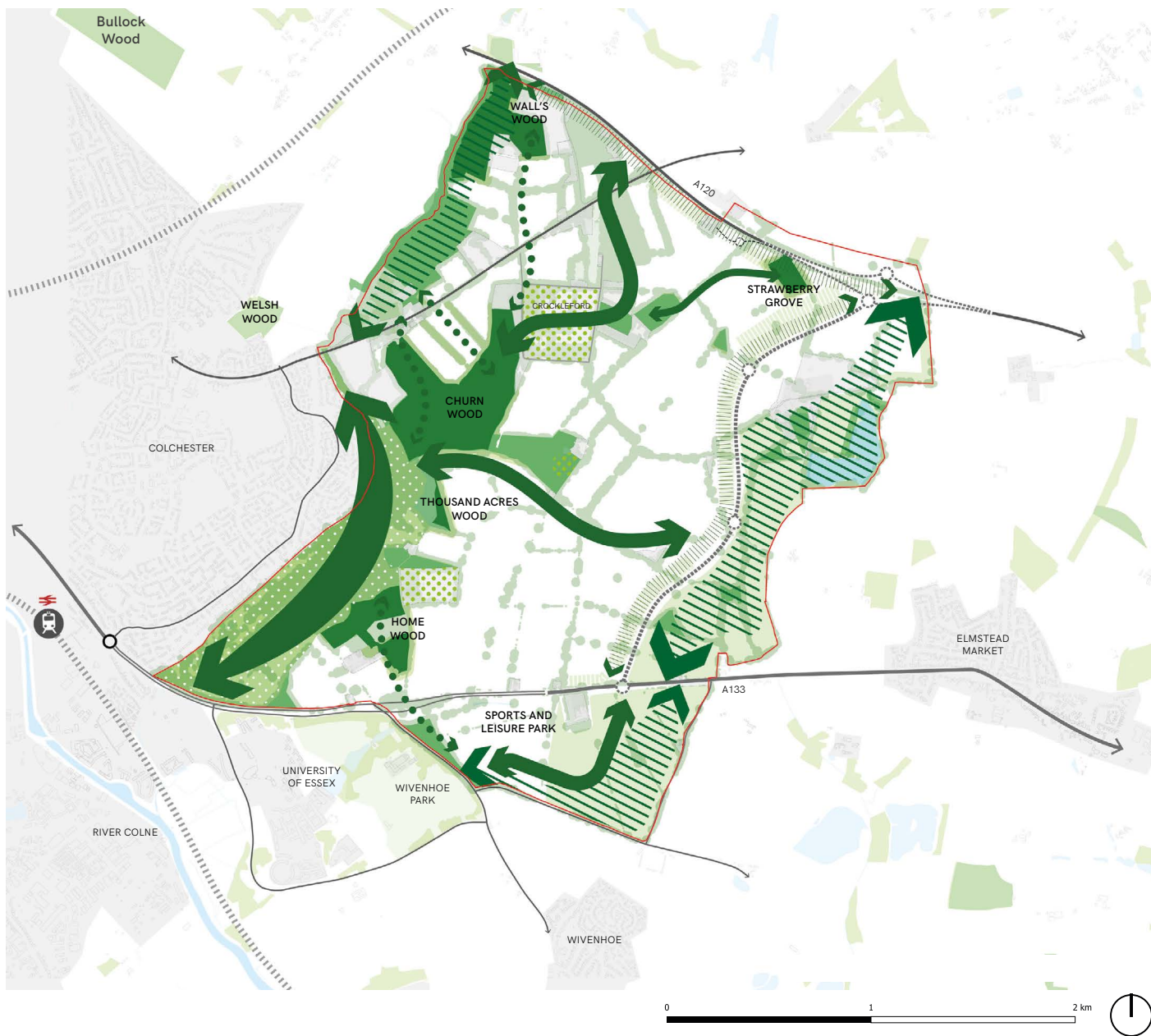
A PLACE WITH THRIVING ECOLOGY AND BIODIVERSITY

Net Gains in biodiversity and a thriving ecological network will shape the Garden Community ensuring native species thrive. Key assets within the Garden Community site including Salary Brook Local Nature Reserve, Welsh Wood Local Nature Reserve, ancient woodland, species rich hedgerows, areas of species rich grassland and valuable wetlands will be protected and/or enhanced and linked into the wider natural ecosystem network through habitat creation and management.

















A PLACE WITH A PRODUCTIVE AND CLIMATE RESILIENT NATURAL LANDSCAPE

The landscape of the Garden Community will be informed by inclusive community design and provide a range of productive uses such as orchards, allotments, and growing fields. Natural flood risk management and carbon capture will be seamlessly incorporated in the ecological network, making the natural landscape “work hard” and deliver multiple benefits simultaneously.

NATURE ILLUSTRATIVE FRAMEWORK PLAN



KEY

- | | | | |
|---|------------------------------|---|---|
|  | Area of Search of TCBGC |  | Attenuation Ponds |
|  | District Boundary |  | Existing Roads |
|  | Ancient Woodlands |  | Existing Greenspace |
|  | Woodlands |  | New Country Park |
|  | Country Park |  | Green Buffers to Existing and New Roads |
|  | Buffers to Ancient Woodlands |  | Strategic Green Corridors |
|  | Strategic Green Gap |  | Strategic Green Buffers |
|  | Water Course |  | Ecology Connections / Green Links |

*The location of specific land uses, facilities and activities are illustrative and subject to further masterplanning.

GC POLICY 2: NATURE

The approach for the Garden Community is to protect and enhance the existing green-blue infrastructure network for the benefit of people and wildlife. There are numerous natural and historic assets, such as ancient woodlands and hedgerows, and the Wivenhoe Park Registered Park and Garden, within or adjoining the Garden Community. Development will protect and enhance existing assets and incorporate these into a well-connected green-blue infrastructure network.

Biodiversity, geology, heritage assets, archaeology and landscape character will be protected and enhanced. A multifunctional green-blue infrastructure network will be provided within and link beyond the Garden Community, providing space for nature, recreation and encouraging active travel; creating settings for the built environment; and enhancing local landscape character. This includes a country park along the western boundary of the Garden Community and a strategic east-west green corridor. Green-blue infrastructure will be an integral part of and means to improve the quality of the built environment and should optimise the provision for additional wildlife habitat.

Part A: Green-Blue Infrastructure

The Strategic Masterplan includes a Nature Layer for the whole site clearly demonstrating green links, including green corridors, within and beyond the site. The Nature Layer is coordinated with active travel networks to maximise the potential for routes through green infrastructure to be used for travel and leisure.

Connections must be made to the existing Colchester Orbital (a circular walking and cycling route around the City's perimeter) which runs along Salary Brook and through the site, linking key open spaces and public rights of way (PRoW). The Colchester Orbital will be retained and enhanced as a significant green link within the development, connecting to substantial green corridors within the development formed around the existing green infrastructure network.

Existing landscape features, PRow and the network of lanes within the site should be retained, enhanced and incorporated into the development to form part of the green-blue infrastructure network and public realm wherever possible. A variety of new open spaces and other green-blue infrastructure will be created, including a Country Park along the Salary Brook corridor, including the slopes, and multiple green corridors. Proposals will need to include details of a green-blue infrastructure network, how it complies with the strategic masterplan and must demonstrate how all open spaces connect to this network.

Green-blue infrastructure must deliver multiple benefits and proposals must demonstrate or provide:

- How the amount, typology and function of new open space and other green-blue infrastructure meets the standards in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or any updates to this strategy.
- How biodiversity enhancement and net gain measures will be incorporated, including the use of habitat restoration and natural regeneration.
- How the design supports the dispersal and migration of individual species and whole habitats, either as part of a regular movement pattern or through migrations in response to climate change.
- How the green-blue infrastructure proposed will be managed and maintained as part of the stewardship model.
- That the strategy for selection of trees and other plants has been chosen to enhance both nature and beauty, for climate resilience and for food. For example, through drought tolerant or wetland planting approaches as appropriate.
- Details of street trees and hedgerows and that appropriate measures are in place to secure long-term maintenance of newly planted trees.
- Details of how existing trees and hedgerows will be incorporated into the development.
- How natural or free play areas have been incorporated into the urban setting as well as green spaces.
- The provision of areas of wild bird cover for the benefit of farmland birds.
- The creation of verges of priority habitat, hedgerow, wildflower-rich or rough grassland along roads, streets where appropriate, and pedestrian and cycle networks.

- High quality, sustainable design and selection of public furniture, including play equipment, and lighting (where appropriate), which is essential to ensure that places are accessible and inclusive.
- Inclusive and accessible to all, including people with varied mobility and sensory needs.

Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the sensitive Essex coast. Proposals to incorporate the SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.

Part B: Integrating Green and Blue (water) Spaces into Built Form

A key principle and part of the distinctive character of the Garden Community will be the green-blue infrastructure network and celebration of the natural and historic environment. Proposals should take every opportunity to integrate green and blue spaces and will be required to demonstrate, both spatially and technically, how they have been integrated into the built form. Examples include: tree lined streets or streets that contain hedgerows appropriate to local character, habitats, and species; insect-attracting plants, hedgerows, log piles, and other places of shelter for wildlife refuge/hibernation within structural landscaping and open spaces; hedgehog friendly features in residential garden boundaries to create linked habitat; dark corridors for bat foraging; green walls and roofs and other measures of incorporating trees and plants into buildings; bat boxes, bricks or lofts and bird boxes; green roofs; and Sustainable Drainage Systems (SuDS).

Part C: Protection of Biodiversity

Proposals will need to provide the following:

- Are supported with appropriate ecological surveys where necessary.
- Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed.
- Will minimise fragmentation of habitats.
- Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements.

Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.

Part D: Biodiversity Net Gain

- Proposals must deliver a minimum of 10% measurable biodiversity net gain across the whole site with gains delivered either on-site or immediately adjacent to the site in accordance with the mitigation hierarchy, and must follow the latest [Defra Metric](#), and its accompanying guidance, as well as local guidance where applicable. Initial high-level testing of BNG calculations of the strategic masterplan indicate that in excess of 10% can be achieved on average across the masterplan allocation. As such the ambition is to achieve a BNG of 15% on average across the whole masterplan.
- Biodiversity net gain must be delivered in addition to following the mitigation hierarchy, sound ecological principles, and overall high quality urban and landscape design.
- As a priority, impacts on moderate and high distinctiveness habitats must be avoided wherever feasible.
- Biodiversity net gain should include measures at the strategic and neighbourhood level. Other street and household level enhancements should form part of the general biodiversity and landscape enhancement measures.

- Biodiversity net gain calculations should be completed for the area covered by the Strategic Masterplan and updated in respect of each individual development proposal. Habitat enhancement and creation relating to each proposal should ideally be contained within their respective boundary where this will deliver the best outcomes for biodiversity. There is a preference for biodiversity offsetting to be defined by cross-referenced plans and located within the Garden Community. The Councils will provide coordination to ensure no double-counting between proposals. The Council will work with developers to maintain iterative biodiversity net gain accounting for the entire Garden Community as proposals come forward. Habitat enhancement and creation for delivering biodiversity net gain within the Strategic Green Gaps, Salary Brook Country Park, SANG and SuDS will be supported, where true additionality through stacking of ecosystem services can be demonstrated.

Part E: Tree Planting

Existing trees on the site, including hedgerows, should be retained where appropriate. Opportunities should be taken to connect patches of existing woodland within the Country Park through tree belt planting and a tree belt buffer should be included along the southern edge of the Country Park, adjacent to the A133, to create an attractive edge to development and provide screening. A variety of new trees will be planted (or allowed to regenerate where appropriate such as in the proposed country park and other net-gain areas), to include:

- Street trees.
- Trees in gardens.
- New and enhanced areas of woodland.
- Orchards
- Hedgerows with trees.

Areas for planting or regeneration should be set out and agreed in the appropriate landscape and green-blue infrastructure strategies and management plans.

Part F: Productive Landscapes

Allotments and a range of productive uses such as orchards, edible walkways and community gardens will be provided throughout the Garden Community to promote healthy lifestyles. Allotment provision must be well related to residential areas and community spaces, with suitable access arrangements, water supply and fencing. Allotments must sit sympathetically in the landscape and make provision for people with special educational needs and disabilities.

Part G: Sustainable Drainage Systems and Blue Infrastructure

Proposals must include Sustainable Drainage Systems (SuDS) for the management and disposal of surface water, in preference to piped systems, to avoid any increase in surface water flood risk or adverse impact on water quality and to prevent harm to offsite wildlife sites. Proposals must demonstrate how the SuDS feature(s) reflect and respond to site circumstances, landscape character and the green-blue infrastructure network, and have regard to Essex County Council's SuDS Design Guide.

SuDS should be designed as focal points by incorporating multifunctional green and blue infrastructure, provide amenity benefits, as well as linking habitats and creating enhanced areas for biodiversity by incorporating ditch habitat, reedbeds and pond networks. Consideration should be given to proposed health and safety measures for SuDS features and the design should address the usability, accessibility and safety of open space particularly for young children, the elderly and those with reduced mobility. Proposals must reduce post development run off rate back to the greenfield 1 in 1 year rate, with an allowance for climate change.

SuDS will be required to meet the following design criteria:

- The design must follow an index-based approach when managing water quality. Implementation in line with the updated Construction Industry Research and Information Association (CIRIA) SuDS Manual is required. Source control techniques such as green roofs, permeable paving and swales should be used so that rainfall runoff in events up to 5mm does not leave the site.
- Sensitively designed and integrated into green-blue infrastructure to create high quality public open space and landscaped public realm by providing viewpoints, footpaths, seating and signage where appropriate.

- Maximise opportunities to enhance biodiversity net-gain.
- Improve the quality of water discharges and be used in conjunction with water use efficiency measures.
- Function effectively over the lifetime of the development.
- The hierarchy of managing surface water drainage from any development in the Garden Community should be managed in accordance with this hierarchy: firstly, rainwater reuse; and secondly infiltration.

Proposals should be designed to include permeable surfaces wherever possible. Proposals for impermeable paving, including on small surfaces such as front gardens and driveways, will be strongly resisted unless it can be suitably demonstrated that this is not technically feasible or appropriate.

Part H: Integration of A120-A133 Link Road Mitigation

A comprehensive approach is required to ensure that the environmental mitigation for the A120-A133 Link Road, as specified in the conditions of the approved planning application, is fully integrated into the design of the Garden Community. This could include integrating those elements contained in the Landscape Plan, Landscape and Ecological Mitigation and Management Plan (LEMMP), Ecological Design Strategy, Farmland Bird Mitigation Strategy and Biodiversity Monitoring Strategy, which are conditions in the planning consent, with the landscape, multifunctional green-blue infrastructure, and ecological measures for the Garden Community.

Part I: Planning Application Requirements

1. Proposals must include a green-blue infrastructure plan, which demonstrates how the scheme reflects and complies with the Strategic Masterplan; the Colchester Tendring Open Space Strategy requirements; the Healthy Living and Play Strategy required by GC Policy 6; and demonstrate how green and blue spaces have been integrated into the built form.
2. Proposals must be supported with appropriate ecological surveys and landscape and visual impact assessments where necessary and include a biodiversity net gain calculation and biodiversity gain plan, which follows the latest Defra Metric and guidance on biodiversity net gain.

3. The Councils will require the developer to enter into an appropriate legal agreement to ensure the long-term establishment, management, maintenance and monitoring of biodiversity mitigation, compensation, and net gain measures for a minimum of 30 years as part of the grant of any planning permission. It is anticipated that the developer will need to achieve this by entering into an agreement with a suitably qualified and experienced nature conservation management organisation to deliver the creation, and management of habitat in a development of this scale.
4. An indicative Drainage Plan for the whole Garden Community must be prepared and approved in writing by the Councils before the determination of any planning application for development of the site.
5. Proposals must include a Drainage Plan and SuDS Management and Maintenance Plan, which demonstrates how the scheme reflects and complies with the Garden Community wide indicative Drainage Plan setting out the long-term management and maintenance arrangements.
6. Proposals must contribute to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS), or successor document, to mitigate for the in-combination effects of increased recreational disturbance across Essex.

Justification

The Vision for the Garden Community is that the natural environment will be its biggest asset. Green-blue infrastructure will allow residents to spend time, play, interact and grow and will provide a natural support system for people and wildlife and help to integrate built elements into the existing landscape. Open spaces will be created that contribute to a safe and secure environment by means of natural surveillance, physical security, cohesion, and a sense of community ownership help to create socially inclusive, active communities and seek to build in opportunities for residents to be active through their everyday lives. This reflects the Section 1 Local Plan requirement of the creation of distinctive environments, which utilise a multifunctional green-grid to create significant networks of new green-blue infrastructure. It is important that the landscape architect and lighting designers coordinate their plans to avoid conflict between lighting, planting strategies and conservation. Safe public spaces should be created that have incorporated good, consistent, and well-designed lighting throughout the development whilst maximising natural surveillance opportunities. The detailed lighting design should evidence current relevant standards and or relevant industry standards.

An appropriate amount of Suitable Accessible Natural Greenspace (SANG) provision, in accordance with Natural England (NE) guidance will be required. This must follow Natural England's latest SANG Guidelines (and successor documents), which are currently set out in the document 'Suitable Alternative Natural Greenspace (SANGs) for the Thames Basin Heaths Special Protection Area' (August 2021). Appendix 1 of the SANGs guidance provides a useful list of design features to be incorporated into publicly accessible green infrastructure and so provides a useful (but not exhaustive) checklist of design criteria to inform the detailed design of the landscape at later stages in the design process. The Councils encourage the incorporation of as many of these design features as possible. The developer should discuss the provision of SANG with Natural England.



Measures to integrate green and blue spaces into the built form will form part of the green-blue infrastructure network. This policy identifies examples of what sort of measures will be sought to maximise climate change mitigation and biodiversity extinction mitigation throughout the development. Appropriate ecological surveys and biodiversity net gain calculations will be required in support of planning applications and the mitigation hierarchy must be followed alongside good natural design principles. As required in the Section 1 Local Plan, avoidance, protection and/or enhancement of biodiversity assets within and surrounding the site; including Bullock Wood SSSI, Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI and Upper Colne Marshes SSSI and relevant European protected sites.

Contributions will be secured towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Wintering bird surveys were undertaken as part of plan preparation and further wintering bird surveys as part of proposals at application stage for each phase of the Garden Community are required. Where the surveys show that mitigation is required, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.

There is a requirement for sensitive habitats to be buffered, with additional planting or other agreed appropriate means to discourage access, and for substantial buffers against road corridors to be provided. Biodiversity net gain and a thriving ecological network is a strategic principle of the Garden Community. Where new areas of habitat are created, this should be targeted adjacent to or between retained existing areas of habitat in order to expand and link them, thus making them more resilient. Habitat creation and management should retain and enhance habitat links to the wider landscape, for example to the Colne Valley.

Biodiversity net gain calculations should be iterative. The Councils consultants have undertaken biodiversity net gain calculations of the Councils Strategic Masterplan, which indicates that 12.5% biodiversity net gain can be achieved. Biodiversity net gain calculations will be updated by the developer for each proposal. The Councils will work with developers and provide coordination to maintain iterative biodiversity net gain accounting for the entire Garden Community. As a general principle, there are likely to be various development parcels/ proposals where the biodiversity net gain target cannot be met within the respective boundary. In these cases, the Councils will co-ordinate the 'banking' of gains achieved in the communal or green-blue infrastructure parcels, which can then be notionally apportioned off (or sold) to the developed parcels where net gain is not feasible to achieve. Biodiversity enhancements delivered in the link road and advance habitat creation in other areas of the site in the next few years could be 'banked' so that the wider Garden Community opportunity would have ready-made biodiversity units available. However, in line with the mitigation hierarchy (avoid, mitigate, compensate), the individual development parcels would have to demonstrate that all opportunities for biodiversity net gain within their parcels had been achieved first before relying on the banked biodiversity net gain value in communal green-blue infrastructure areas.

Applications for outline planning permission and phased development will require the submission of biodiversity gain information. Proposals for outline and phased permissions will require the applicant to outline strategies that will achieve the biodiversity gain objective across the whole site, and to demonstrate how this could be delivered on a phase-by-phase basis. This would include:

- the key principles that will be followed to ensure biodiversity gain commitments are achieved through subsequent detailed design
- how biodiversity net gain delivery will be tracked on a phase-to-phase basis, including the target percentage gains to be delivered at each stage. For most phased developments, the preference is for biodiversity gains to be 'frontloaded' into earlier stages. This will help to avoid the risk of net losses being caused by later stages being delayed or cancelled
- the approach to be taken in the event that subsequent phases do not proceed or fail to achieve their biodiversity net gain targets
- the pre-development biodiversity value for the whole site should be agreed as part of the site wide masterplan and used as the basis for agreeing detailed proposals through subsequent applications pursuant to the approved development
- a mechanism to link biodiversity net gain strategies to subsequent applications pursuant to the approved development

Properly managed trees and woodlands in urban and semi urban areas make a significant contribution to planning, design, and management of sustainable, resilient landscapes. Trees are important for health and wellbeing, wildlife and improving our environment. Increasing tree cover is one of the quickest and cheapest ways of mitigating climate change. The eastern half of the Garden Community offers the most opportunity for increasing tree canopy cover. Whilst tree planting and increasing tree canopy cover is encouraged, planting should only be undertaken in suitable locations and natural regeneration should be encouraged wherever possible. There is an opportunity to connect patches of existing woodland and ancient woodland within the Garden Community with the country park through new tree belt planting. Increasing tree cover in greenspaces – parks, playgrounds and around sports facilities, cemeteries/crematoria, verges, and other publicly open areas is the easiest and cheapest way of maximizing tree coverage. Tree creation in orchards, woodland, and arboretum should also be incorporated.



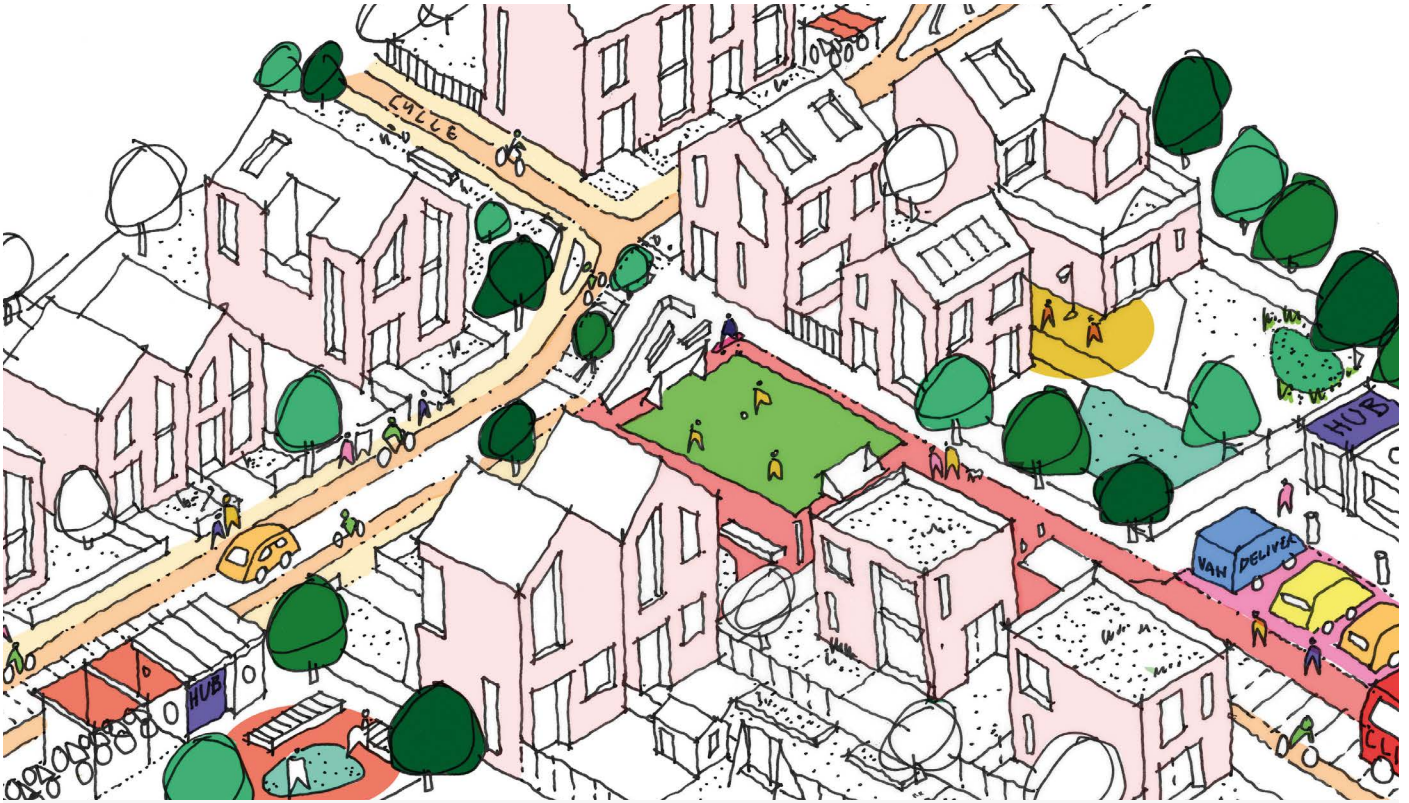
Allotments and productive landscapes help to promote healthy lifestyles by promoting healthy eating and community integration. There are excellent examples of community gardens being beneficial for children and adults with disabilities (e.g. learning and sensory). The strategic principles for the Garden Community include the provision of space for a range of productive uses such as orchards, edible walkways and allotments. Their importance should not be underestimated, and opportunities for their creation should be provided throughout the Garden Community.

The strategic principles for the Garden Community recognise that natural flood risk management and carbon capture will be seamlessly incorporated in the ecological network, making the natural landscape “work hard” and deliver multiple benefits simultaneously.

The **NPPF** and Planning Practice Guidance (PPG) set out the requirements for the use of Sustainable Drainage Systems (SuDS) to minimise the risk of flooding from new development. The use of SuDS to manage water run-off is an important tool in minimising flooding by increasing the provision of permeable surfaces in an area that allows water to seep gradually into the ground, rather than running directly into a drainage network, thereby reducing the risk of overloading the system. SuDS can also reduce the impact of diffuse pollution from run-off and flooding. The effective use of permeable surfaces, soakaways and water storage areas should be incorporated. Early consideration should be given to the potential to use SuDS to identify when and where the use of such technologies is feasible and to also identify which type of SuDS is most appropriate to site conditions. Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage discharge of water from a site be considered.

A drainage plan and SuDS management and maintenance plan will need to be prepared to ensure that the need for SuDS has been properly considered as part of the planning application process. Developers will need to enter into early discussions with the Councils and the Lead Local Flood Authority and as part of discussions, maintenance and long term adoption responsibilities should be explored and agreed, as part of the SuDS approval process, prior to the start of development.

This policy should be read closely with GC Policy 9: Sustainable Infrastructure. GC Policy 9 also includes reference to green infrastructure and includes requirements for water supply and wastewater to ensure new development does not have an adverse effect on any habitats site or nationally protected sites and complies with environmental legislation.



Chapter 5: Buildings, Places and Character

The garden community will provide the right homes, jobs and spaces for all aspects of life. The garden community will create thriving distinctive places. It will be memorable for its landscape and architecture and will be widely recognisable of its place in North Essex.

The Councils have very high expectations for how the Garden Community will create unique and distinctive buildings and neighbourhoods, whilst still respecting the character and visual amenity of nearby towns, villages, historic buildings, structures and the character and features of the landscape. The Councils also have high expectations in terms of sustainable design and construction, and this is covered in Chapter 9: Sustainable Infrastructure.

The Garden Community will be inclusive and accommodate a diverse range of households meeting a range of housing needs. The Garden Community will provide a mix of different housing sizes and types to meet the needs of differing groups, including but not limited to students, those with disabilities, older people, service families, single person households, first time buyers and gypsy and travellers. There will also be opportunities for those who wish to commission or build their own home via self and custom build plots.

Section 1 Local Plan

Under the theme of 'Buildings, Places and Character', some of the main requirements covered in this **Plan**, as set out in the policies of the adopted Section 1 Local Plan include:

- The creation of a unique and distinctive place that responds positively to local character and context to preserve and enhance the quality of existing places and their environment – including assets of historic value;
- Provide a mix of land uses and services with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Well-designed and integrated public realm with high quality landscape design, street furniture and other distinctive features that help to create a sense of place;
- Integrates green infrastructure that creates spaces and places for healthy living, biodiversity recovery, play, noise, visual, heat and air quality mitigation, and natural SuDS;
- Creating streets and places that are overlooked and active and promote inclusive access;
- Development to be of appropriate densities which reflect both the context, place-making aspirations and opportunities for increased levels of development around centres and transport hubs;
- A mix of housing types and tenures including self and custom build and starter homes including a minimum of 30% affordable housing, phased through the development; and
- Protecting the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.



Principles

A PLACE WITH DISTINCTIVE IDENTITY

Inherently authentic, memorable and delightful, the Garden Community will have a locally-rooted character drawn from its surroundings, but also a strong identity of its own. The community will be varied in its built form, densities and architectural style. Its impact on the human and physical environment will be considered. Strong and purposeful buffers will provide separation where they are needed while in other areas strong connections and planned links will ensure it is never isolated.

A PLACE THAT IS VIBRANT AND ACTIVE

The Garden Community will be designed to ensure interaction and activity is common. Centres will encourage a variety of mixed use, flexible spaces that are accessible in close proximity to homes and jobs. It will be known for its quality of livability, equitable prosperity, and social cohesion.

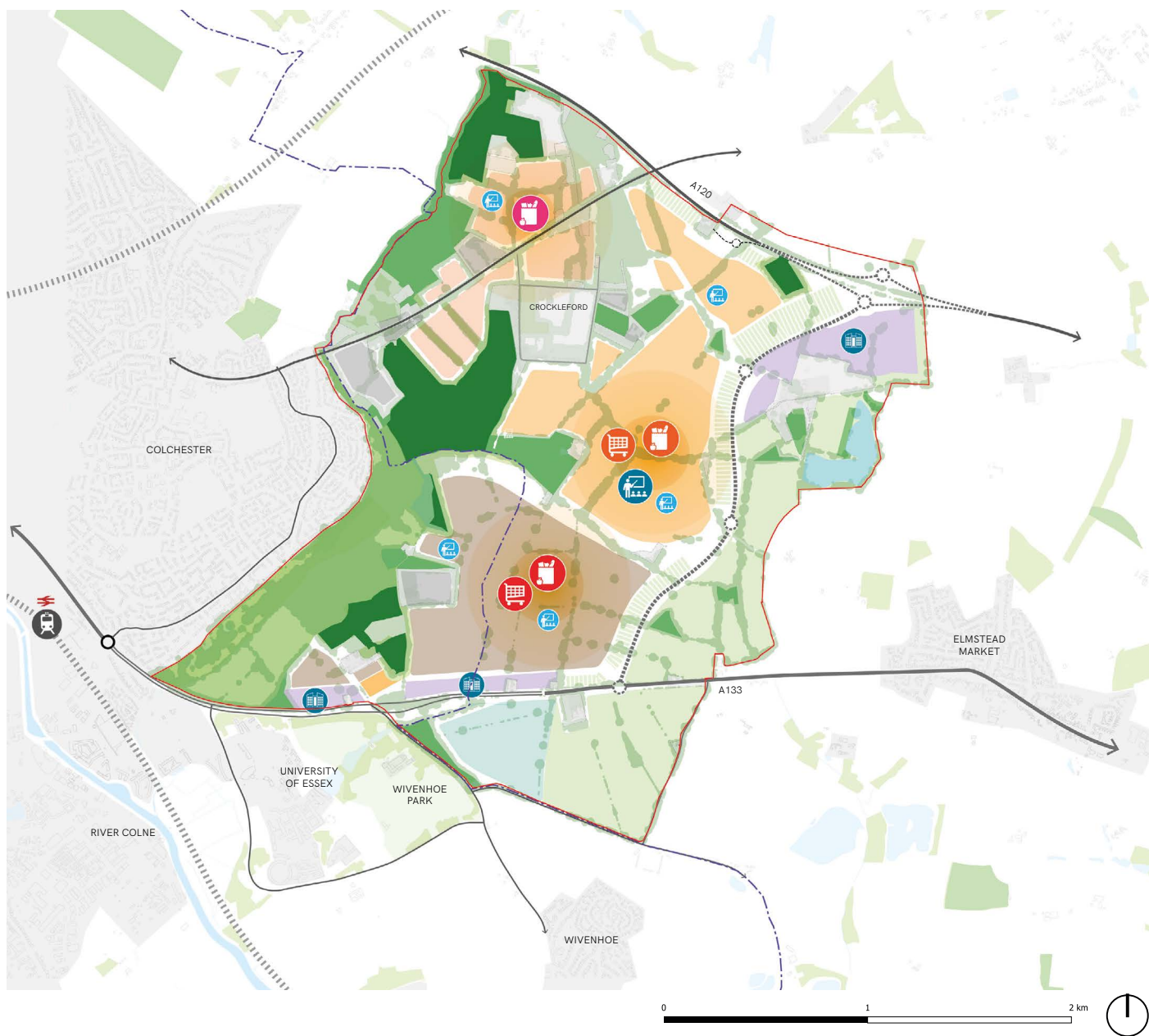
A PLACE WHERE HOUSING IS ACCESSIBLE, AFFORDABLE AND INCLUSIVE

New housing will provide opportunity for young renters, flat sharers, first time buyers, growing families, empty nesters and ageing members of society to live side by side - there will be a real sense of belonging and community with homes designed to be more flexible and adaptable to whole life needs.

A PLACE WITH GREAT HOMES

The Garden Community will create high quality and desirable homes designed to meet the changing needs of society whilst ensuring high quality spaces.

BUILDINGS PLACES AND CHARACTER ILLUSTRATIVE FRAMEWORK PLAN



KEY

- | | | |
|-------------------------|---------------------------|--------------------------------|
| Area of Search of TCBGC | Water Course | Secondary Schools |
| District Boundary | Attenuation Ponds | Retail Facilities |
| Ancient Woodlands | Southern Neighbourhood | Local Neighbourhood Facilities |
| Woodlands | Central Neighbourhood | Employment Uses |
| Country Park | Crockleford Neighbourhood | |
| Landscape Buffers | Employment Uses | |
| Amenity Green Space | Primary Schools | |

*The location of specific land uses, facilities and activities are illustrative and subject to further masterplanning.

GC POLICY 3: PLACE SHAPING PRINCIPLES

Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, GC Policy 3 sets out the Councils' expectation for the Garden Community to be unique and distinctive in its character and appearance, and for the new homes to meet high standards that will meet a variety of different needs and demands for people and families over the courses of their lives. It includes the Councils' expectations around housing mix, density, and space standards.

Part A: Creation of a Unique and Distinctive Place

The Garden Community will be a unique place with a distinctive character that takes a positive and innovative approach to architecture, urban design, landmarks, and public realm provision. It will adopt a landscape led approach to design and build, follow [healthy new towns](#) principles, and achieve [Active Design](#), and [secured by design certification](#).

The 'Neighbourhoods' within the Garden Community will themselves adopt different approaches to distinctiveness to provide a rich variety of homes, spaces and other structures to appeal to different needs and lifestyles.

To achieve a unique place with a distinctive character, the Garden Community will be developed in accordance with a comprehensive site wide Garden Community Masterplan, detailed Area Specific Masterplans and Design Codes for relevant phases of development. These will be prepared by the developers through a collaborative process with the Councils and key stakeholders and should have regard to the Councils 'Strategic Masterplan'.

Part B: Design of Places

Alongside the requirements of other policies within this **Plan** and Section 1 Local Plan, the submitted Masterplans and Design Codes should adopt progressive and innovative approaches to placemaking, that seek to future proof the development and have a positive impact on societal behaviour, promoting culture change, and must:

- Provide for high quality, beautiful and sustainable buildings and places.
- Ensure that character areas within the Garden Community contribute to a distinct and legible sense of place for each of the Neighbourhoods.
- Provide for a network of integrated green and blue infrastructure features.
- Establish a clear and legible hierarchy of streets, that promotes active and sustainable transport modes, alongside filtered permeability, and prioritises the needs of users in accordance with the Highway Code 'Hierarchy of Road Users'.
- Ensure that the built form within each Neighbourhood establishes a distinct, positive and coherent identity.
- Establish a parking strategy that adopts innovative approaches to parking that de-prioritise parking as a land use, contribute towards modal shift and minimise its impact on placemaking.
- Provide for places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Part C: Design Quality

All new development (including changes of use) must achieve an exemplary standard of design, should maximise health and wellbeing, achieve high standards of amenity, make a positive contribution to the quality of the local environment, and protect or enhance local character. To achieve this, detailed design proposals must:

- Ensure that the layout of the development and positioning of elements of landscape and built environment create a series of diverse and distinct spaces, and take the opportunity to create character areas within the development.

- Ensure areas of public open space are fronted by units to ensure good levels of activity and natural surveillance.
- Ensure new buildings, alterations and structures are well designed, reflect relevant Masterplans and Design Codes and, where appropriate, respect or enhance local character and distinctiveness.
- Ensure the development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials;
- Ensure the development respects and/or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- Ensure the design and layout of the development maintains and/or enhances existing features of landscape, ecology, heritage, or amenity value; and
- Ensure boundary treatments, and hard and soft landscaping, are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Councils will expect the use of locally distinctive materials and/or locally occurring and characteristic hedge species.
- Ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere within the development.
- Ensure high levels of mitigation for the visual impact of parking on public amenity.
- Protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car.
- Provide quality living environments that are responsive and adaptable to changing lifestyles and societal requirements.
- Provide sufficient space and appropriate sustainable design solutions for waste minimisation, collection, storage and recycling.

Part D: Designing Out Crime

All development must be designed with:

- Windows that overlook places such as parks and streets, courtyards, parking areas and civic spaces to provide natural surveillance.
- Streets, pedestrian routes, footpaths and cycle paths that are easy to navigate with permeable, direct routes that provide good visibility and avoid sharp or blind corners, tunnels, and hidden alcoves.
- Clear and uniform signage that helps people move around, making the public realm and public transport safer and more attractive for people to use.
- Effective street lighting that illuminates the public realm, enabling natural surveillance and avoiding the creation of dark, shadowed areas.
- Clearly defined boundaries between public and private spaces that reduce the likelihood of anti-social behaviour by establishing ownership and responsibility.
- Security measures for buildings and places are proportionate to their use and function, considering the need to avoid creating places that are hostile or unwelcoming.
- Achieve relevant Secured by Design (SBD) principles.

Part E: Residential Design

Development must achieve an exemplary standard of residential design. All new residential development must take into consideration the site context, the impact on the amenity of adjoining occupiers, and the quality of accommodation as follows:

- Provide a high standard of quality of accommodation for living conditions.
- Be arranged to safeguard the amenity and privacy of occupiers and neighbours.
- Avoid having more than eight dwellings accessed from a single core per floor.
- Provide acceptable levels of natural daylight by providing a window in every habitable room, except in loft space where a roof light may be acceptable.

- Achieve a floor to ceiling height of at least 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling to maximise natural ventilation and natural daylight in the dwelling.
- Be predominantly dual aspect and allow for natural cross ventilation. In circumstances where due to site constraints it is impossible or impractical to provide dual aspect dwellings it must be demonstrated how overheating and ventilation will be mitigated. Single aspect dwellings will not be acceptable if they have three or more bedrooms, or are north facing.

Part F: Internal Space Standards, Home-working and Adaptability in New Homes

To ensure homes provide a high standard of living conditions for the residents of the Garden Community, all new dwellings will, as a minimum, be expected to comply with the government's latest 'Technical housing standards – nationally prescribed standard'. Wherever possible, dwellings should exceed these standards to ensure a variety of dwelling sizes across the Garden Community and within each neighbourhood to enable scope for homes and space within them to be adapted in the future to meet residents' and families' changing needs – including the potential for multiple generations of a family to live together.

To provide maximum scope for new residents to be able to work or operate a business from home, all new dwellings should include innovative approaches to home working.

Part G: Private Amenity Space Standards

All new residential development must provide an adequate amount of useable outdoor amenity space to meet the needs of residents. The nature and scale of amenity space should be appropriate to the location of the development, its function and the character of the area within which it is situated. As a minimum:

- All new houses must provide an area of private amenity space. The majority of space should be located at the rear of the property and should not be overlooked from public areas.
- All flat developments must provide an area of communal amenity space and where possible private amenity space in the form of gardens, terraces or useable balconies. For units containing three or more bedrooms an area of private space must be provided.

All amenity space must be intrinsic to the design of the development and communal amenity areas should be accessible to all residents in the development. In determining the provision of private amenity space, proposals should consider the opportunity to provide space both for growing food and the scope for adapting and extending properties to meet residents and families' future needs, whilst still maintaining an appropriate level of garden provision.

The approach to private amenity space will be determined through detailed Design Codes.

Part I: Historic Environment

Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.

Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.

Part J: Planning Application Requirements

1. To ensure proposals minimise impact on the existing landscape character and sensitive receptors, both on the site itself and in the surrounding settlements or countryside, a comprehensive Landscape and Visual Impact Assessment (LVIA) of detailed proposals is required. The LVIA must demonstrate how the layout and design of proposals has evolved to avoid or minimise harmful impacts.
2. A Heritage Impact Assessment and Mitigation Strategy is required to demonstrate the measures that can minimise harm and maximise the potential to enhance the heritage significance of Elmstead Hall, the Church of St Anne and St Laurence, Allen's Farmhouse the Round Barrows (Scheduled Monument) on Annan Road.

3. The following Archaeological Evaluation is required:
 - An archaeological desk-based assessment incorporating an up-to-date aerial/cropmark assessment.
 - A report on a geophysical survey of the proposed development site.
 - A report on an archaeological trial-trenched evaluation of the proposed development site.
4. Design & Access Statement.
5. Comprehensive site wide Garden Community Masterplan, detailed Area Specific Masterplans and Design Codes.

Justification

For the Garden Community to be successful, it is one of the Councils' main objectives to ensure it is unique, self-sufficient and can provide high quality design.

The Councils will expect the Masterplans and Design Codes to establish an innovative approach to development both across the Garden Community as a whole, and within each of the neighbourhoods. Masterplans and Design Codes will be informed by use of design review and assessment frameworks such as the [National Design Guide](#), [National Model Design Code](#), [Building for a Healthy Life](#) and [Building with Nature](#), or similar.



A Heritage Impact Assessment (HIA) forms part of the evidence base. It ensures that a positive strategy for the historic environment is secured through the **Plan** and that the **Plan** avoids harming the significance of both designated and non-designated heritage assets, including their effects on setting.

The HIA suggests that the development of the Garden Community would potentially result in significant effects to Elmstead Hall, the Church of St Anne and St Laurence, Allen's Farmhouse, and the Round Barrows (Scheduled Monument) on Annan Road. This would primarily be through the development of the proposed employment areas adjacent to the A120 and A133, the A120-A133 Link Road, and the proposed woodland planting which impacts on the open landscape that is an important element of the settings to these assets. Non-significant adverse effects are likely on Salarybrooke Farmhouse, Lamberts, Collierswood Barn, Wivenhoe House, Hill Farm agricultural buildings, Wivenhoe House Lodges and Wivenhoe Park.

The HIA identifies the potential to provide enhancement opportunities through archaeological/cultural heritage pre-commencement work to more fully understand the historic development of the area and then to promote this information for the benefit of local people and visitors.

Landscaping will have a huge part to play in mitigating the impact on heritage assets and will need to be underpinned by Landscape Visual Impact Assessments. The design and landscaping must be carefully considered in each neighbourhood to ensure it responds to the local character (built and natural) to minimise the potential for adverse impacts and to achieve the best design quality which is an important consideration in determining the balance of harm and benefit.

Proposals must consider how infrastructure design can support the new communities to move towards achieving zero avoidable waste and maximising the value of resources. This will include the need to ensure adequate storage is provided to enable the segregation and treatment of wastes at both a householder and a community level, alongside opportunities for local recovery and reuse for the benefit of the wider community. Whilst it is not possible to be prescriptive about the logistical approaches and future technologies that will be adopted in the management of waste, consideration must be given to how systems are designed to provide for future flexibility. Opportunities for waste management to deliver social and community benefits alongside the development of low carbon energy and heat systems will be supported.

GC POLICY 4: MEETING HOUSING NEEDS

Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, this policy sets out the Councils' expectation for new homes within the Garden Community to be of a high standard that will meet a variety of different needs and demands for people and families over the courses of their lives. It includes the Councils' expectations around housing mix, density, and space standards.

Part A: Projected Housing Needs

All residential development must ensure an appropriate mix of dwelling size, type and tenure that broadly reflects the housing needs for the area and adequately addresses the needs of residents on low incomes.

The proposed mix of dwelling types, sizes and tenure should reflect the latest available evidence of housing demand and need, either contained within the Councils' latest 'Strategic Housing Market Assessment' (which will be updated on a periodic basis) or an assessment of housing demand and need otherwise produced by the developer, which will need to be submitted to the Councils and approved prior to submission of any planning application.

Housing within the Garden Community should meet the need of different groups including the following:

- Specialist Housing (for Older People and People with Disabilities)
- Student Accommodation
- Key Worker Housing
- Families with children
- Affordable Housing, in accordance with the national definition as applicable at the time.
- Gypsies and Travellers
- Self and Custom Build Homes

Part B: Affordable Housing

To ensure the Garden Community makes suitable provision to meet the needs of first-time buyers, key workers and local people and families on lower incomes who cannot afford to buy or rent housing on the open market, at least 30% of all new homes across the Garden Community and within each of its neighbourhoods must be provided in the form of 'affordable housing'.

Whilst it remains a requirement of government policy, 10% of all qualifying new homes will be expected to be provided for 'affordable home ownership' in line with the [NPPF](#) and these will count towards the overall provision of affordable housing. The mix, size, and tenure of the remainder of the affordable housing requirement will be determined through a Housing Strategy to be agreed by the Councils, having regard to latest evidence of affordable housing need.

To ensure positive integration between the Affordable and Market Housing, there should be no difference in the appearance and quality between dwellings (and associated public realm) to be sold on the open market and those to be delivered as Affordable Housing. Affordable Housing should be provided in more than one single parcel and the mix should normally be "pepper potted" throughout the scheme in groups; the size and location of which should be discussed and agreed with the Councils.

In addition, proposals must be accompanied by and delivered in accordance with an 'Affordable Housing Phasing Strategy' which could form part of the wider Housing Strategy, and which would have been approved in writing by the Councils, prior to the determination of relevant planning applications.

Part C: Adaptable and Accessible Housing Standards

All new dwellings must be built to [Building Regulations Part M4\(2\)](#) 'adaptable and accessible standards' (or subsequent equivalent building regulations standards). Within each of the neighbourhoods, at least 10% of market dwellings and 10% of affordable dwellings should also be built to [Building Regulations Part M4\(3\)](#) 'wheelchair-user' standards' (or subsequent government standards). This will ensure that the needs of people living with disabilities and older households will be met, both from the early phases of development at the Garden Community, and into the future as people's needs change.

Part D: Housing Density

The 'density' of new housing development within the Garden Community and within its Neighbourhoods, typically expressed in 'dwellings per hectare' (dph) will vary, having regard to a variety of factors. Factors influencing the appropriate density for any given area include:

- Accessibility to existing and proposed centres, employment areas, services and facilities.

- The Council's 'Strategic Masterplan'.
- Accessibility to the Rapid Transit System, sustainable movement corridors and facilities.
- The need to achieve minimum internal floorspace and private amenity space standards, along with requirements for car parking set out within this Plan, Masterplans, Design Codes or Council guidance.
- The required mix of housing.
- The character of proposed development as determined through the relevant Masterplans and Design Codes.
- The character and proximity to any designated and non-designated heritage or environmental assets, or the impact on their settings.
- The need for an appropriate transition between built development and sensitive areas, such as the open countryside and the Crockleford Heath Area of Special Character,
- The land requirements for infrastructure to be incorporated as part of the development (including key transport corridors, existing and proposed green and blue infrastructure, open space, including green corridors and areas of biodiversity net gain, sustainable drainage systems, centres, footpaths, cycleways and highways, schools and other community facilities).

Part E: Self-Build and Custom-Built Homes

The provision and opportunities for constructing self-build and custom-built homes will need to form part of the mix of housing at the Garden Community. The Councils will consider, on their merits, small developments of sensitively designed self-build and custom-built homes on land within the 'Crockleford Neighbourhood'.

This provision should be made in the form of serviced plots to be brought forward by those looking to occupy those homes. Details of this provision must form part of the submitted Housing Strategy. The requirement for self-build and custom-built homes will be determined having regard to the Councils' 'self-build registers' and local market testing.

Part F: Care, Assisted Living and Other Specialist Housing

To meet the needs of older and disabled people who require specialist care, an element of residential provision in the form of high-quality care homes, assisted living and other specialist housing (including independent living) should be delivered as part of the overall mix of development. These should be located either within, or adjoining, each of the new centres.

The size and specification of any care home or extra-care housing will be determined through the Housing Strategy (see Part B) and will be informed by evidence held by the Councils and their partners in the health sector.

Part G: Gypsy and Travellers

As set out in GC Policy 1, a new site for the accommodation of gypsies and travellers will be delivered within the northern neighbourhood of the Garden Community, south of the A120 and west of the new A120-A133 Link Road, with good access to those roads.

The site will be expected to include suitable circulation and amenity space and must achieve safe access for large vehicles from the road network, access to utilities and must be of high-quality design and landscaping, providing a good standard of residential amenity for occupiers.

Part H: Student Accommodation

The University of Essex has long term plans to expand student numbers and to extend its accommodation provision. Student accommodation will be encouraged in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community. The size and specification of any student accommodation will be determined through the Housing Strategy (see Part B) and will be informed by evidence held by the Councils in partnership with the University of Essex.

Part I: Planning Application Requirements

1. Proposals for the Garden Community as a whole, and for each of the neighbourhoods within it, must be accompanied by a Housing Strategy(ies). This must clearly set out how the development will deliver a mix of housing of different types, sizes and tenure that meet a variety of needs, demands and aspirations, including

self and custom build housing, the size and specification of any care home or assisted living housing, and the need for student accommodation.

2. Where relevant all planning applications must be accompanied by a Housing Mix Statement addressing the proposed housing mix, explaining how it reflects the viability, site layout, density, tenure and local housing needs; and how it responds to the site wide and neighbourhood Housing Strategies.
3. An Affordable Housing Phasing Strategy should form part of the Housing Strategy for each neighbourhood. This must demonstrate how affordable housing will be integrated into the development in smaller clusters within each neighbourhood and delivered in phases, alongside market housing, throughout the development.

Justification

To ensure the effective use of land within the Garden Community developers should seek to optimise the housing and economic potential of particular areas and local centres by identifying and ensuring the appropriate building forms and design for each location.

In assessing the range of densities that may be appropriate for the Garden Community, it is necessary to look at what density means in practice. There are various measurements of density, but the most commonly used measure is the calculation of the number of dwellings per hectare. Density is measured as a net figure, only including land directly associated with housing, including the following:

- Access roads
- Private garden space
- Car parking areas
- Incidental open space and landscaping
- Children's play areas

and excluding the following:

- Major roads (including major roads and spine roads)
- Schools and sports grounds
- Strategic open and public space
- Landscape buffers
- Major drainage installations
- Land for other educational or community purposes.

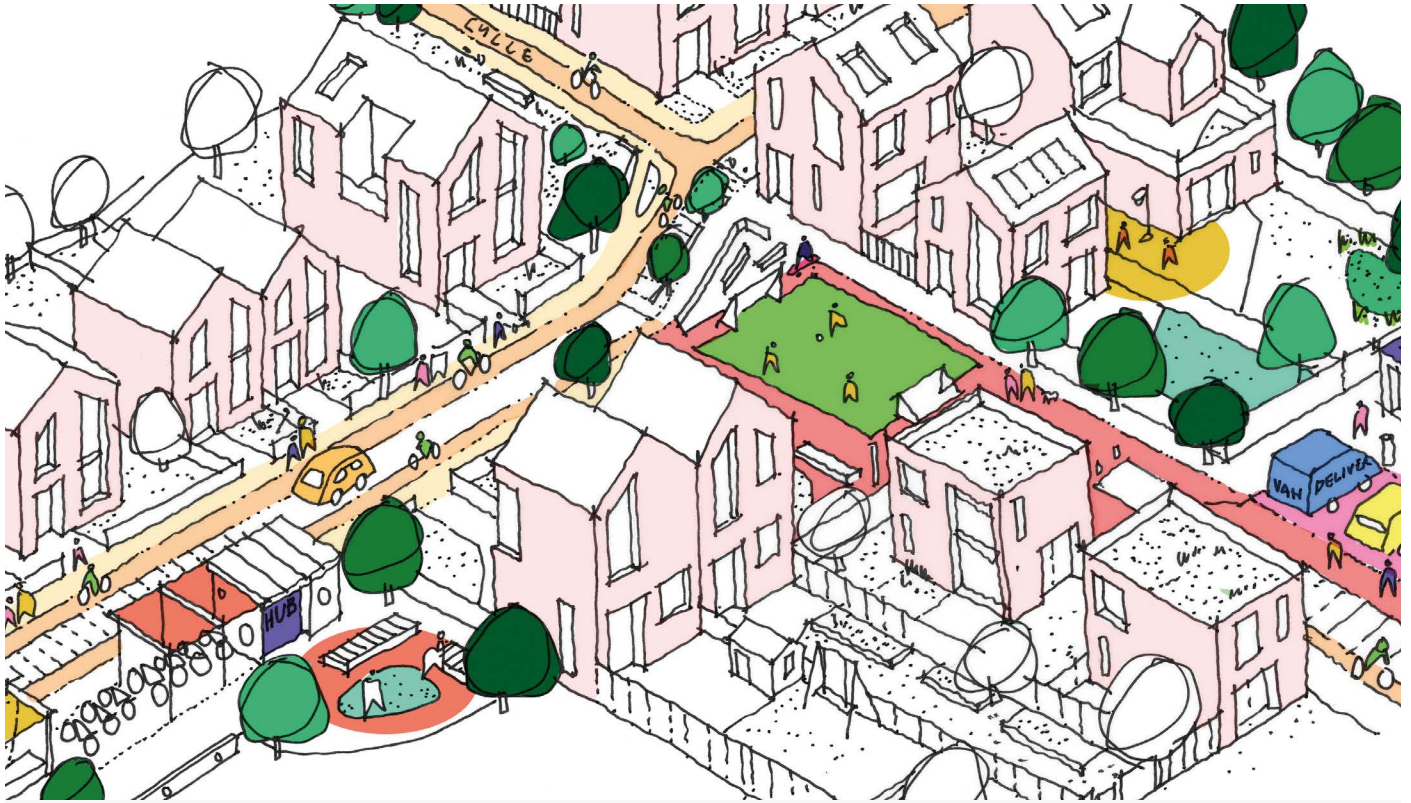
It is appropriate to use a 'blanket' average net density across a whole site for wider planning purposes such as for a Local Plan, but this can be a blunt instrument in trying to assess the capacity of a site, and this **Plan** takes a more refined approach for this particular site.

The density of new housing within the Garden Community will be expected to vary both across the Garden Community and within its constituent neighbourhoods in order to achieve the overall requirement of circa 7,500 homes. Densities will be determined by a range of factors as set out in Policy 5. Across the Garden Community, there is a general expectation that the overall average density of development and the total number of new homes will be greatest in the southern neighbourhood of the Garden Community to reflect its proximity to the University of Essex, which might allow for the provision for some additional student accommodation, and the opportunity for early connection to the Rapid Transit System. The overall density and housing numbers across the northern and central neighbourhoods is expected to step down to lower levels to reflect the more sensitive nature of the landscape and existing communities further north. However, densities must also reflect the sensitive landscape and heritage value of Wivenhoe Park Registered Park and Garden and its setting that forms part of the University estate and abuts the southern boundary of the Garden Community. Overall housing numbers including their distribution between each of the neighbourhoods will be determined by the Strategic Masterplan.

The density of housing development within each of the neighbourhoods will itself vary to reflect the specific factors identified above and will generally be higher density within immediate proximity to the proposed centres and lower densities further out from those centres – particularly where development affects sensitive heritage or environmental assets and other sensitive features including existing dwellings or groups of dwellings.

As well as a range of densities, a mix of different sizes, types and tenures of housing will be expected to meet the needs of a wide variety of people with different requirements, demands and aspirations – including a minimum requirement of 30% affordable housing. The mix will be established through a separate Housing Strategy submitted by the developer for the Councils' approval, that has taken into account the latest evidence and projections of need and demand and relates to a demographic study.

There is also an expectation for all new homes to be built to an adaptable standard, to allow them to be easily upgraded to wheelchair accessible standard if or when residents' mobility needs change. 10% of homes will need to be wheelchair accessible on construction. The development will also be expected to provide for care and assisting living provision, self-build and custom-built homes and student accommodation. Providing homes that are suitable for people living with impaired mobility gives them a choice to remain living within their homes for longer and provides them with wider care options such as receiving domiciliary care instead of having to move to an institutional care setting, thus improving quality of life whilst also reducing pressures on adult social care and local health services.



Chapter 6: Economic Activity and Employment

The Garden Community will provide and promote opportunities for employment within the new community, within sustainable commuting distance and will facilitate a vibrant, thriving local economy with the latest digital infrastructure.

The Councils have high expectations for ensuring that residents of the Garden Community have access to a range of opportunities for employment, education and training across a variety of sectors with the aim of achieving a minimum of one job per household, either close to home or within a sustainable commuting distance.

Creating opportunities for employment, education and training at the Garden Community, both throughout its construction and for the lifetime of residents as the community becomes established, is going to be critical to its success. The approach to maximising the economic potential of the Garden Community has been informed by the evidence base and discussions with education providers and businesses within different sectors. There will be an expectation that as many opportunities to create jobs at the Garden Community, and within a sustainable commutable distance, are followed up and delivered. GC Policy 5 explains how this will be achieved, with an aim of creating at least one job per new household.



Section 1 Local Plan

Under the theme of Economic Activity and Employment, some of the main requirements covered in this **Plan**, as set out in the policies of the adopted Section 1 Local Plan include:

- Provide and promote opportunities for employment within the new community and within sustainable commuting distance of it.
- Provide a mix of land uses and services with well-defined public and private spaces to create sustainable well-designed neighbourhoods.

Principles

A PLACE WITH A THRIVING LOCAL ECONOMY

The local economy will be vibrant and will provide a wide range of new and exciting economic opportunities, maximising opportunities from the adjacent University of Essex and capitalising on the success of the Knowledge Gateway. The site will provide a range of flexible and modern workspaces together with state-of-the-art digital infrastructure to allow for modern ways of working.

A PLACE THAT IS VIBRANT AND ACTIVE

The Garden Community will be designed to ensure interaction and activity is common. The neighbourhood centres will encourage a variety of mixed use, flexible spaces that are accessible in close proximity to homes and jobs. It will be known for its quality of livability, equitable prosperity, and social cohesion.



POLICY 5: ECONOMIC ACTIVITY AND EMPLOYMENT

Part A: Achieving a Balance of Homes and Jobs

Residents of the Garden Community will have access to a range of opportunities for employment, education, and training across a variety of sectors with the aim of achieving a minimum of one job per household, either within or close to home or within a sustainable commutable distance. To achieve this, the developers, working with the Councils and other partners, will prepare an Economic and Employment Strategy, which will detail a variety of measures aimed at fostering the conditions for economic activity and employment.

Proposals will need to reflect an Economic and Employment Strategy and demonstrate how the following will be achieved:

- How delivery of the first phase of business accommodation in each employment area is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land;
- Expansion of the University of Essex and the Knowledge Gateway through the allocation of land for expansion and ongoing development including an appropriate high quality pedestrian/cycle connection across the A133;
- Creation of 'centres' serving each of the Garden Community's new neighbourhoods providing facilities such as shops, services and community facilities, including schools, care facilities and flexible community buildings that can be used for a variety of purposes, including health provision, and could include employment land and job opportunities including touch down space;
- The provision of a mixture of employment units including smaller workshop space, grow-on space (150-500sqm) for businesses that have overgrown their initial accommodation. Developer contributions will be sought for the provision of affordable employment space.
- Employment areas offering a high-quality, pedestrian and cycle friendly environment, including access to green spaces and amenities for employees
- Construction of new homes with innovative approaches to home working and the highest standard of broadband access to promote home working, business creation and self-employment;

- Creation of the Rapid Transit System to enable a rapid commute for residents to and from all neighbourhoods within the Garden Community to key areas of employment including the new A120 business park and centres as well as those outside of the Garden Community, such as the University of Essex, Colchester City Centre, Colchester General Hospital, Colchester Business Park and Colchester Sports Park;
- Effective networks, technology and resources that facilitate up-skilling, re-skilling, employability and innovation throughout the life of the development. This is to include positive partnership working between the Councils, University of Essex, the Colchester Institute and other local educational establishments, and the developers to increase capacity and improve facilities to deliver training in identified 'growth sectors (construction, education, life sciences, health and care, and knowledge-sector digital/creative;); and
- Working with government, the local authorities and other partners to secure public sector intervention where market failure can be evidenced and to explore the potential for central government functions and related supply-chain industries to be relocated to the Garden Community.

Part B: Employment Allocations

GC Policy 1 of this **Plan** allocates approximately 25 hectares of employment land in the form of a new Business Park and a 'Knowledge-Based Employment' site, and three Garden Community Neighbourhoods which will also accommodate employment uses in 'Neighbourhood Centres'.

A120 Business Park

Land within the Business Park is allocated for uses falling within the following Use Classes:

- E(g)(ii) Research and Development
- E(g)(iii) Industrial Processes
- B2 General Industrial
- B8 Storage and Distribution

Development should include a mix of uses and unit sizes. Ancillary business uses such as a hotel, food and drink will only be permitted where they support the primary use of the Business Park.

Knowledge-Based Employment Land

Land within the Knowledge-Based Employment Land is allocated for uses falling within the following Uses Classes:

- E(g)(i) Offices
- E(g)(ii) Research and Development

Ancillary business uses such as food and drink will only be permitted where they support the primary uses of the Knowledge-Based Employment Land.

North and South Neighbourhood Centres

The North and South Neighbourhood centres should support flexible E and F Class Uses that are able to achieve a critical mass of activity and footfall. These centres should be focused on sustainability, convenience and community uses, and may include serviced office-type hot desk and meeting room facilities.

Part C: Protection of Employment Land

Land allocated for employment use in this **Plan** and any employment land or employment space created as part of the Garden Community will be protected for employment use as specified in Part B of this Policy unless a future review of this Plan determines otherwise. Proposals for non-employment uses, or alternative use classes for allocated land and premises will not be supported to ensure the Garden Community is served by a flexible range of land and property for the provision of commercial activity and jobs.

Part D: Planning Application Expectations

1. An Economic and Employment Strategy will be required to help achieve the objective in Part A of this policy. This must be prepared collaboratively with the Councils and relevant stakeholders, and subsequently approved by the Councils. The strategy should complement the Councils' skills and employment ambitions, including resourcing interventions for those hardest to reach and who would otherwise not benefit from this development.
2. An Employment and Skills Plan (ESP) (sometimes known as a 'Construction Workforce Development Strategy and Agreement') will be required. This must be prepared collaboratively with the Councils and relevant stakeholders, and subsequently approved by the Councils.

Justification

The Garden Community can make a contribution to addressing the challenges of increasing productivity, delivering prosperity and productivity, and contributing towards the creation of mixed and balanced new communities that are successful and sustainable in the long term.

The NPPF advises local planning authorities to take a pragmatic approach to the protection of employment sites. To build a strong, responsive and competitive economy, policies need to be flexible whilst ensuring that the needs of the community are met. Employment sites are under increasing pressure to be developed for other uses, but it is important to retain and protect employment sites where possible and appropriate. Employment land retention and provision is particularly necessary within the Garden Community to enable balanced job and housing growth and the aim of achieving a minimum of one job per household, either within or close to home or within a sustainable commutable distance.

The Economic and Employment Study (Quod, January 2022) sets out the evidence, analysis and recommendations which has informed this Plan. The study concluded that the prospects for a business park (B2/B8 logistics, industrial and ancillary office) with direct access to the A120 are very strong. Market signals indicate these uses should be capable of being delivered early in the programme. The opportunity for a university-linked commercial space and/or higher density office and lab space should be developed in the 'Knowledge-Based Employment Land'. The study shows there is a long-term opportunity to build networks to promote and sustain commercial activity at the Garden Community creating highly skilled jobs.

The study also recommends the provision of flexible office space concentrated in the North and South Neighbourhood Centres; this should be small in scale to meet local need. A key objective is to ensure economic uses help to create a successful, integrated, and balanced community with vibrant centres that include a mix of employment opportunities and services. A mix of employment uses provides flexibility and the ability to respond to market strengths and opportunities. A realistic level of self-containment should also be achieved, with as many commuting journeys as possible undertaken through walking, cycling and public transport. Sustainable access to employment opportunities in neighbouring major employment centres or surrounding towns in Tendring and Colchester will need to be provided.

The Economic and Employment Strategy should as a minimum set out:

- How skilled workers can be attracted to live within the new community.
- How many workers may take up jobs in the foundational economy, in sectors such as construction, retail and leisure, health and education.
- How the number of employment opportunities in the tradeable economy can be maximised within the new community itself – particularly, in the advanced manufacturing, clean energy, digital, and life sciences sectors.
- How business accommodation can meet the needs of business occupiers in terms of location, placemaking and building design.
- How workers will gain the skills and employability support required to access good jobs.
- The cumulative impacts but also opportunities of other growth nearby.
- Potential barriers to delivery – and how these can be overcome.
- Risks to successful long-term stewardship – and how these can be managed.
- How the employment and skills landscape and partners will be coordinated and managed to maximise benefits for residents and businesses e.g. via a skills and employment brokerage service or links with Job Centre Plus and the Essex Opportunities Portal.

The Garden Community will contain a vibrant mix of occupiers, including suitable uses in the evening and night-time economy. Non-residential development on lower floors should be flexible and adaptable to accommodate a range of uses and sectors, including studio based Small and Medium Sized Enterprises (SMEs) or third sector organisations.

Employment areas will need to offer a high-quality, pedestrian-friendly environment, including access to green spaces and amenities for employees. There will also be a commitment to futureproof broadband connectivity to all homes and businesses.

In the current economic climate and national skills shortage, the Councils will expect the developer to prepare an 'Employment and Skills Plan' (ESP) to increase local construction employability levels and workforce numbers. Improving the skills of the local labour force will be key to improving the areas economic competitiveness. Through the ESP, increased skills and employability will enable residents to take advantage of opportunities created by new development at the Garden Community. The ESP will enable relevant and proportionate targets to increase the volume and quality of employment and skills interventions. The ESP should consider the skills required for the development of sustainable infrastructure, for example design and construction of sustainable buildings and infrastructure; renewable energy; and sustainable waste management.

The ESP should seek to maximise the potential for local people to be trained and employed in the long-term development of the Garden Community. The ESP will demonstrate the measures that will be employed to maximise the opportunities for local people to access training and employment in the construction of the Garden Community and associated supply-line industries, and enable wider employment opportunities for those requiring additional support to enter the job market.



Chapter 7: Community and Social Infrastructure

The garden community will be known for its healthy and happy community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport and leisure facilities. It will establish long term and participative stewardship of infrastructure from the outset.

This chapter contains the Councils' expectations and policy on ensuring the Garden Community is served by community services and facilities of the right type in the right location, including schools and sports facilities; as well as access to health services and how the development will incorporate measures to encourage inclusive, healthy, and happy lifestyles.

Section 1 Local Plan

Under the theme of Community and Social Infrastructure, the main requirements for the Garden Community, as set out in the policies of the adopted Section 1 Local Plan are set out below.

- Establishment of new neighbourhood centres of an appropriate scale and easily accessible by walking, cycling and public transit to the majority of residents of the Garden Community – each containing community meeting places.
- New secondary school, primary schools and early-years facilities.
- Measures for increasing capacity in, and accessibility to, primary health care – either through new infrastructure or the improvement, reconfiguration, extension, or relocation of existing medical facilities.
- Creation of healthy communities through the pattern of development, urban design, access to local services and facilities, and safe places for active play and food growing.
- The provision of new indoor leisure and sports facilities and/or contributions towards the improvement or expansion of existing facilities in the wider area.
- New community parks, allotments, a new country park and the provision of sports areas and play areas with associated facilities.
- An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided.



Principles

A PLACE WHERE EVERYONE CAN FEEL AT HOME

The Garden Community will be home to a multi-generation and multi-cultural community for people of different ages, ethnicities, interests and lifestyles. A variety of spaces for social interaction will encourage existing and new communities to meet with facilities designed to be accessible and inclusive.

A PLACE WHERE IT'S EASY TO BE HEALTHY AND HAPPY

The Garden Community will be designed to make it easy for residents and visitors to live well. It will be about far more than the delivery of healthcare services but focused on creating environments that promote healthy living, are regenerative, restorative and relaxing - being active and tranquil will come naturally.

A PLACE WHERE EVERYONE CAN LEARN

The Garden Community will be planned with lifelong learning in mind. While early years, primary and secondary education will all be planned for it will also develop a more holistic place that creates opportunity for lifelong learning, training and local opportunities with employers and key institutions such as the University of Essex.

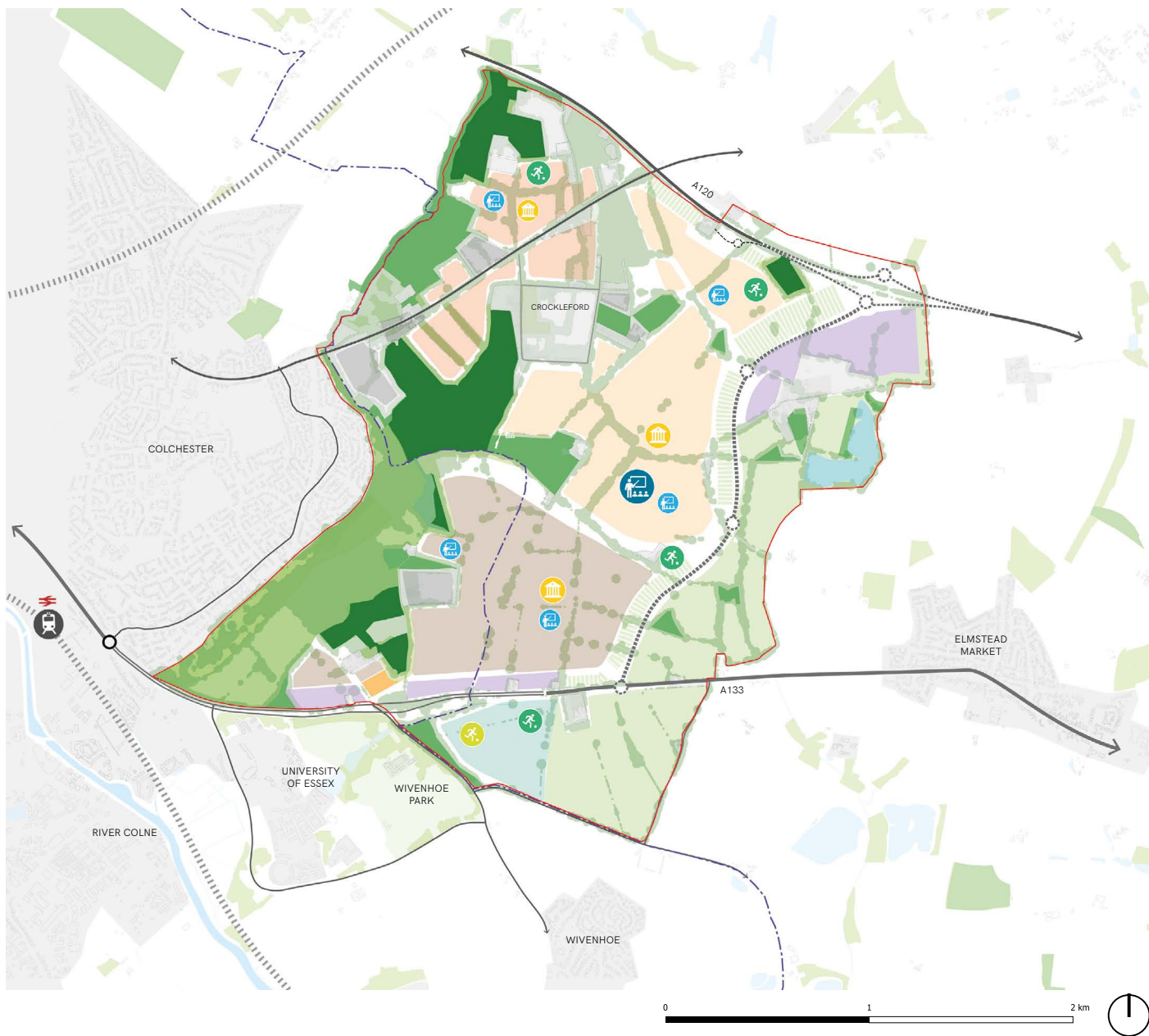
A PLACE TO PLAY AND HAVE FUN

In addition to purpose-built sport and leisure facilities the Garden Community will include opportunities for recreation and activity including for children and young people.


















A PLACE WHERE LONG TERM STEWARDSHIP IS CONSIDERED FROM THE OUTSET

Long term stewardship and governance will be considered and built-in from the initial stages of planning and designing the Garden Community. A clear understanding will be established from early on, of how the assets generated by the development process will be managed on behalf of the community in perpetuity and how income streams will be generated. Meaningful community participation will be established from the outset to enable people to engage in the management of their infrastructure. Community needs and opportunities will be identified in a participative manner and there will be local representation on delivery teams and partnerships.

COMMUNITY AND SOCIAL INFRASTRUCTURE ILLUSTRATIVE FRAMEWORK PLAN



KEY

- | | | |
|---|--|---|
|  Area of Search of TCBGC |  Attenuation Ponds |  Hubs |
|  District Boundary |  Southern Neighbourhood |  Sports Hubs |
|  Ancient Woodlands |  Central Neighbourhood |  University Sports Parks |
|  Woodlands |  Crockleford Neighbourhood | |
|  Country Park |  Employment Uses | |
|  Amenity Green Space Wat |  Primary Schools | |
|  Course |  Secondary School Community | |

*The location of specific land uses, facilities and activities are illustrative and subject to further masterplanning.

GC POLICY 6: COMMUNITY AND SOCIAL INFRASTRUCTURE

The Garden Community will deliver local community services and facilities, including opportunities for joint provision and co-location to provide services which best meet people's needs, are accessible to all and which are multi-purpose and innovative. The community and social infrastructure needs of the Garden Community will be determined in accordance with detailed assessments and strategies, prepared by the developer in partnership with the Councils, key stakeholders and infrastructure providers having regard to up to date evidenced need, informed by bespoke demographic studies. These should be approved alongside and/or prior to the determination of relevant planning applications, as appropriate.

Phasing of the delivery of community and social infrastructure will be aligned with other aspects of the development to ensure that the needs of the community are met from the outset and that the development meets the principle of 'infrastructure first'.

The Garden Community will promote wellbeing and a happy, healthy community that is engaged, empowered and socially inclusive. Stewardship will be important to ensure that the new community has a stake in the long-term development, maintenance and management of the Garden Community.

Part A: Neighbourhood Centres

Each of the 'Garden Community Neighbourhoods' must include at least one 'Neighbourhood Centre' which will complement one another. All centres must be accessible by a comprehensive sustainable travel network (walking and cycling) designed around the 20-minute neighbourhood principles and have good access to one or more of the Rapid Transit System halts. All centres must include a diverse range of uses, including, but not limited to, education, retail, community space and a dedicated or flexible space to enable activities to support the wider determinants of health. All centres must include community meeting places, which can provide for a range of community uses and needs. Buildings should be designed flexibly to ensure they are resilient to respond to changing needs over time. The upper floors of buildings in centres may be used for residential uses where it can be demonstrated that there will be no harm to residential amenity arising from noise, pollution or other impacts of the ground floor uses. The public realm must be inclusive and create a sense of place, safety, and interaction with nature.

Part B: Community Buildings and Spaces

Multifunctional community buildings and spaces must be provided throughout the Garden Community, including within each of the 'Neighbourhood Centres'. Community buildings and spaces must be convertible and flexible to accommodate a variety of users, including faith groups, social prescribing activities, community fitness, play and cultural activities. Community buildings and spaces must be inclusive and accessible to all, including those with mobility and sensory issues and must meet Part M1, 2 and 3 of the Building Regulations. Schools may be an appropriate location for such uses and relevant planning applications should be accompanied by a 'Community Use Statement/Plan'.

Part C: Education, Early Years and Childcare

The Garden Community will provide for early years and childcare facilities, and schools, that are located centrally to the Neighbourhoods they serve and away from primary traffic routes. Land and commensurate financial contributions are required for:

- One secondary school on at least 12.4ha of suitable land, or two secondary schools each on 7.9ha of suitable land allocated for education use.
- Up to five new primary schools, each with a co-located early years and childcare facility and each on at least 2.1ha of suitable land allocated for education and childcare use.
- At least five new 56 place stand-alone early years and childcare facilities, each on 0.13ha of suitable land allocated for education and childcare use.
- One new 30 place stand-alone early years and childcare facility on 0.065ha of suitable land allocated for education and childcare use.
- One new 26 place stand-alone early years and childcare facility on 0.058ha of suitable land allocated for education and childcare use.

Each of the Neighbourhoods must include at least one co-located primary school with early years and childcare facility and provision for stand-alone early years and childcare facility.

A secondary school site should be co-located with a primary school and early years and childcare facility to provide for the option of an all through school.

Additional space must also be provided for co-located Special Educational Needs (SEN) provision and any community uses being delivered by the school.

Proposals should have regard to the Essex County Council [‘Developers’ Guide to Infrastructure Contributions’](#) and [‘Garden Communities and Planning School Places’ guide](#).

Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves. All schools should be well connected to the natural environment to provide the option of providing forest school sessions.

Part D: Sports, Recreation and Open Space

The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided. Opportunities should be taken to deliver multipurpose facilities well integrated into the built environment and well designed in terms of their landscape settings. The Councils will only consider offsite provision where it is well connected to the Garden Community and/or where it will deliver multiple benefits, including benefits to existing communities.

Part E: Health

The Garden Community will create an active environment that promotes health and wellbeing and builds a strong community. The conditions for a healthy community will be provided through the pattern of development, good urban and public realm design, access to local services and facilities, opportunities for local employment, high quality open space and landscape design and safe places for active play, biodiversity and food growing, and which are all accessible by walking, cycling and public transport. Proposals must take account of the [healthy new towns principles](#), the developing integrated neighbourhood model of working, as well as [Sport England’s Active Design](#) principles.

Appropriate health and wellbeing services must be provided to new residents and occupiers of the Garden Community from first occupation. Proposals for the development of the Garden Community must include:

- A new Health and Wellbeing Hub to be provided in the early phases of development (potentially via a phased approach to delivery). The facility shall be designed to deliver an integrated service for patients – including a cluster of general practitioners, a wide range of diagnostic services and primary care treatment – to minimise the requirement for secondary care treatment at hospital. It should be located on an accessible site close to other community facilities.
- Flexible space for health provision, located within the Neighbourhood Centres and community buildings.

Developers should enter into early conversations with the local NHS Integrated Care Board, the North East Essex Health and Wellbeing Alliance, and other relevant partners to ensure that proposals reflect current health and social care models.

The phasing of health facilities and services must be set out as part of the Phasing & Implementation Strategy to explain how health provision will meet the needs of the community as it grows. Proposals must be accompanied by a 'Health Strategy' that sets out what health and wellbeing services will be provided, prepared in collaboration with key health stakeholders. This will include detail on the size of the Health and Wellbeing Hub, the provision of and relationship to other flexible community space and any off-site mitigation to address the needs of the population.

Each Planning Application must be supported by a Health Impact Assessment (HIA) prepared in accordance with the advice and best practice as published by Public Health England and locally through the Essex Planning Officers' Association HIA Guidance Note, using the most up to date guidance. Any mitigation measures identified in the HIA should be incorporated into the proposed development.

Part F: Stewardship

To help establish a strong community, arrangements for the sustainable long-term governance and stewardship of local assets, and community development activities appropriate to the creation of a new community, must be agreed as part of the planning permissions and planning obligation agreement(s) relating to the site (except for those applications related to the provision of the A120-A133 Link Road or RTS). Provision will need to be made and agreed to ensure the appropriate financial, physical, and human resources are secured to deliver stewardship aspirations. This will include the transfer of suitable income-generating assets, or equivalent endowment, that can provide a long-term source of revenue for the stewardship body.

The preferred solution for stewardship arrangements will need to be determined as part of future planning permissions for the site. This will be achieved through collaboration between the developers, the Councils (including Essex County Council), and other relevant stakeholders, and will be secured through planning conditions or planning obligations attached to planning permissions.

Developer contributions will be required to fund the initial set up and running costs, including staff, premises, and equipment costs. This support will need to be provided for a minimum of 10 years, or until such time as stewardship activities are financially self-sustaining, before the occupation of the first home.

Part G: Planning Application Requirements

1. Proposals for the development of the Garden Community must include planning obligations enabling the phased delivery of community and social infrastructure.
2. Proposals must include a Phasing and Implementation Strategy, which explains how the rate of development will be linked to the provision of the necessary social, physical, and environmental infrastructure. This must be based on the latest evidence from infrastructure providers, statutory bodies and governing bodies and will include the employment of community development workers.
3. Proposals must be supported by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure, particularly schools.
4. Proposals must be supported by a Health Strategy, prepared in consultation with Integrated Care Board and NEE Health and Wellbeing Alliance.
5. Proposals must be supported by a Health Impact Assessment, prepared in accordance with the latest advice and best practice.
6. Proposals must be supported by a Healthy Living and Play Strategy. This Strategy should demonstrate how the development will be designed to encourage active lifestyles, independence, and wellbeing, through the provision of sites, facilities, and informal opportunities for people to play, socialise, play sport, keep fit and have fun.

7. A detailed Stewardship Strategy, supported by a (independently reviewed) business case, will need to be prepared and agreed in writing with the Councils which will need to establish the scope of the stewardship and community governance arrangements, how it will evolve and develop over time, and the long-term financial sustainability of the model. This strategy will need to show how the arrangements proposed will successfully interact with and work alongside existing local governance arrangements including town/parish councils.
8. Proposals should explain how information on a range of issues will be passed on to future residents, this could be by digital means such as a dedicated app developed for the Garden Community.
9. Proposals for educational use/buildings should be accompanied by a 'Community Use Statement/Plan'.

Justification

The Garden Community will be underpinned by a package of community and social infrastructure that is based on up-to-date evidence of need, to enable residents to meet the majority of their day-to-day needs. The Garden Community is an opportunity to explore, with service providers, new ways to provide and deliver the education, health and other community and social infrastructure needed to support the new community, and the Councils have worked with service providers throughout the production of the **Plan**.

Community and social infrastructure covers a wide range of facilities, such as health; education; sports, recreation and greenspace; places of worship; community halls; public houses and cultural infrastructure. Green-blue infrastructure, including the provision of Suitable Accessible Natural Greenspace (SANG), is another important element of community and social infrastructure and requirements for this are included in the Nature policy.

Infrastructure first is a Garden Community principle. The policy is clear that necessary community and social infrastructure will need to be provided but is flexible to respond to changing approaches to service provision as the Garden Community develops over time.

The provision of a local centre within each of the neighbourhoods will provide residents with access to services and facilities, reducing the need to travel and contributing to the creation of 'walkable neighbourhoods'. Social interaction will be promoted through a mix of uses and layouts that allow for easy pedestrian and cycle connections. This policy plans positively for the provision and use of shared space, multifunctional community facilities and other local services.



The availability of good quality schools is consistently ranked as amongst the most important indicators of a high quality of life. Schools will be an important part of the Garden Community and it is key that the size and location of each is carefully considered and confirmed with the Councils as part of the comprehensive and details masterplanning process.

The scale of the Garden Community will require the provision of new education facilities that are comparable with the total number of homes built and the housing mix delivered. Garden Communities by their nature are unique developments and the precise level and pattern of demand for school places may differ from the norm that has been observed on other developments. Therefore, it is important that the planning of new schools is informed from the outset by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure.

Essex County Council's '[Garden Communities and Planning School Places](#)' guidance document and the '[Developers' Guide to Infrastructure Contributions](#)' provide detail on school and early years and childcare requirements and specifically new schools serving new Garden Communities in Essex. The Department for Education have published guidance, titled '[Education Provision in Garden Communities](#)', which should also be read in conjunction with these documents. There is an expectation that school buildings will be carbon positive, deliver exemplar learning environments and generate low lifetime costs.

Schools should be designed to encourage health and wellbeing especially physical activity by the design and layout of the schools, e.g. storage facilities to support cycling and designing the school grounds to promote informal physical activity as well as providing the conventional and required sport and play facilities.

The Healthy Living and Play Strategy required under Part G should be informed by the recommendations of the 2022 Colchester Tending Open Space Strategy and should be co-ordinated with other relevant strategies for the development such as the Green-Blue Infrastructure Strategy and the Active Travel Strategy. The strategy should demonstrate how the broader design of the development has encouraged active lifestyles (e.g. through the use of the Active Design principles).

Healthy new towns principles and Sport England's **Active Design principles** have been incorporated throughout this **Plan**. The policy explains the conditions for a healthy community will be provided through the pattern of development and good quality placemaking and design. Green-blue infrastructure, sports facilities, local shops, allotments, and layouts that encourage walking and cycling are all important for healthy lifestyles, and these are incorporated into the policies of this **Plan**. To ensure proposals plan positively and address the determinants of health from the outset, proposals will be required to carry out a Health Impact Assessment (HIA). The purpose of the HIA is to identify opportunities for positive health impacts and potential negative impacts and how they might be mitigated. The HIA can evidence that development will be safe, secure, and accessible. Mitigating the opportunities for crime is not only about reducing and preventing injury and crime, but it is also about building strong, cohesive, vibrant, and participatory communities. Safety, and the perception of crime is paramount, as each individual member of the community should have the right to use the appropriate space available and the environment without promoting and inducing the fear of crime. The conclusions and recommendations of the HIA will need to be incorporated into proposals.

New community and social infrastructure, including open spaces, need to be managed and maintained in perpetuity. Stewardship is the term for the long-term management of such assets. The Councils consider that stewardship also includes the development of the Garden Community as a friendly, inclusive, happy, and healthy place where residents are encouraged to interact through the design of community infrastructure and the provision of community development activities such as organising events and establishing clubs and interest groups.

There are numerous stewardship models available, and it is important for the long-term development of the Garden Community that stewardship is considered early on. The Section 1 Local Plan includes policy requirements to establish long term governance and stewardship arrangements for community assets, including the provision of community support workers for a minimum of 10 years.

Stewardship arrangements should include a stewardship strategy, supported by a (independently reviewed) business case, that establishes the scope of the stewardship and community governance arrangements, and sets out how they will evolve over time, as well as the financial sustainability of the arrangements proposed. To ensure financial sustainability is achieved it will be essential for the stewardship body to be endowed with income-generating assets that are capable of providing a secure and long-term source of revenue for the stewardship body.

The strategy should include an initial activation program to support community development delivery early on. For example, initiatives to support the establishment of community walking, running, cycling activities and to support sports club development. Without this, there is a risk that staffing and premises will be in place but their ability to deliver community development initiatives will be constrained.

Stewardship and governance arrangements will need to achieve the following principles:

- **To achieve a high quality of place:** to ensure that the quality of place and services delivered are exemplar and provide great places to live, work, visit, and play.
- **To steward a range of community assets:** to ensure that a range of assets are held in perpetuity in community ownership and managed for the benefit of the community.
- **To promote community identity and cohesion:** to ensure that residents and business are directly engaged in the long-term management of the community assets, fostering a shared sense of ownership and identity.
- **To act with professionalism and entrepreneurship:** to provide proactive management of land and property endowments, be entrepreneurial and evolve as the community grows and circumstances change.
- **To be financially sustainable:** to be long-term financially viable and self-sustaining with secure income streams. If and where service charges are required, they will be set up and enforced in an equitable way with local control over the management of the system, with rent charges not being imposed on residents. Local authorities and local residents must be protected against financial liability or risk.
- **To be accountable and well-governed:** to ensure open, transparent and accountable governance with the community having the ability to exercise influence and control over stewardship decisions and delivery. The legal form of the stewardship body will be determined through consultation with all relevant stakeholders.
- **To be adaptable and follow an incremental approach:** to recognise the long-term undertaking and take a staged approach to developing stewardship structures and identifying the opportunities that stewardship allows for due diligence and community engagement throughout the planning and development process.



Chapter 8: Movement and Connections

The garden community will be structured around a dense network of traffic-free walk and cycle routes with rapid public transit prioritised and supported by a range of innovative mobility measures. This will ensure day to day trips are shorter, quicker and cheaper without a car.

This chapter sets out the policy expectations in relation to Movement and Connections. The key objectives and principles for the Garden Community are to ensure neighbourhoods are walkable, low traffic and livable, where residents can access most of their daily needs within a 20-minute walk or safe 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, and enables new ways of working and service delivery that supports remote working and digital solutions by making it easier for people to access services locally or by digital means.

Section 1 Local Plan

In respect of the topics covered under the theme of Movement and Connections, some of the main requirements expected to be covered in this Plan, as set out in the policies of the adopted Section 1 Local **Plan**, include:

- Details of the design and delivery of the A120-A133 Link Road and the Rapid Transit System (RTS) and how they will be integrated as part of the Garden Community.
- Delivery of the supporting transport infrastructure for the Garden Community.
- Measures for sustainable transport provision and targets for 'modal share' – i.e. aiming to change travel behaviour to reduce car use and maximise walking, cycling and use of public transit.
- Measures for ensuring sustainable transport measures are provided early, from the very first occupation of homes at the Garden Community.
- The network of footpaths, cycleways and bridleways to enhance accessibility within the site and to the adjoining areas – including the University, Hythe station and Colchester City Centre.
- Innovative strategies for the management of private car use and parking, including the promotion of car clubs and car sharing, and the provision of electric car charging points.
- Parking facilities and design approaches that can be adapted if levels of private car ownership fall.
- Park and ride facilities and other effective integrated measures to lessen the transport impacts of the proposed development on the strategic and local road network.
- Measures for delivering reliable high speed/ultrafast broadband at all new and existing property.
- Longer term transport interventions designed to minimise the impacts on the strategic and local transport network and that fully lessen any environmental or traffic impacts arising from the development.

Principles

A PLACE WHERE PEOPLE HAVE PRIORITY

The starting point for the design of the Garden Community will be a network of people-focused streets and traffic-free routes that ensure it is quicker to walk, cycle and scoot than use the car. The streets will be for play and enjoyment first, with traffic and deliveries carefully managed such that the streets are seen as a key setting for community life. While the Garden Community will not design out the car it will purposefully be planned for a different future where reduced private ownership and shared modes are efficient, safe and cheaper. While access will be possible to every house by car, the design of the streets will mean that cars will move slowly and be understood as guests in the streetscape. The streets will be designed such that parking spaces, car parks and car courts can be repurposed as community spaces as car ownership falls in the future.

A PLACE WITH RAPID, EFFICIENT AND COST EFFECTIVE PUBLIC TRANSPORT

A new Rapid Transit network will link the Garden Community to the wider area on high quality vehicles, operating at high frequencies and offering faster journey times to key destinations than by other means such as the private car. This will make Rapid Transit the first choice for trips into Colchester and beyond. The RTS will be a huge benefit for existing communities and for those travelling in to use the Park and Choose site, making the area even more attractive as a place to live, work, play and visit.

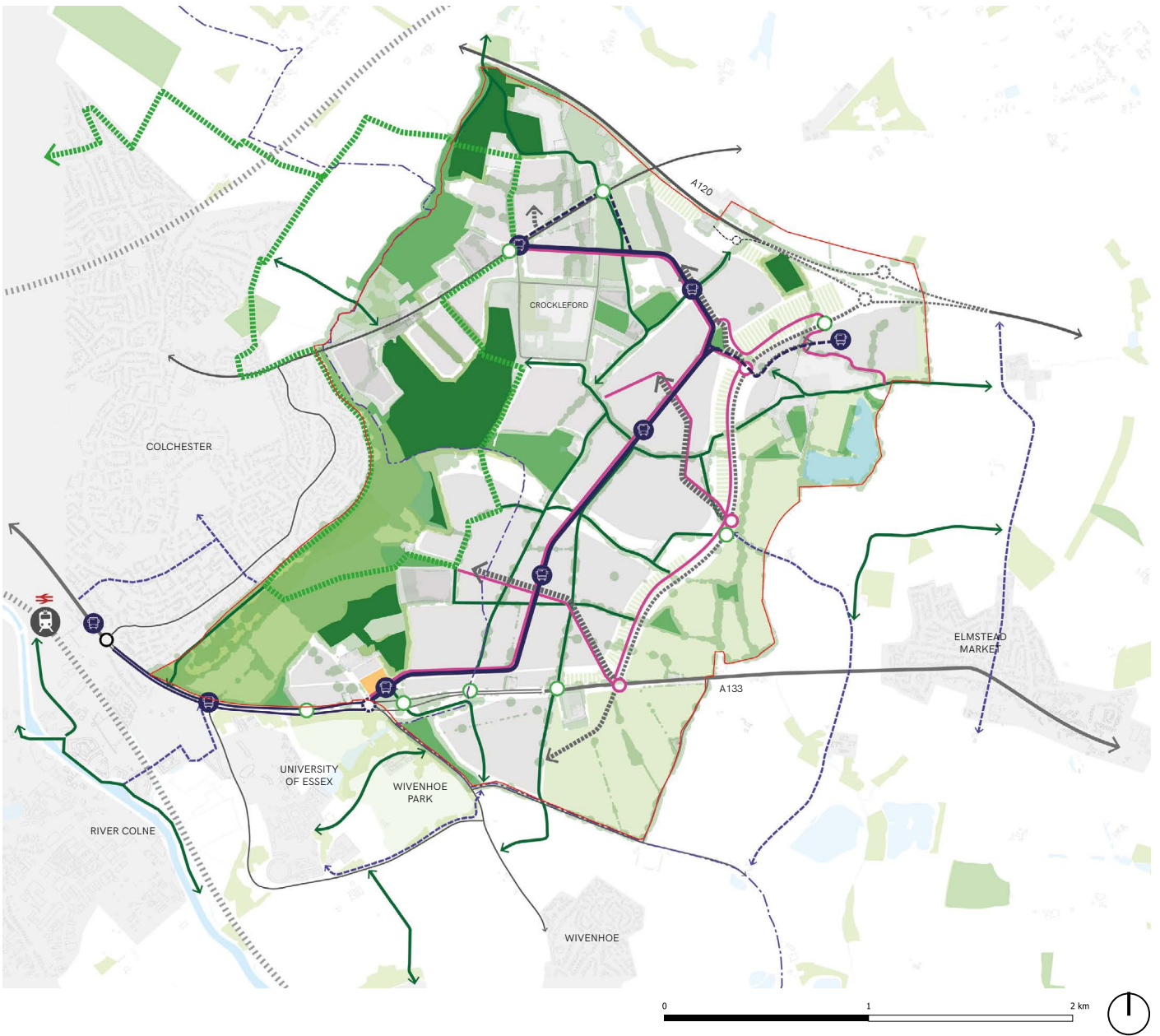
A PLACE WHERE ACTIVE AND SUSTAINABLE TRAVEL IS THE NATURAL CHOICE

Journeys will be different. The streets will be designed for people not cars, while dedicated traffic-free links will make walking, cycling and shared transport the natural choice for most trips – whether this may be going to work, dropping the kids off at school on the way or meeting friends at the weekend. It will be more direct, quicker and cheaper to travel by active and sustainable modes and therefore there will be less need to own a car.

A CONNECTED PLACE

The Garden Community will have excellent strategic connections to Colchester, Tendring and beyond. Locally the Garden Community will be seamlessly connected with local destinations such as the University and residents will find it easy to connect to neighbours, both on- and off-site.

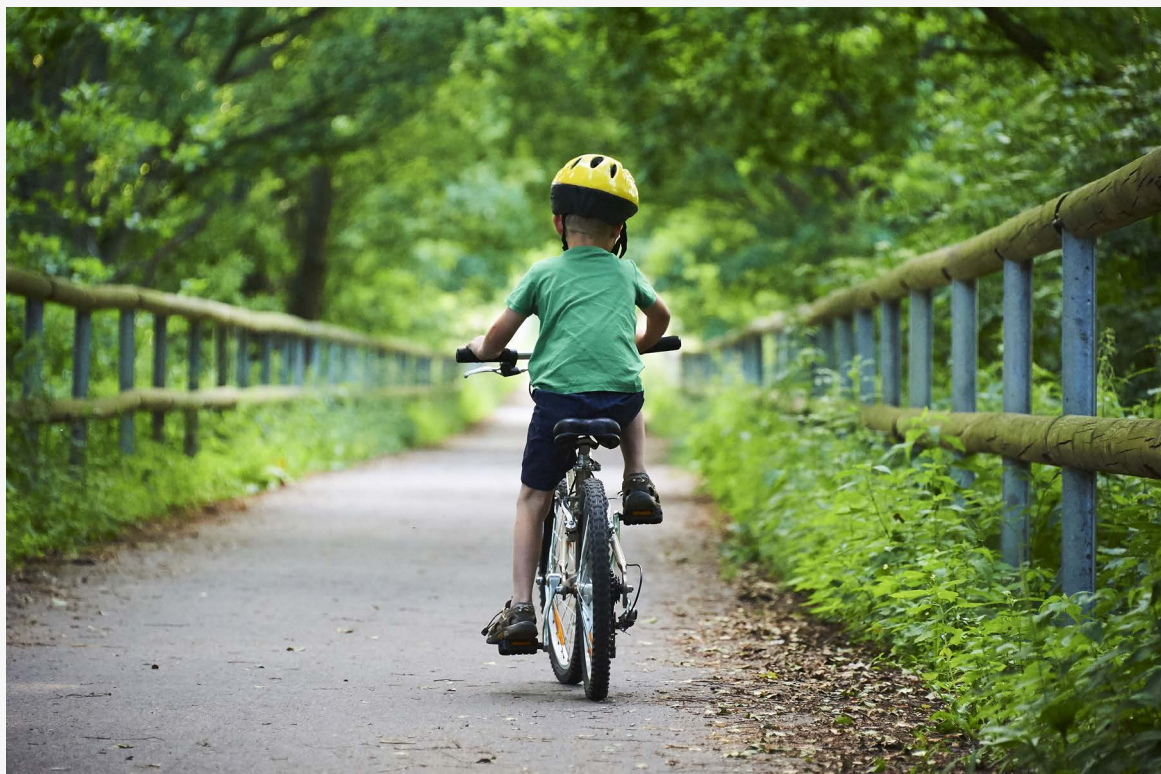
MOVEMENT AND CONNECTIONS ILLUSTRATIVE FRAMEWORK PLAN



KEY

- | | | |
|-------------------------|--------------------------------|---|
| Area of Search of TCBGC | Attenuation Ponds | Key on-street Connections |
| District Boundary | Park and Choose site | Main Vehicular Entrance Points |
| Ancient Woodlands | Existing Roads | Rapid Transit Route/ halt |
| Woodlands | Colchester Orbital Route | Improved junction with pedestrian crossing points |
| Country Park | Pedestrian and Cycle Route | Potential new crossing points |
| Developable Area | Segregated Utility cycle Route | |

*The location of specific land uses, facilities and activities are illustrative and subject to further masterplanning.



GC Policy 7. Movement and Connections

Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, this policy sets out the Councils' expectation for the Garden Community to be walkable, low traffic and livable.

Part A: Vision and Design Approach

Proposals must set out to achieve a place-based approach that contributes to achieving the decarbonisation of transport by 2050 with a focus on locating and designing development that reduces the need for people to make frequent transport trips, creating better places and healthier, happier, more resilient communities.

Proposals for the Garden Community must be designed with active travel, high frequency public transport and the RTS route at its core. This **Plan**, the supporting Strategic Masterplan and the supporting transport evidence base, will be the starting point for developers in submitting proposals for masterplans and the design of all neighbourhoods.

Proposals for the Garden Community will need to:

- Prioritise movement within the site for sustainable modes making walking, cycling and public transport the mode of choice for travel around the Garden Community by providing dedicated routes where segregation from general traffic is the default.
- See that the design creates permeable neighbourhoods for walking, cycling and public transport, with excellent connections to key destinations within and beyond the Garden Community, taking into account opportunities for future potential connections.
- Achieve filtered permeability for general vehicular traffic between neighbourhoods.
- Demonstrate how modal share targets (the number of trips by walking, cycling, public transport and private vehicle) will be achieved, maximised and monitored in a phased approach as outlined in the *Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023*, and as reflected in the table below:

Modal Share (type and %) / Year	2033	2041	2051
Active Travel	36	42	45
Public Transport (including RTS)	11	15	17
Private Vehicles	53	43	38
	100	100	100

- See that all active travel routes and transport infrastructure hubs are designed with ecology and green infrastructure in mind.
- See that all walking and cycling routes are safe and accessible to all, well-lit and designed to promote natural surveillance.
- See that the design of new streets reduces the potential for severance between communities.
- Provide and fund improvements in local transport infrastructure where it is necessary and appropriate to do so.

Each neighbourhood will need to be accessible by active modes in accordance with walkable 20-minute neighbourhood best practice guidance.

All proposals must have regard to Active Design principles and the [Building for a Healthy Life](#) process when designing the public realm and streets and undergo a Building for a Healthy Life/Streets for a Healthy Life review.

The Garden Community street design and layout proposals must be in accordance with the approved Masterplans and detailed Design Codes, and informed by the most recent [Manual for Streets](#) document and the [Essex Design Guide](#) unless otherwise agreed with the Highway Authority.

The public realm around key destinations and trip attractors within the Garden Community such as centres, mobility hubs, early years and childcare facilities, schools and leisure facilities will be designed so that pedestrians and cyclists have clear priority at most times. Access for freight, servicing and operational vehicles will be allowed at certain times.

Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to ensure sustainable travel patterns from first occupation. The required level of planning obligations will need to be agreed with the Highways Authority and the Councils in advance of any planning application determination.

Part B: Active and Healthy Travel

Proposals must ensure the Garden Community is planned around a network of safe and accessible walking and cycling routes where dedicated traffic free routes will make walking and cycling the best choice for day-to-day trips, encouraging sustainable travel, and supporting healthy and active lifestyles.

The streets and public realm will need to be designed in accordance with the Strategic Masterplan, creating attractive and safe spaces around a modal or user hierarchy with pedestrians at the top of the hierarchy and considered first. This requirement will be a fundamental prerequisite for all development proposals in formulating and creating neighbourhood masterplans and design codes.

Proposals must demonstrate how the development contributes to the ease and prioritisation of active travel through all parts of the site. This will include:

- How the design and layout results in an attractive network of high quality walking and cycling routes that are accessible, logical, convenient, safe, and secure with most homes within 400m of a traffic-free route.

- How walking and cycling infrastructure has been designed to ensure that it is accessible and inclusive, ensuring that people of all abilities can safely walk and cycle.
- How any cycling infrastructure is designed having regard to Local Transport Note [\(LTN\) 1/20](#) or subsequent updated guidance.
- How the design and layout is accessible, illustrating where safe, direct connections are being made both within the Garden Community, and how they link with the wider network of pedestrian and cycle routes and to key external destinations (such as the University, Colchester City centre, railway stations and existing local communities) and transport interchanges.
- How connections are being made to the existing Public Rights of Way (PRoW) and green-blue infrastructure network, and how existing routes within the site will be retained, preserved, and enhanced, where relevant.
- How the design of the street and public realm limits and manages vehicle speeds and street parking.
- How walking and cycling routes are designed as green corridors incorporating street trees, linear SuDS features, wildlife verges and other features as appropriate.

Specific pedestrian and cycle routes will connect with the Garden Community with effective wayfinding and signage. Contributions to improvements of some or all of those links will be sought from (but not limited to) the list below, which will be subject to the outcomes of transport assessment work.

- Direct links to Knowledge Gateway/University of Essex;
- Enhanced connectivity to Colchester City centre including improvements to shared routes between Hythe Station and central Colchester and improvements to Elmstead Road/Greenstead Road;
- Cycle links to St Johns Road and Ipswich Road;
- Links to existing and planned routes such as those in the Colchester Local Cycling and Walking Infrastructure Plan;
- Colchester Orbital enhancements to settings, surfacing and way-marking where appropriate, and links to and from it;
- Direct connectivity between any Park and Choose site and the pedestrian and cycle network to facilitate high quality links to the above-mentioned destinations, as well as key destinations within the Garden Community;

- Creation of links to Garden Community green spaces, as well as existing local provisions;
- Links to existing communities such as Elmstead Market, Ardleigh and Wivenhoe.

Proposals must ensure that all new schools within the Garden Community will be designed and built, having regard to the latest School Streets Guidance in the Essex Design Guide with vehicular traffic access restricted around the vicinity of the main school entrances. The area around the main pupil entrance must be entirely traffic free and connected by safe and direct walking and cycling routes to the neighbourhood/s the school serves.

Part C: Public Transport

Proposals must demonstrate how the development contributes to:

- Ensuring public transport is a convenient way of moving within the Garden Community and to access destinations further afield, such as Colchester City centre.
- Safeguarding any segregated public transport routes and the development of the RTS alignment through the Garden Community.
- The provision of high-quality mobility hubs and transit stops as part of the development proposal, ensuring that all residential dwellings and employment sites will be within 400 metres of a bus stop or RTS halt.
- Quality pedestrian and cycle routes linking to the RTS halts from each of the centres.
- Ensuring that there is a convenient and high frequency bus service operating that is aligned with the first phase of the Garden Community which will need to be appropriately funded by the developer.

Where there are on-street bus routes away from the RTS corridor, proposals will need to consider how buses will be given priority over general traffic through traffic management measures such as bus gates, bus lanes and bus only roads, as agreed with the Highway Authority.

Roads and streets within the development, where bus routes are planned, must be designed and built to accommodate the efficient and smooth running of buses where parking or loading will not result in delays to services.

Provision and specification of bus stops/RTS halts along the key bus routes/RTS corridor must have regard to the Strategic and Neighbourhood Masterplans, which will be informed by Essex County Council bus stop and RTS halts guidance and the Essex Design Guide. Additionally, stops should include consideration for the provision of secure storage of active travel modes (i.e. cycle/scooter parking).

Part D: Rapid Transit System (RTS)

The Rapid Transit corridor will be constructed on a safeguarded alignment through the core of the Garden Community with the majority of the route dedicated to RTS buses/vehicles, cyclist and pedestrians, with no general vehicular access. All proposals will need to integrate with the RTS and demonstrate how the RTS can provide a direct link to each Neighbourhood Centre.

Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters). The halts should be an important component of centres and land/space needs to be identified and safeguarded for these stops and associated interchange and mobility hubs within development proposals.

In addressing the wider infrastructure requirements, proposals will need to demonstrate and ensure that the construction of the RTS and associated infrastructure can be delivered up front and aligns with the build out of the Garden Community. It should be ready for operation during the first phase of the development to influence sustainable travel behaviour and embed the use of the system and align with the Essex RTS operational model including the phased delivery plan for services.

Flexibility should be provided within design to assist and/or provide a means of powering the RTS vehicles onsite. The Highway Authority and Transportation Authority will work with operators to confirm future fleet requirements as part of the operation model.

Part E: Taxis – Electric Vehicle charging ranks

Any taxi ranks located at sites such as the Neighbourhood Centres or Park and Choose sites must have access to rapid electric vehicle charging points or similar technology installed adjacent to the rank.

Part F: Park and Choose

All proposals must plan for and integrate with the Park and Choose facility, which will need to be provided on the site and will service and support the RTS, by providing:

- High quality storage and provisions for the 'choose' modes of travel (both hire and privately owned).
- Car parking provision (i.e. traditional Park and Ride facility) where the number of spaces will be agreed with the Highway Authority.
- Appropriate facilities for patrons, site staff and public transport vehicle drivers.
- Appropriate power supply to provide electric power charging for cars, RTS vehicles, delivery vehicles and other modes (e-bikes, e-scooters, etc).
- Space for RTS vehicle parking for reserve vehicles, cleaning and inspections.
- Space to act as a transportation interchange hub for other bus services to support and reduce traffic movements within the wider Garden Community (i.e. school 'park and stride' drop off provisions).
- Space to provide a delivery hub drop off area to facilitate an e-cargo bike last mile delivery service for the Garden Community and university.

The Park and Choose facility will comply with the requirements set out in Policy 1, Part J.

Part G: Parking

Vehicle Parking

Proposals must ensure that vehicle parking complies with the Garden Community parking guidance or design code and all new development will be required to take account of any emerging or existing standards and the design requirements set out within these standards.

Proposals must be accompanied by a parking strategy that demonstrates how the development contributes to the following principles of parking for the Garden Community:

- How parking contributes to, and is integrated with, placemaking and is accommodated in a variety of ways that facilitate and prioritise walkable neighbourhoods, high quality public realm and active travel, and aligns with mode split targets.

- How the scale, location, amount, and type of parking is considered as a whole across the Garden Community with the intention of delivering the overall mode share targets, and how parking provision is related to public transport accessibility.
- How car free and car limited development will correspond to the density of development.
- How a zonal approach to parking provision has been considered across the development dependent upon accessibility of the location to public transport services, local amenities and services, as well as the density of housing and connectivity, to commercial and employment land uses.
- How the design, location and amount of parking ensures that there is no resulting overspill and inappropriate on-street parking which negatively impacts on:
 1. quality of public realm/sense of place
 2. pedestrian and cyclist movement
 3. road safety
 4. emergency access
 5. disabled access
 6. delays and journey time impacts for buses and RTS
 7. deliveries, servicing, and waste management access requirements
 8. congestion and delays to general traffic
 9. crime and personal security, and
 10. overall public transport accessibility.
- How the development achieves a balance between allocated and unallocated parking spaces with a set percentage of this being in remote (off plot) locations dependent upon the density of the neighbourhood.
- How the design of parking spaces, car parks and parking courts is designed so that they can be repurposed as community spaces, should car use fall in the future.
- How the provision of parking for people with disabilities and with mobility impairments ensures there is equitable access to all residential dwellings and other land uses across the Garden Community.
- How safe and secure parking for powered two-wheeler vehicles is provided across the Garden Community where appropriate and reasonable.

Electric Vehicle Charging Infrastructure and Standards

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. Provision for parking at non-residential and commercial land uses will be in accordance with latest government guidance and standards. The Councils may consider alternative solutions where a proportion of parking is located off-plot.

Where passive charging (the network of cables and power supply necessary so that at a future date a socket can be added easily) provision is proposed, this will require the installation of all necessary infrastructure such as cabling, power grid capacity and supply to allow for the simple and efficient retrofit of a parking spaces anywhere in the development with additional electric vehicle charging points.

Cycle Parking

Cycle parking must be provided at new homes, short stay destinations (such as shops and cafes), and long-stay destinations (such as work and education and transport interchanges and mobility hubs). Dedicated covered and secure cycle storage should be located in prominent and accessible locations as part of the design of new homes. Cycle parking at destinations should be easily accessible, prominent, safe, conveniently located, covered and secure.

All proposals must demonstrate:

- The location, amount and type of cycle parking including security measures, form of shelter and access.
- How provision for cycle parking has taken account of all types of cycles and cycle users.
- How cycle parking has been designed to ensure it is clearly marked, overlooked, well-lit and integrated into the built environment.
- How plot and off-plot cycle parking is designed and delivered having regard to LTN1/20, any Garden Community cycle parking design guidance or the latest best practice guidance document.
- How places of employment are provided with suitable and separate shower facilities, clothes drying facilities and lockers for employees that intend to cycle to work.

Part H: Travel Demand Management

All proposals must ensure that the supporting infrastructure is identified to ensure that active and sustainable modes are the most attractive and convenient modes of travel within, and to and from the Garden Community. This must be evidenced and supported by Travel Demand Management measures set out in a Travel Plan supporting the proposals to be agreed with the Highway Authority and the Councils.

H1. Freight, Home Deliveries and Servicing

Proposals must include a Freight Management Strategy for approval which has regard to the adoption and implementation of the following methods to manage urban logistics:

- Neighbourhood delivery and servicing hubs.
- Micro-consolidation centres.
- E-cargo bike delivery schemes for last mile' deliveries for business and residential areas.
- Promotion of cargo-bikes to residents.
- Freight and Servicing Plans for high trip generating sites.

H.2 Travel Plans

In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the necessary processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, supporting Strategic Masterplan and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance.

All Travel Plans will identify the sustainable transport interventions, behaviour changes and travel planning mechanisms required to see that the development reduces carbon emissions associated with transport and achieves modal split targets.

Proposals must include the appointment of a Travel Plan Co-ordinator. For employment proposals, the Travel Plan Co-ordinator will be expected to provide assistance with business travel planning. Suitable digital travel information should be made available to all residents and occupiers across the site and keep up to date details of all active and sustainable travel information.

H3: Car Club and other shared transport hire

Proposals will be expected to contribute towards the start-up and operation of a:

- Car club across the Garden Community. This will include financial contribution through planning obligations where relevant to support the scheme for a fixed period and provision of car club spaces where required. All car club bays must have dedicated electric vehicle charging facilities.
- A bike/e-bike/e-scooter (micro-mobility) hire scheme in the Garden Community. This will include financial contribution through planning obligations where relevant to support the scheme for a fixed period and provision of docking stations where required.

H4: Mobility and Micro-mobility Hubs

All proposals for the Garden Community will need to ensure that mobility hubs are located at centres, public transport interchange locations and Park and Choose sites across the Garden Community ensuring there is a comprehensive hub and spoke network of sites across the development.

ECC will produce a guide for the development of mobility hubs. This guide will identify where Mobility hubs will need to be located. Hub locations will need to be identified early in the site design process with the objective of maximising accessibility and utility. It is expected that hubs will play a key role in sustainable transport measures as identified in the Travel Plan.

Part I: A120-A133 Link Road Connectivity

The Garden Community will be designed to integrate with the A120-A133 Link Road, particularly measures outlined in the approved planning application which maintain and promote walking, cycling and horse-riding connectivity throughout the site, including the shared footway/cycleway that will be provide along the western side of the road. In order to achieve filtered permeability:

- The Garden Community must restrict vehicular connectivity, except for public transport and emergency vehicles, between the 'Link Road' and Bromley Road.
- The Garden Community must restrict vehicular connectivity between individual junctions of the 'Link Road', except for public transport and emergency vehicles, apart from the 'Link Road' itself.

Part J: Monitoring, Management and Delivery

The modal share targets will be actively monitored throughout the phasing of the development and upon full occupation via the Garden Community Travel Plan. This Travel Plan document/s will be developed in accordance with the latest best practice guidance and the transport evidence supporting this **Plan**. Both internal and external modal splits will be measured and monitored, and robust management and oversight will be activated to ensure the targets are met. The timing and scope of sustainable transport measures will be designed to achieve the modal share targets at different stages of the development build out.

The location, method, equipment, and reporting mechanisms used to undertake the monitoring will be agreed and approved by the Councils and the Highway Authority.

Permission for latter phases of development may not be given if modal split targets for early phases are not being met.

Part K: Planning Application Requirements

Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed above. Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to ensure sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants.

The following must be prepared and approved in writing by the Councils prior to determining any planning application for development of the site:

1. A Transport Assessment demonstrating how the development will encourage active and sustainable transport and achieve the mode share targets. Measures to mitigate traffic impacts should be incorporated into the proposed development. The Transport Assessment should have regard to the principles of 'Vision and Validate' showing how the vision for sustainable transport at the site will be achieved and must include a carbon assessment of transport related impacts of the development including the construction phase of the development. The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and a copy of the results of the Healthy Streets for Life Assessment.

2. A Public Transport Strategy detailing all aspects of how public transport will be designed, delivered, funded, and operated within the Garden Community for a period of at least 20 years. This document will cover all elements of bus and public transport services including such things as vehicle specifications, route timetables, service frequencies as well as all associated infrastructure such as bus stops, bus priority and RTS interventions. This document will be submitted for agreement with the Highway and Transport Authority for the area at the time of the planning application submission and will be based on the Operational Model developed by ECC.
3. A Parking Strategy and Management Plan in accordance with the Parking Guidance published by the Councils setting out how parking within the development will be allocated, managed, monitored and enforced over the lifetime of the development. It will detail the criteria for introducing parking restrictions and controls as well as charging for parking if there is a need to manage inconsiderate parking or excessive demand or to meet the mode share targets.
4. A Freight Management Strategy setting out how freight, homes deliveries and servicing will be managed and mitigated within the development.
5. A Travel Plan linked to phasing of the development, and updated accordingly, to cover the following details:
 - a. The active travel measures available and how these will be promoted to residents, employees and/or visitors to the Garden Community.
 - b. Public transport available including offers and discounts on public transport and how these will be promoted to residents, employees and/or visitors to the Garden Community.
 - c. A micro-mobility management action plan setting out ongoing operation, maintenance and management of the bike/e-bike/e-scooter hire scheme across the development. The scheme will need to be integrated with and compliment any current or future scheme within the existing Colchester urban area.
 - d. The Garden Community car club, car sharing and other sustainable travel schemes and how this will be promoted to residents, employees and/or visitors to the Garden Community.
 - e. An Action Plan that contains specific actions with timescales.
 - f. Commitment to ongoing data collection including details of how they will be funded on an ongoing basis and how the data will be reported.

- g. Targets which are monitored and submitted for approval and review by the Councils annually from the outset; and of the operation of a Transport Review Group (TRG) including terms of reference.
6. A Mobility Hubs Strategy outlining the location of the mobility hubs and the mobility services and facilities provided at each hub in line with ECC guidance. It will also include information on how the hubs will be managed, maintained, and operated throughout the lifetime of the development.

Justification

The design of the Garden Community and its neighbourhoods will have a significant impact on the travel choices residents will make both within the community and beyond. The national and local transport policy framework focuses on achieving a high share of trips using sustainable and active modes. The developer(s) of the site must demonstrate how this can be achieved.

Following the publication of the [UK Net Zero Carbon Strategy and Transport Decarbonisation Plan](#) the Garden Community will need to ensure it contributes to meeting the UK targets.¹ Transport is the largest contributor to the UK's greenhouse gas emissions. While emissions from other sectors have fallen dramatically since 1990, those from transport have reduced by under 3%. In an average local authority, transport is responsible for 35.5% of all emissions, with the sector remaining 98% reliant on fossil fuels. For this reason, the carbon emission implications from transport associated with the Garden Community must be considered and will influence the design of the development and the transport policies in this **Plan** and any masterplan and design code.

Current and developing national, regional, county and borough/district transport policies are aligning on three key principles to determine the best tools for achieving net zero carbon transport and successful places, they are:

- Reduce the need to travel.
- Shift to active modes.
- Decarbonise residual travel/switch to zero emission fuels.

The design and planning of the Garden Community and the neighbourhoods within it will ensure that there is a diversity of communities within reasonable walking distance of local facilities, services, employment, and fresh food. The result is that the internalisation of trips by active modes is maximised and the need to make external trips outside the neighbourhood is reduced.

The core principles of the walkable 20-minute neighbourhood are:

- Every neighbourhood has access to essential services and retail – with emphasis on fresh food and healthcare – within a 20-minute walk or cycle.
- Every neighbourhood has varied housing types, levels of affordability, and availability such that people can live nearby where they work.
- Retail, offices, co-working spaces and hospitality are spread throughout areas, people can work close to home and/or work from home.
- High environmental quality, availability of green spaces and clean air.

The Garden Community neighbourhoods and streets must be designed to ensure that pedestrian and cycle movements are prioritised through a network of attractive, low speed, low-traffic walkable neighbourhoods in which through access for the majority of vehicles is minimised and designed out. This will ensure that it is quicker and more convenient to travel between two points in the community by active modes, rather than by car.

Proposals must be designed around the needs of people walking and cycling to facilitate safe and direct active travel journeys. Routes should be designed in line with walkable 20-minute neighbourhood, Gear Change, Active Design and Building for a Healthy Life (Streets for a Healthy Life)¹ principles, so that they are:

- Coherent (legible and clearly signposted).
- Direct.
- Safe (appropriately lit; good sightlines; overlooked).
- Convenient.
- Accessible.

It is important that cycling infrastructure can accommodate the full range of cycles available to ensure routes are accessible to all cyclists (i.e. trikes and cargo bikes), and designed and built in accordance with [LTN1/20](#) (or subsequent updated guidance documentation). Cycle routes should have a minimum width of 2m or 3m for two-way tracks. Where a route is also used by pedestrians, separate facilities should be provided for pedestrian and cycle movements.

A Rapid Transit System (RTS) will be in place to connect the Garden Community with the University of Essex, Colchester City Centre, Colchester Railway Stations, Colchester Hospital, Community Stadium, Colchester Sports Park and the existing Park and Ride site in north Colchester. This will provide a high frequency, efficient public transport system with priority over general traffic within the Garden Community. The route, which will run alongside the A133 Clingoe Hill via the Knowledge Gateway, will link into the Garden Community.



A key feature of the RTS is the incorporation of Park and Choose facilities (P&C), provision of which is included in plans for the Garden Community. The P&C will be developed as part of, and support, the delivery of the RTS. P&C extends the concept of park and ride to include choice of transport mode and works as a central hub for other modes. Principally this will be cycle or electric cycle hire but in time could be extended to include electric scooters, e-cargo and the like. It can also provide space for drivers to store their own bicycles. Providing choice could appeal particularly to nearby potential users travelling to the University of Essex, but also to those travelling to destinations in Colchester further away from RTS halts and interchanges.

The P&C should include space for a RTS operations room with a view to creating a central hub from which automated vehicles can be managed. The P&C will also provide ticketing and service information (including high-quality broadband network connection). Given RTS vehicles are expected to be electric, although alternative fuels such as hydrogen cells could be considered, space for charging or refueling of vehicles should be included. It would be expected that significant repairs to vehicles would be carried out elsewhere. However, space for RTS vehicle parking for reserve vehicles, cleaning and inspections, and parking whilst drivers are on breaks and change overs should be included. The design of the site (and wider TCBGC RTS network) should also reflect the use of this type/length of vehicle.

The Garden Community will be designed to maximise active and sustainable modes of travel for journeys within, to and from the Garden Community. The Councils have defined ambitious mode share targets set out in the *Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023*, which will be the starting point for all discussions with the developer. The Councils will apply targets for different modes, locations and phases of the Garden Community and these will be agreed as the proposals develop. Garden Community Travel Plans will need to show how mode share targets will be achieved and maximised, with such plans subject to regular monitoring and review. Successfully achieving these outcomes is based on prioritising the funding of infrastructure that is to be delivered by 2033 for those items that will have the greatest impacts on travel behaviour and delivered before future residents establish travel habits, on the basis that travel behaviour patterns are harder to change once engrained.

To support proposals that make walking, cycling and public transport the most attractive method of travel, the Garden Community will be designed around the principles of the 20-minute neighbourhood and as a place where the car does not dominate. The parking strategy for the development will play a key role in determining overall car usage, and adequate parking provision in all instances will be required. Cycle parking is integral to the cycle network and to the wider public transport systems. The availability of secure cycle parking at home, the end of the trip or at an interchange point has a significant influence on cycle use.

Vehicle trips and traffic generated by deliveries, freight and servicing are likely to be a significant proportion of overall movements in the Garden Community. These types of movements have increased over the past decade and continued to increase in the period since the Covid pandemic due to higher volumes of online shopping. These journey types are difficult to switch to active and sustainable modes but will need to be managed creatively through neighbourhood delivery and servicing hubs and other measures detailed in a freight and servicing plan.

Travel Planning is a key tool in helping to manage transport impacts and help achieve carbon reduction objectives. Moving to a new home is recognised as being a key life event and there is evidence to show that with the right behaviour change interventions at this time can be an ideal trigger to get that individual to consider their carbon emissions and rethink the way they travel and live.

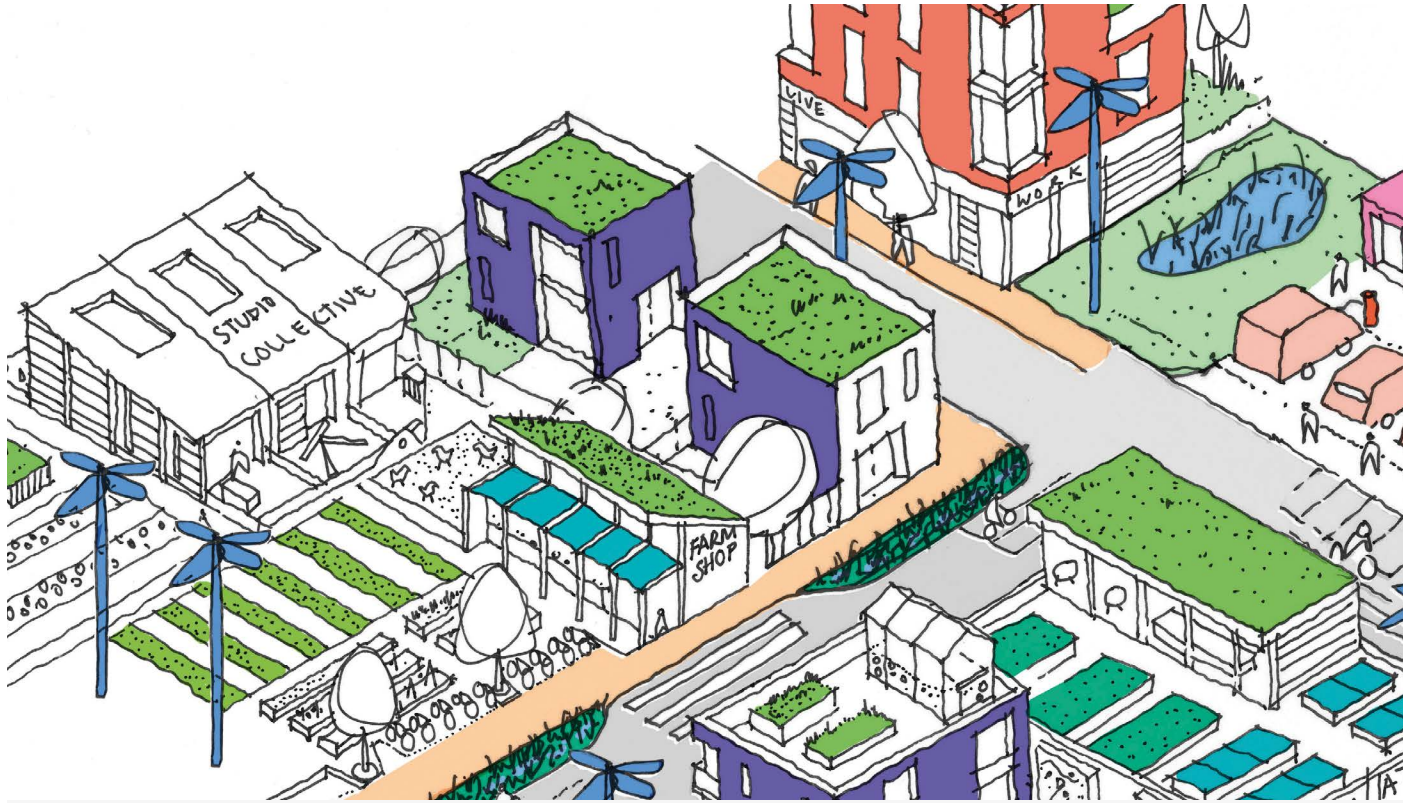
The mobility hubs will be complemented by smaller scale micro-mobility hubs located at focal points in residential neighbourhoods and employment areas. This will allow for smooth and efficient interchange between public transport, shared transport services and micro-mobility modes such as e-scooters, cycles and e-bikes. All residential dwellings and employment sites should be within 400 metres of a micro-mobility hub.

The provision of a car club could encourage residents not to see the purchase of a car (or a second car) as a necessity and use a car club car for trips that may be more difficult using public transport. All car club bays must have dedicated electric vehicle charging facilities. The car club should be used to reduce parking levels and facilitate car-free homes in certain locations.

The A120-A133 Link Road received planning permission in 2021 and is scheduled to open in 2026. Its objective is to support growth at the Garden Community, manage congestion in this wider locality and improve connectivity. It will comprise a new 2.4km road between the existing A120 and A133 in the east of Colchester; a new grade separated junction at the A120; and a new roundabout at the junction with the A133, to join into the existing highway network. Two intermediate roundabouts will also be provided along the Link Road for the Garden Community. Walking, cycling and horse-riding provisions associated with the Link Road have been designed to provide new networks, permeability, and connections across the Link Road for existing and future land users, linked to existing or diverted Public Rights of Way.

To reduce the need to travel the Garden Community will provide excellent digital connectivity and a policy is included in the Sustainable Infrastructure chapter.

A governance body, the TRG, will be established by the Councils. The TRG will have formal terms of reference and comprise the planning/highway authorities and the developer. The TRG will be provide oversight for the development, implementation and review of the Garden Community's overall transport strategy, particularly the commitment to maximise active and sustainable travel, deliver mode share targets and the measures outlined in travel plans.



Chapter 9: Sustainable Infrastructure

The garden community will make living sustainably easy for its residents. Green infrastructure and building solutions will be integrated from the outset and follow best practice standards.

Chapter 9 of this **Plan** sets out the Councils' aspirations and expectations for creating a Garden Community fit for the future and which embraces Garden Community principles and incorporates measures aimed at tackling climate change, minimising carbon emissions and climate change adaptation. The policy sets high expectations for energy efficiency, renewable energy generation, water efficiency and water recycling. Tree planting, facilities for electric vehicles and promoting walking, cycling and public transport are covered in other policies of the **Plan**.

Climate change is a global issue affecting everyone. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change. The science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5oC. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change.

The Garden Community is an opportunity to address the climate emergency through high quality design and place making, by designing climate change mitigation and adaptation measures at an early stage and encouraging behavioural change. The Councils cannot anticipate every aspect of the technological changes and will adopt a flexible approach to innovation.

To ensure that proposals for the Garden Community can respond to changing technologies, new standards and best practice, Design Codes will be prepared and updated as necessary, which could include requirements for energy efficiency standards, passive energy design, low energy networks, onsite renewable sources, environmental standards, water use, and waste.



Section 1 Local Plan

Under the theme of Sustainable Infrastructure, some of the main requirements covered in this **Plan**, as set out in the policies of the adopted Section 1 Local Plan include:

- Measures to ensure environmental sustainability, including addressing energy and water efficiency.
- Water and wastewater and flood mitigation measures.
- Sustainable waste/recycling and minerals management facilities.
- Measures for delivering reliable high speed/ultrafast broadband at all new and existing property.
- Consideration of potential on-site mineral resources.

Principles

A PLACE WHERE THE ENERGY SUPPLY IS SUSTAINABLE, SMART AND FUTUREPROOFED

The Garden Community will look at options which maximise energy efficiency, minimise energy use and promote renewable energy technologies. Smart technology and integrated data service will be used to accommodate people's needs and make their lives better. The Garden Community will ensure homes and infrastructure are futureproofed, affordable and adaptable to everybody's individual and collective needs now and in the future.

A PLACE DESIGNED FOR THE IMPACTS WHILE MINIMISING ITS CONTRIBUTION TO CLIMATE CHANGE

The impacts of climate change will be actively tackled through developing initiatives that reduce greenhouse gas emissions and that actively take carbon dioxide out of the atmosphere.

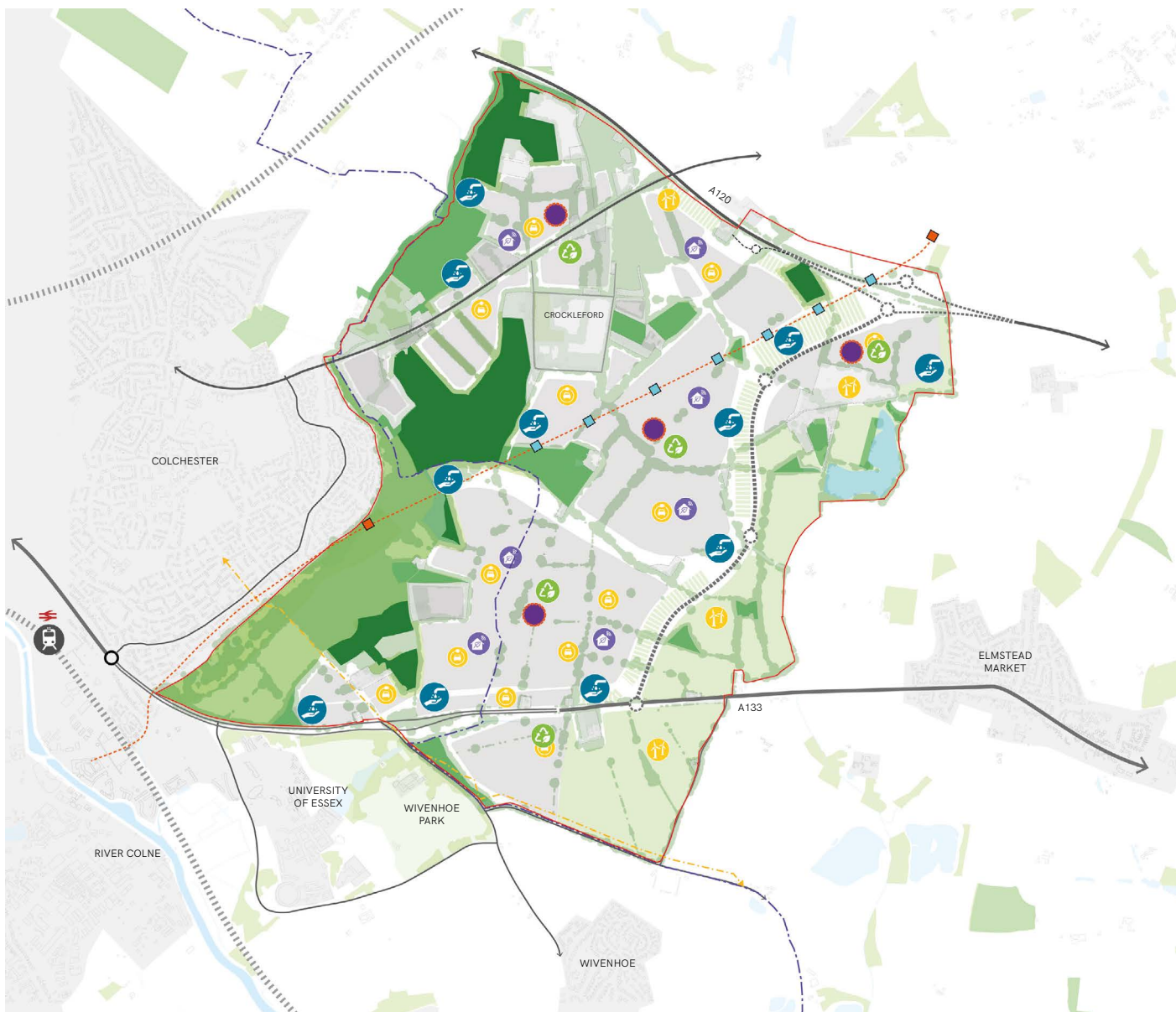
A PLACE THAT OPTIMISES RESOURCE EFFICIENCY AND RECYCLING ACROSS THE WHOLE DEVELOPMENT LIFECYCLE

The Garden Community will use as few resources as possible in the first place, keep resources in circulation for as long as possible, extract the maximum value from them while in use, then recover and regenerate products at the end of service life.


















A PLACE WHERE INFRASTRUCTURE COMES FIRST AND MEETS ITS INHABITANTS' NEEDS

Key to creating a vibrant and attractive Garden Community is the phased delivery of infrastructure and services on site which fully meets the future needs of residents and supports healthy and sustainable lifestyles. The range and nature of facilities considered should ensure that the majority of everyday needs can be met within the site.

SUSTAINABLE INFRASTRUCTURE ILLUSTRATIVE FRAMEWORK PLAN



KEY

- | | | |
|--|---|--|
|  Area of Search of TCBGC |  Water Course |  Electric Vehicle Infrastructure |
|  District Boundary |  Attenuation Ponds |  Sustainable Water and Drainage Systems |
|  Ancient Woodlands |  Development Area |  Smart and Sustainable Homes |
|  Woodlands |  Existing Pylons that affect the GC |  Circular Economy |
|  Country Park |  Existing Gas Medium Pressure Pipe that affect the GC | |
|  Amenity Green Space |  Energy Centres | |
| |  Renewable Energy Sources | |

*The location of specific land uses, facilities and activities are illustrative and subject to further masterplanning.

GC POLICY 8: SUSTAINABLE INFRASTRUCTURE

The Garden Community will be an exemplar development that addresses the climate emergency. The Garden Community will create energy efficient, sustainable buildings and places where communities can lead resilient and low carbon lifestyles, reducing the need to travel and a biodiverse landscape which incorporates carbon sequestration and natural flood management. This policy includes examples, but the focus is on achieving the end goals of a net zero carbon development and maximised water efficiency through the best solutions, which are likely to change over time.

Proposals must comply with approved Design Codes that set standards in terms of climate change mitigation and adaptation and sustainable design.

Part A: Net Zero Carbon

All buildings must be net zero carbon in operation and achieve net zero operational energy balance onsite. The Councils will encourage carbon and energy positive buildings. A holistic area wide approach to energy and associated infrastructure will need to be implemented. Proposals must follow the principles of the energy hierarchy by reducing energy demand for both regulated and unregulated energy use (including heating, lighting, and cooling), ensuring efficient systems and renewable energy technology are in place, and that carbon dioxide emissions are minimised.

Proposals must demonstrate how new homes will achieve:

- Space heating demand less than 30kWh/m²/per annum.
- Total energy consumption (energy use intensity) of less than 40kWh/m²/annum.
- Onsite renewable generation to match or exceed the total energy consumption (energy use intensity).

Where the use of onsite renewables to match total energy consumption (energy use intensity) is demonstrated to be not technical feasible or economically viable onsite, renewable energy generation should be maximised as far as possible and/or connection to a district heating network. Where this is not possible, the residual energy should be offset by a contribution to an offset fund.

Compliance should be demonstrated by using an energy assessment tool proportional to the scale of the development.

The Councils will expect the integration of smart technology and integrated data services for controlling energy using activities and appliances.

Part B: Design and Construction

All buildings must be designed to reduce energy demand and maximise fabric energy efficiency including such measures as: building orientation; high levels of insulation of roofs, floors, and walls; maximising airtightness; and using solar gain through window/door orientation whilst avoiding overheating. The Councils expect all applicable buildings to meet BREEAM 'Excellent' or 'Outstanding' and encourage Passivhaus or similar certification for residential buildings.

Part C: Renewable Energy

To achieve a net zero carbon development, that will not use fossil fuels, the Garden Community will generate energy from renewable sources and proposals will need to show how this has been maximized. Solar photovoltaic (PV) and either, air or ground source heat pumps should be installed on every building where feasible. The Councils will encourage the development of a district heating network(s) and/or smart local energy systems that are viable, maintained and managed in the long term.

Part D: Water Conservation and Wastewater

All buildings must include water efficiency measures and seek to achieve water neutrality. All homes must include water saving measures and, as a minimum, meet the Building Regulations optional tighter water standard of 110 litres per person per day. Proposals should submit a water efficiency calculator report to demonstrate compliance.

Proposals must include clear evidence on the approach to water conservation, including the potential for the re-use of greywater and rainwater capture and re-use and should also provide the infrastructure to support options for rainwater re-use in the building design, e.g. rainwater harvesting systems, water saving devices, greywater recycling or other agreed solutions. The Councils will require safe systems and measures to be implemented for all new development within the Garden Community.

Part E: Green-Blue Infrastructure

In accordance with GC Policy 2, multifunctional green-blue infrastructure will be delivered across the Garden Community for biodiversity, flood and drought control, soil health, air quality, and reduced urban heat island effect. Proposals must demonstrate how the planting palette features a diverse range of plant species that are adaptable/ resilient to climate change. Details should be submitted of appropriate biosecurity standards for sourcing, quarantining, and inspecting plant material supplied to the development.

Part F: Digital and Fast Technology

Proposals must provide the new community with:

- For non-residential development: Ultra-fast Gigabit capable, future proofed broadband including a requirement for “open access” broadband infrastructure provided by at least two suppliers or a neutral host. This definition is likely to evolve over the plan period and consideration of an up-to-date definition of ultra-fast will be made at the time of the planning application submission based on government/ industry guidance.
- Unless an equivalent technology/approach delivers a better outcome, demonstrate early engagement with infrastructure providers and ensure the provision of fibre to the premises (FTTP) infrastructure.
- For all applicable development: Mobile phone network capacity and improvements, to ensure that the likely impact of developments on the existing mobile networks in the area is assessed, and appropriate action taken, at an early stage. At present this will require 4G / 5G level technology. This is likely to evolve over the plan period and consideration of up-to-date requirements will be made at the time of the planning application submission based on government/ industry guidance.
- Smart multifunctionality for all public realm street furniture, such as lampposts and signage.

Part G: Materials

All proposals must take into consideration the embodied carbon associated with materials using the [RICS Whole Life Carbon](#) approach or successor documents and incorporate measures into the development design, materials, construction and transportation methods etc to reduce those emissions. Development must be designed to maximise resource efficiency and identify, source, and use environmentally and socially responsible materials, giving consideration to circular economy principles and design for deconstruction.

Part H: Minerals – Prior extraction

Proposals must be informed by a Minerals Resource Assessment (MRA), with evidence supplied in support of the scheme demonstrating how the scheme reflects and takes advantage of the opportunities afforded by prior extraction, as required by the Minerals Planning Authority. Given the scale of the Garden Community and duration of construction, the MRA can be undertaken in phases, but must be done ahead of any detailed masterplanning for that phase, such that the conclusions of the MRA can demonstrably influence the masterplan to ensure that minerals are not unnecessarily sterilised by non-mineral development.

Part I: Planning Application Requirements

1. All proposals must be accompanied by an 'Energy and Carbon Reduction Strategy' which considers all the measures set out in this policy and puts forward detailed solutions for the Councils approval, which will then be implemented as part of the development.
2. Proposals should include an assessment or measured confirmation of actual performance to address the performance gap between 'as designed' performance and 'as built' performance.
3. All proposals must be accompanied by a 'Digital Connectivity Report' demonstrating how the development will provide digital connectivity (including appropriate standards, timescales etc.) having regard to approved connectivity strategies applicable to the local planning authority areas.
4. All proposals must be accompanied by a 'Water Efficiency Calculator Report' to demonstrate compliance with the water efficiency target.
5. An Embodied Carbon Assessment using a recognised RICS tool should be submitted with all proposals.

Justification

In 2018, the Intergovernmental Panel on Climate Change (IPCC) published a report which advised that we must limit global warming to 1.5°C, as opposed to the previous target of 2°C. Tackling climate change requires action by every part of society – this includes all tiers of government, businesses, and residents. Individuals can influence the size of their carbon footprint by how much and what they buy and how they travel and the homes they live in.

In 2019, both CCC and TDC declared climate emergencies acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. Both Councils aim 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 ECC, 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 Garden Community will aim to achieve a net zero operational energy balance onsite. This means that renewable energy technology integrated into the development (i.e. rooftop solar mainly) generates the equivalent, or exceeds if possible, the annual average operational energy use from the built development (i.e. not including transport EVs but includes everything else). Modelling done by [LETI](#) (London/Low Energy Transformation Initiative), and Etude (for Cornwall and Greater Cambridge Councils) show that this is technically feasible and also viable in most development types. To achieve this principle it is necessary to have high standards of fabric efficiency, use efficient and smart systems, and maximise onsite renewable energy generation.

Net zero carbon should be based on the LETI approach to defining a net zero carbon building. This frames net zero carbon around Energy Use Intensity (EUI) – the annual measure of the total energy consumed in a building. LETI achieves a level of energy performance in buildings that is in line with climate change targets. LETI set out the energy targets to use in their climate emergency [design guide](#). They modelled that this approach was necessary to keep the UK climate targets still achievable (to achieve net zero carbon at a UK scale then all buildings must achieve net zero operational energy/carbon). The LETI approach also future proofs policy for when the grid is completely decarbonised. Another advantage is that it addresses issues such as fuel poverty and rising energy costs because it drives down energy use in the first place by ensuring highly fabric efficient buildings. Unlike Building Regulations, it is based on total energy use so covers both regulated and unregulated energy.

There are numerous national and international sustainability accreditation standards and the Councils will expect development to meet the BREEAM rating of 'Excellent' or 'Outstanding'. BREEAM is the world's leading science-based suite of validation and certification systems for sustainable built environment. The BREEAM rating of Excellent is best practice and rating of Outstanding is classed as innovator, with less than 1% of new UK non-domestic buildings meeting this rating. BREEAM is a way to measure the sustainability of buildings in a holistic way and ensure that a wide range of sustainability considerations, including energy, land use and ecology, waste, water, health and wellbeing, pollution, transport, materials, and management are incorporated. The Councils encourage Passivhaus certification.

Renewables should be maximised onsite; the aim is to achieve operational energy balance onsite and exceed it if possible. This contributes to wider energy system targets including the Essex Climate Action Commission target for Essex to generate all its own energy needs from local renewable sources by 2040. Renewable power generators, such as solar photovoltaic (PV) and air and ground source heat pumps are established, well understood and mature technologies, which would be anticipated to be deployed across the site where feasible and considering the desire to include green roofs. The Essex Climate Action Commission recognises that solar PV is affordable and performs well and recommends that it should be fitted by default on new buildings. The goal is to deliver a net-zero/carbon positive community by providing a secure, reliable, and affordable energy system. There is opportunity for entrepreneurship and the ability to export energy (heat and/or power) should be explored. The Hydrock report recommends the following technologies: hydrogen, Biogas Anaerobic Digestion (sewage and food), heat pumps and thermal storage (for heat) and solar and wind and the associated various forms of storage (for power).



An Energy and Carbon Reduction Strategy is required for all proposals, which will set out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The Energy and Carbon Reduction Strategy must demonstrate how different measures have been considered and incorporated which should include: triple glazing; solar roof panels or solar tiles; air source heating systems; ground source heating systems; super insulation (walls and loft void); rainwater capture system; electric vehicle rapid charging points (provided to an individual dwelling or through an appropriate communal facility); superfast broadband and a flexible space within each home to enable home working and a reduction in the need to travel; Mechanical Heat Recovery Ventilation; solar thermal systems; and solar and battery storage systems. This list will be kept under review as techniques and technologies develop and evolve. Targets and requirements in design codes and guidance may include phased requirements to ensure that targets and requirements reflect latest techniques, technologies, and best practice.

Proposals must be submitted with a whole-life carbon assessment. Whole life-cycle carbon emissions, or embodied carbon, are the carbon emissions resulting from the construction and use of a building over its entire life, including its end-of-life demolition and disposal. There is currently low levels of understanding about the embodied carbon impacts of new buildings and it is expected that over the next few years, there will be a consistent level of understanding on how to measure whole-life-carbon.

Green-blue infrastructure is important for biodiversity, flood and drought control, soil health, air quality, reduced urban heat island effect and human health and wellbeing. Details of the blue-green infrastructure requirements for the Garden Community are included in GC Policy 2. In terms of addressing climate change, the evidence-based selection of a planting palette featuring a diverse range of plant species known to be adaptable / resilient to climate change, such as drought resilient plants, will be critical to establishing and delivering a robust and resilient green infrastructure network over the long-term for the benefit of people and wildlife. Forest Research has a climate matching tool that can be used to show where species and provenance material might be sources for sites in England. Details of the appropriate biosecurity standards for sourcing, quarantining and inspecting plant material supplied to the development should be submitted as part of the application.

The Councils and Environment Agency suggest that developers submit a water efficiency calculator report, or equivalent information, at the planning application stage to demonstrate compliance with the optional tighter water standard of 110 litres per person per day. Developers should engage with Affinity Water as soon as possible regarding supply matters due to the increased demand for water in the area.

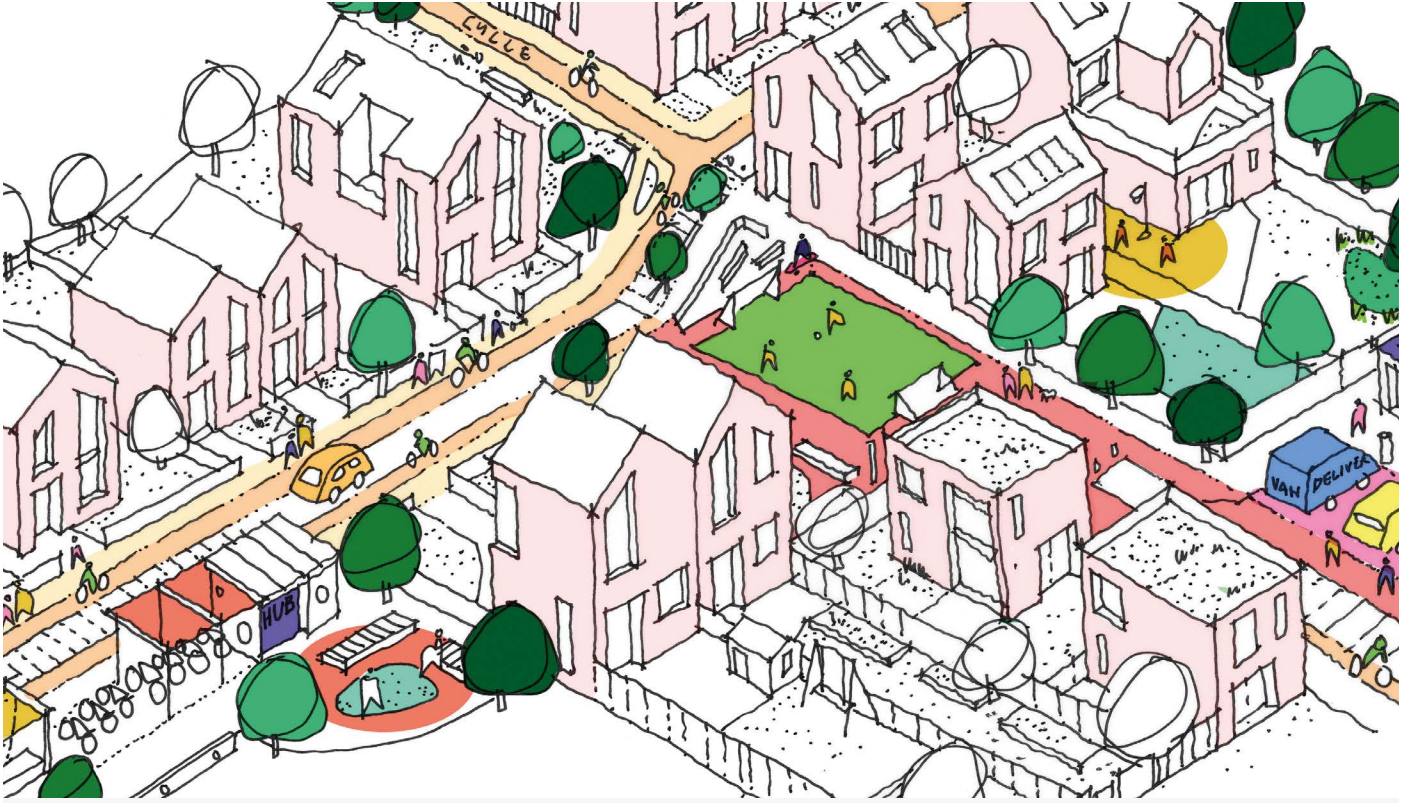
Local skills will be required for the development of sustainable infrastructure. Skills required include design and construction of sustainable buildings and infrastructure; renewable energy; and sustainable waste management. The need for these skills should be considered as part of the Employment and Skills Plan required under GC Policy 5.

Ultra-fast Gigabit broadband and the provision of fibre to the premises (FTTP) infrastructure is essential for work-life balance, flexible working, non-commutable working, and progress towards net zero carbon communities. This policy requires smart multifunctionality for all public realm street furniture. This should include the requirement for street furniture to be self-powered through solar panels and, where appropriate, it should aim to include wayfinding information, publicly accessible Wi-Fi, and electric charging points for phones and/or electric vehicles. All data collected by street furniture should be open source.

The sustainability of a development is not simply a measure of how it functions, it also includes how it is constructed and the sourcing of minerals used in that construction. This is made clear in the [NPPF](#) which states that minerals are a finite natural resource, and that best use needs to be made of them, including encouraging their extraction where practical and environmentally feasible, if it is necessary for non-mineral development to take place.

Extracting minerals prior to development of the land avoids not only their needless sterilisation, it is also an opportunity to design and shape landforms to support the masterplanning of significant developments. It provides the opportunity to create land topographies, transforming how the land is developed and used post extraction, through imaginative land reclamation and landscape enhancement that help create desirable places to live. Prior extraction itself is therefore not just an indication of sustainable development, it can be used as an opportunity in major developments to deliver sustainable development initiatives, such as those highlighted within this Plan, including:

- Opportunities for biodiversity net-gain and multifunctional green-blue infrastructure.
- Sustainable Drainage Schemes (SuDS) and increased flood resilience.
- Mitigation and adaptation measures against climate change.
- Positive contributions to the health and wellbeing of communities through the provision of open space and recreational resources.



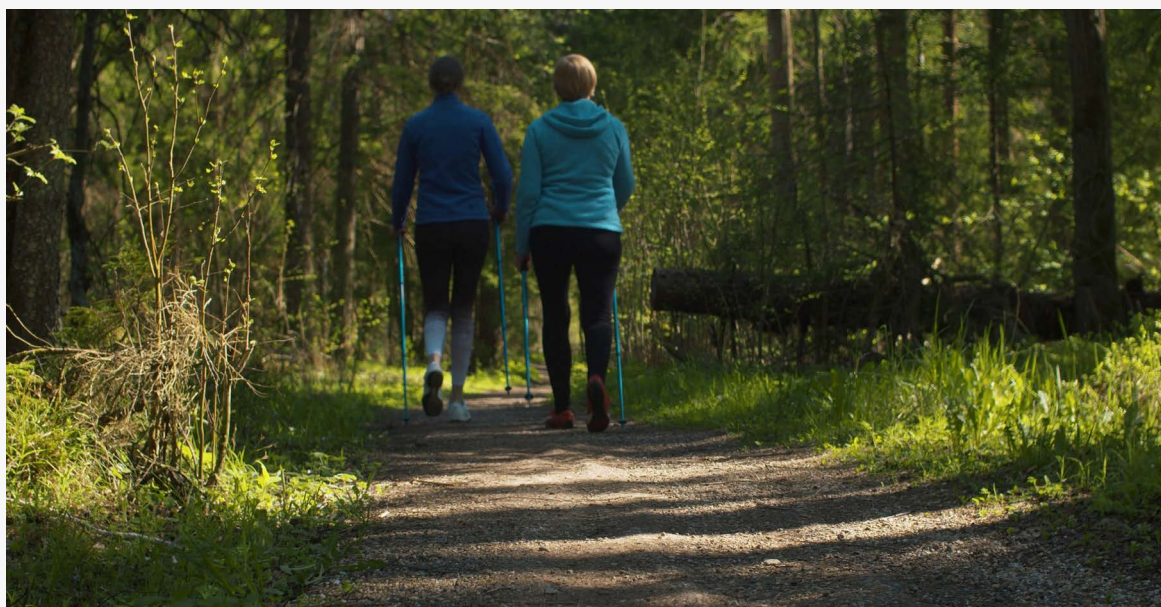
Chapter 10: Infrastructure Delivery, Impact Mitigation and Monitoring

This chapter covers the requirements to ensure the Garden Community is supported by the required level of infrastructure. The Garden Community provides an opportunity to create an innovative, resilient, well-connected and inclusive place that will stand the test of time.

Section 1 Local Plan

The main requirements covered in this **Plan**, as set out in the policies of the adopted Section 1 Local Plan include:

- All development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development.
- An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided.
- Comprehensive planning and development of the Garden Community, where each development phase is supported by suitable mechanisms to deliver the infrastructure both on and off-site.
- Providing new and improved transport (footways, cycle links, bridleways, roads) and communication infrastructure.
- Addressing education, healthcare, leisure and sports.
- Integrating a network of multi-functional green and blue infrastructure to create attractive and sustainable places.
- Ensuring adequate water and wastewater treatment capacity or infrastructure upgrades are in place prior to development proceeding.
- Planning consent and funding approval for the A120-A133 Link Road and Route 1 of the Rapid Transit System.
- Providing appropriate design and infrastructure that incorporates the highest standards of innovation in energy efficiency and technology to reduce impact of climate change, water efficiency (with the aim of being water neutral in areas of serious water stress), and sustainable waste / recycling management facilities.



GC POLICY 9: INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION

Planning and delivering the required infrastructure is at the heart of sustainable development for the Garden Community. Proposals must demonstrate that the required infrastructure to support the development will be delivered in a timely and, where appropriate, phased manner. This will provide the opportunity to address infrastructure needs, maximise the efficient use of existing infrastructure capacities and explore opportunities for new sustainable infrastructure.

Part A: Infrastructure Delivery Mechanism

Developers will need to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the relevant Infrastructure Delivery Plan (IDP) and other policies in this **Plan**, where such contributions are compliant with national policy and the legal tests. Where necessary, developers will be required to:

1. Enter into Section 106 agreements to make provisions to mitigate the impacts of the development where necessary or appropriate. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL; and/or
2. Make a proportionate contribution on a retrospective basis towards such infrastructure as may have been forward-funded from other sources where the provision of that infrastructure is necessary to facilitate and/or minimise the impacts of their development (including the cumulative impacts of planned development).

Where a proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Councils and the appropriate infrastructure provider. Such measures may include (not exclusively):

- Financial contributions towards new or expanded facilities and the maintenance thereof.
- On-site provision of new facilities (which may include building works).
- Off-site capacity improvement works.
- The provision of land.

Developers must work positively with the Councils and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.

The Councils will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.

For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this **Plan**.

Proposals will need to make financial contributions to the wider local transport infrastructure, including the A120-A133 Link Road and Rapid Transit System in accordance with the conditions of the Housing Infrastructure Fund.

Proposals will also need to make contributions to stewardship and economic development initiatives to ensure the delivery of relevant policies in the Plan.

Part B: Planning Application Requirements

Applications where relevant must be accompanied by:

1. Planning Obligations Statement.
2. Affordable Housing Statement.
3. Viability Assessment.

Justification

The Garden Community will require the provision of new physical infrastructure such as footways, cycleways, roads, and sewers; social infrastructure such as health, education, and community facilities; and green infrastructure such as open and recreational spaces. The Councils will work with developers and a range of partners such as the Highway Authority, National Highways, the lead authority for education, the Environment Agency, Lead Local Flood Authority, utility companies, North East Essex Clinical Commissioning Group and National Health Service England Midlands and East England, and Sport England to bring forward the necessary infrastructure that is required to deliver the Garden Community.

It should be recognised that infrastructure may be provided in various ways including new infrastructure, improvements to existing facilities/services or as co-located or expanded services/facilities. Where infrastructure cannot be provided within, or is not appropriate to be located on, the Garden Community site itself, developers will be expected to make a contribution to the cost to provide the infrastructure elsewhere.

In negotiating planning obligations, the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.

The Councils have prepared an Infrastructure Delivery Plan (IDP) for the Garden Community, to identify the required infrastructure. The IDP is a living document subject to review and will be regularly updated. Proposals will be expected to deliver or contribute to the necessary infrastructure requirements of the Garden Community as identified by the Council's IDP, where such contributions are compliant with national policy and the legal tests.



The Councils will seek contributions from developers to fund improvements to existing infrastructure and the environment and new infrastructure. Contributions will be made through the Community Infrastructure Levy (if adopted), which applies a standard charge to developers to fund supporting infrastructure such as transport, schools, community facilities and health facilities, and/or Section 106 agreements which address the provision of affordable housing and more site-specific infrastructure requirements. The necessary infrastructure requirements through the use of planning condition and/or planning obligation and/or financial contributions through Community Infrastructure Levy (CIL) charges in accordance with [**The Community Infrastructure Regulations 2019**](#).

Some infrastructure providers will fund and deliver infrastructure themselves. Other infrastructure will be funded by developers and landowners, secured by planning obligations or the CIL (if adopted) or its successor as part of the planning permission. On-site infrastructure provision will usually be secured by planning conditions or legal agreements. Off-site provision will usually be secured by legal agreements and through other financial contributions.

Essex County Council, working with CCC and TDC, were successful in attracting funding under the Housing Infrastructure Fund (administered by Homes England) for the delivery of the A120-A133 Link Road, and the offsite sections of the Rapid Transit System (RTS). The awarding of the funding has been made on the basis that this transport infrastructure unlocks housing growth at the Garden Community, without which the Garden Community could not be developed to the scale proposed. In accordance with the conditions of the funding agreement with Homes England, the Councils will seek to maximise the recovery of this funding from the Garden Community as it is developed. The mechanism for the recovery of funding will be secured by legal agreement between the Councils and the developer(s), with the level of recovery informed by regular reviews of development viability so that an appropriate financial contribution towards recovery is set which takes into account other policy requirements and contributions required of the Garden Community. Contributions received from this recovery mechanism will be used to cover any cost increases (beyond the initial HIF award) incurred by Essex County Council in delivering the Link Road and RTS. Any contributions beyond covering cost increases will be recycled back into supporting additional housing growth in the area at the discretion of the Councils and Homes England, as set out in the conditions of the Housing Infrastructure Fund.

Monitoring

Monitoring is a way of assessing the effectiveness of a plan once it is adopted. It helps to identify if plan policies are not being implemented and whether an early review of the plan is required. Monitoring indicators for the **Plan** will reflect the indicators monitored in the Councils Authority Monitoring Reports and will be linked to the Sustainability Appraisal (SA) Framework. The table below outlines the Councils monitoring objectives and will evolve over time as the monitoring indicators evolve.

SA Objective	Most Relevant Policies	Monitoring Indicator
1. To create safe environments which improve quality of life, community cohesion	GC Policy 1 GC Policy 3 GC Policy 6	Increase in areas of public open space All crime – number of crimes per 1000 residents per annum Number of new community facilities granted planning permission Number of new cultural facilities granted planning permission, including places of worship
2. To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford	GC Policy 4	Housing Delivery Affordable housing completions Gypsy & Traveller provision
3. To improve health/reduce health inequalities	GC Policy 1 GC Policy 4 GC Policy 6 GC Policy 7	Increase in areas of public open space Percentage of new residential development that adheres to Natural England's Accessible Natural Greenspace Standards Percentage of new residential development within walking and cycling distance to schools Percentage of new residential development within walking and cycling distance to sport and recreation facilities Hectares of accessible open space per 1,000 population

4. To ensure and improve the vitality and viability of Centres	GC Policy 1 GC Policy 5 GC Policy 6	Total amount of floorspace for town centre uses (sqm)
5. To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways	GC Policy 5	Amount of floorspace developed for employment by type (sqm) Level 2 qualifications by working age residents Level 4 qualifications and above by working age residents
6. To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity	GC Policy 1 GC Policy 2	Number and area of Local Nature Reserves and Local Wildlife Sites Contributions collected as part of the Essex Coast RAMS Condition of SSSIs (per Natural England assessments) Overall % BNG achieved, as calculated by the latest Defra metric
7. To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion	GC Policy 7	To obtain an agreed Travel Plan Percentage of journeys to work by walking and cycling and percentage of journeys to work by public transport Levels of modal shift achieved
8. To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development	GC Policy 1 GC Policy 3 GC Policy 5 GC Policy 6 GC Policy 7 GC Policy 9	Increase in areas of public open space Key infrastructure projects delivered Additional capacity of local schools / incidents of new school applications

9. To conserve and enhance historic and cultural heritage and assets and townscape character?	GC Policy 1 GC Policy 3 GC Policy 4	Recorded loss of listed buildings Grade I and II+ (by demolition), Scheduled Monuments or nationally important archaeological sites and assets on the Colchester Local List to development
10. To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation	GC Policy 8	Percentage of household waste recycled and composted Carbon emissions and Climate Change Climate Change Adaptation
11. To improve water quality and address water scarcity and sewerage capacity	GC Policy 3 GC Policy 8	Quality of rivers (number achieving ecological good status) % of homes that meet the optional Part G of the Building Regulations
12. To reduce the risk of fluvial, coastal and surface water flooding	GC Policy 2 GC Policy 8	Number of planning applications approved contrary to Environment Agency advice on flood defence or water quality grounds
13. To improve air quality	GC Policy 7	Number of Air Quality Management Areas
14. To conserve and enhance the quality of landscapes	GC Policy 1 GC Policy 2 GC Policy 3	
15. To safeguard and enhance the quality of soil and mineral deposits?	GC Policy 8	Number and area of developments proposed within MSAs

Appendix 1. Principles and Objectives

To deliver the vision for the Garden Community, it will be important for all the policies and proposals in this **Plan** to contribute positively to the achievement of a number of principles and objectives. The vision, principles and objectives are set out in the Strategic Brief. The vision and principles are included in the theme chapters and the objectives are set out in this appendix.

Nature

A PLACE SHAPED BY EXISTING LANDSCAPE

- Across the Area of Search, there will be a minimum of 50% open space and multifunctional green infrastructure, that is seamlessly integrated with the built environment to connect people with nature.
- Existing landscape features conserved, enhanced and incorporated in the masterplan.
- Connectivity links established to existing green corridors and networks.
- New Country Park along the Salary Brook Corridor and including the slopes to the east.
- A variety of new connected open spaces created including parks, fields, wild spaces, communal spaces and private gardens.
- Streets with tree planting, Sustainable Drainage Systems and planting integrated.

A PLACE WITH THRIVING ECOLOGY AND BIODIVERSITY

- Existing habitats and wildlife sites conserved, protected and connected with new species rich habitat links.
- Hedgerow network protected and enhanced with existing hedge lined lanes protected and retained.
- Minimum 10% biodiversity net gain.
- Streets to include trees and other generous landscaping where appropriate.
- Ecologically rich buffer landscapes established against existing and new road corridors.
- Recreational pressures on existing sensitive habitats mitigated through the creation of new areas for recreation.

A PLACE WITH A PRODUCTIVE AND CLIMATE RESILIENT NATURAL LANDSCAPE

- Native, wildlife friendly planting and edible species.
- Allotments, community orchards and growing fields provided which maximise the good quality free draining soils.
- Canopy cover, use of green walls and planting maximised and hard surfaces minimised in built up areas.
- SUDS and rain gardens integrated.
- New links of woodland, meadow, grassland and wetland created to lock in carbon.
- Drought tolerant planting approaches used.
- Natural water management system integrated as an attractive biodiverse network with water features including swales, ponds and larger water bodies used in preference to piped systems.

Buildings, Place and Character

A PLACE WITH DISTINCTIVE IDENTITY

- The new community will be rooted in its place and the landscape.
- Important views, vistas, landmarks, heritage assets, trees and hedges will be recognised, protected and enhanced.
- Design Codes will be implemented and used consistently.
- Drawing on the historic tradition of orchards within the local area to create a new productive landscape.
- Green buffers designed to provide suitable distinction between neighbourhoods.
- Green buffers to contribute to the landscape and biodiversity network, accommodate leisure routes and be productive.
- Clear spatial hierarchy that directs the design of the neighbourhood and the building types.
- Plan for a range of housing densities with higher residential densities at mobility hubs, centres of activity and along key movement corridors.
- A range of building heights that add variety and interest to the streetscape, enhance internal legibility.
- Architectural style, building form, materials and layouts that reflect the districts' character while catering to contemporary needs and societal trends.

A PLACE THAT IS VIBRANT AND ACTIVE

- Local centres and one district centre that deliver an increased mix of uses.
- Create legible and well-designed focal points within the local centres.

A PLACE WHERE HOUSING IS ACCESSIBLE, AFFORDABLE AND INCLUSIVE

- Housing that caters for all stages of life including multi-generational families, co-housing, start-up homes.
- Housing typologies that respond to different needs and abilities.
- Tenure blind design.
- Accommodation suitable for ageing population close to local centres.
- Sites identified for co-living and self-build typologies.

A PLACE WITH GREAT HOMES

- Homes fit for the 21st century and beyond, digitally connected, with sustainable technologies and future proofed.
- Homes that offer privacy and external amenity spaces.
- Homes that positively address the streets and create clear entry points from the street.
- Provision of good storage areas to meet short and long term needs.
- Integrate utilities, including waste storage and management, such that they do not adversely affect the design of the built environment.

Economic Activity and Employment

A PLACE WITH A THRIVING LOCAL ECONOMY

- Medium/small-scale employment uses close to the district centres.
- Maximise the opportunity from the University of Essex and the Knowledge Gateway
- Provision of live-work and co-working spaces.
- Flexible and adaptable buildings with scope for expanding floorspace, helping to retain them within the garden community.
- Larger scale industrial/storage space accessible via A-roads and the Link Road
- Respond positively to changing patterns of retail and leisure.

Community and Social Infrastructure

A PLACE WHERE EVERYONE CAN FEEL AT HOME

- Co-location of different uses to maximise activity throughout the daytime and evening and provide opportunities for diverse social interaction.
- Multi use spaces that are designed to cater and support people from different groups (age/culture/ability/LGBTQ+/family status etc.).
- Community spaces accessible by all modes of travel.
- Community spaces flexible for different uses.
- Ground floor uses that create interest and activity.

A PLACE WHERE IT'S EASY TO BE HEALTHY AND HAPPY

- Inclusive public realm that creates the feeling of safety, a sense of place and interaction with nature.
- High quality and accessible sports facilities, playing pitches and greenspaces.
- Creation of a safe and overlooked walking and cycling network.
- Provision of healthcare, leisure, social and community facilities accessible by all modes of transport.
- Promotion of social interaction through shared amenity spaces.
- Active travel promoted.
- Connections established into the wider long distance leisure routes.

A PLACE WHERE EVERYONE CAN LEARN

- Provision of education facilities in close proximity to district and local centres, making them easily accessible.
- Feeling of safety and security promoted for students within and around these facilities.
- Education facilities within easy access to play and recreation spaces.
- Flexibility of use of the premises during non-school hours.

A PLACE TO PLAY AND HAVE FUN

- Play, sport and leisure facilities that cater to all ages, abilities and needs and are easily accessible by all modes of transport.
- Sport and leisure facilities within in close proximity to the neighbourhood it serves.

A PLACE WHERE LONG TERM STEWARDSHIP IS CONSIDERED FROM THE OUTSET

- A suitable stewardship model and the assets and services which will require management and maintenance in perpetuity identified.
- Minimisation of the running and maintenance costs of buildings and landscapes embedded through design.
- Community needs and funding priorities identified early on.
- Local resident representation on the stewardship model.
- Different and inclusive engagement and communication links established.

Movement and Connections

A PLACE WHERE PEOPLE HAVE PRIORITY

- Dense network of traffic-free walking and cycling links.
- Residential streets designed with low design speed with off-plot and sensitively incorporated car parking.
- Non-residential streets designed with low design speed, with segregated cycle links.
- All movement routes and corridors will be through safe, legible, attractive, tree-lined corridors for amenity, air quality mitigation, biodiversity and good mental health.
- Off-plot car parking paid for separately to house purchase/rental.
- On and off-street car parking designed flexibly with future non-car uses in mind.
- Streets designed to discourage informal parking, supported by Controlled Parking Zones.
- Vehicle access and loading restrictions to manage servicing needs.
- Streets and footpath links designed for all different users' needs including people with mobility impairments and parents with pushchairs.
- Emergency and service access provided throughout the street network.

A PLACE WITH RAPID, EFFICIENT AND COST EFFECTIVE PUBLIC TRANSPORT

- RTS routes given priority through the Garden Community and off-site, linking local centres and providing easy access to halts and services.
- RTS stops integrated in mobility hubs in all centres and residential areas.
- RTS running from the first stage with high frequency.
- Park and Choose to complement the function of RTS.
- Integrated ticketing for RTS and other bus services.

A PLACE WHERE ACTIVE AND SUSTAINABLE TRAVEL IS THE NATURAL CHOICE

- Transit oriented development with higher density around mobility hubs, centres of activity and key corridors.
- Network of mobility hubs established with a range of facilities connecting Rapid Transit System to first/last mile options on-site.
- Plentiful secure and covered cycle parking provided at key destinations and residential areas.
- Cycle and scooter hire docking stations provided at key destinations and community centres.
- Robust travel plans put in place, linked to mode share targets.
- Car club promotion to reduce the need for car ownership.
- Horse riders provided for with a network of bridleways.

A CONNECTED PLACE

- Link Road providing good connections to the A120 and A133.
- Walking and cycle routes connected to Rights of Way and to high quality and direct links to the University and Colchester.
- Hierarchy of street types to provide for the different routes, vehicular types and places.

Sustainable Infrastructure

A PLACE WHERE THE ENERGY SUPPLY IS SUSTAINABLE, SMART AND FUTUREPROOFED

- Net-zero energy demand and supply.
- The energy grid will combine renewable sources such as solar power, wind and battery storage to ensure the focus is on green energy production.
- Energy demand is monitored and active support provided to minimise consumption.
- Support new models of ownership and operation.

A PLACE DESIGNED FOR THE IMPACTS WHILE MINIMISING ITS CONTRIBUTION TO CLIMATE CHANGE

- Environmental net gain through nature based solutions and urban greening.
- A system of surface water drainage that will minimise the risk of flooding to the site, improve water quality, biodiversity and amenity value.
- Sustainable Drainage Systems (SuDS) which will mimic natural hydrological processes and reduce the impact of climate change.
- Water recycling to combat increasing demand on water supply.
- Overheating minimisation measures.
- Use of green walls and tree planting to reduce urban heat effect/ provide shading.
- Incorporation of energy producing landscapes.
- Promote access to green routes that reduce the need for travel by car .
- Create Green Infrastructure that supports our adaptation to a changing weather pattern through, for example, flood control.
- Grey water recycling system integrated to new buildings.

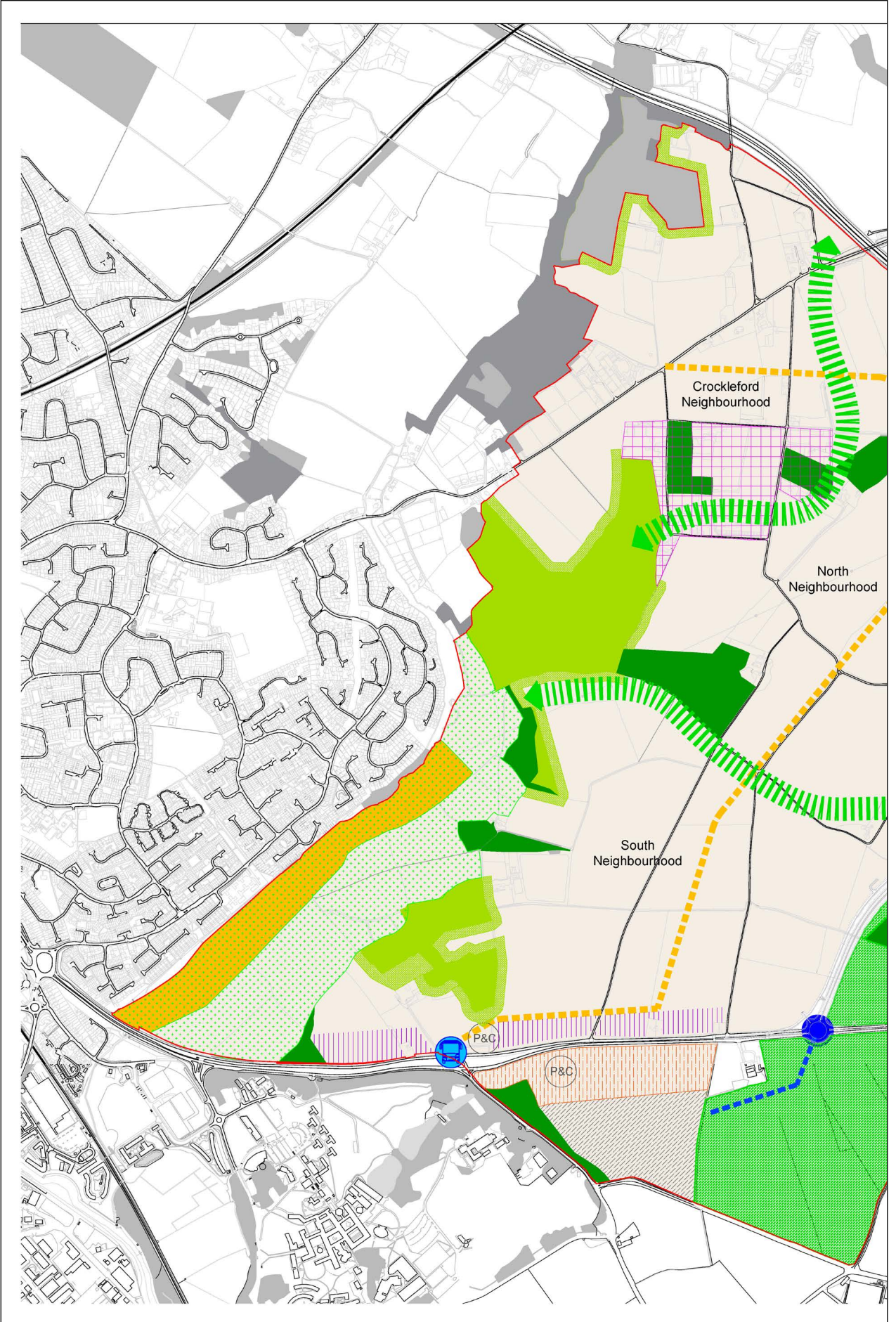
A PLACE THAT OPTIMISES RESOURCE EFFICIENCY AND RECYCLING ACROSS THE WHOLE DEVELOPMENT LIFECYCLE

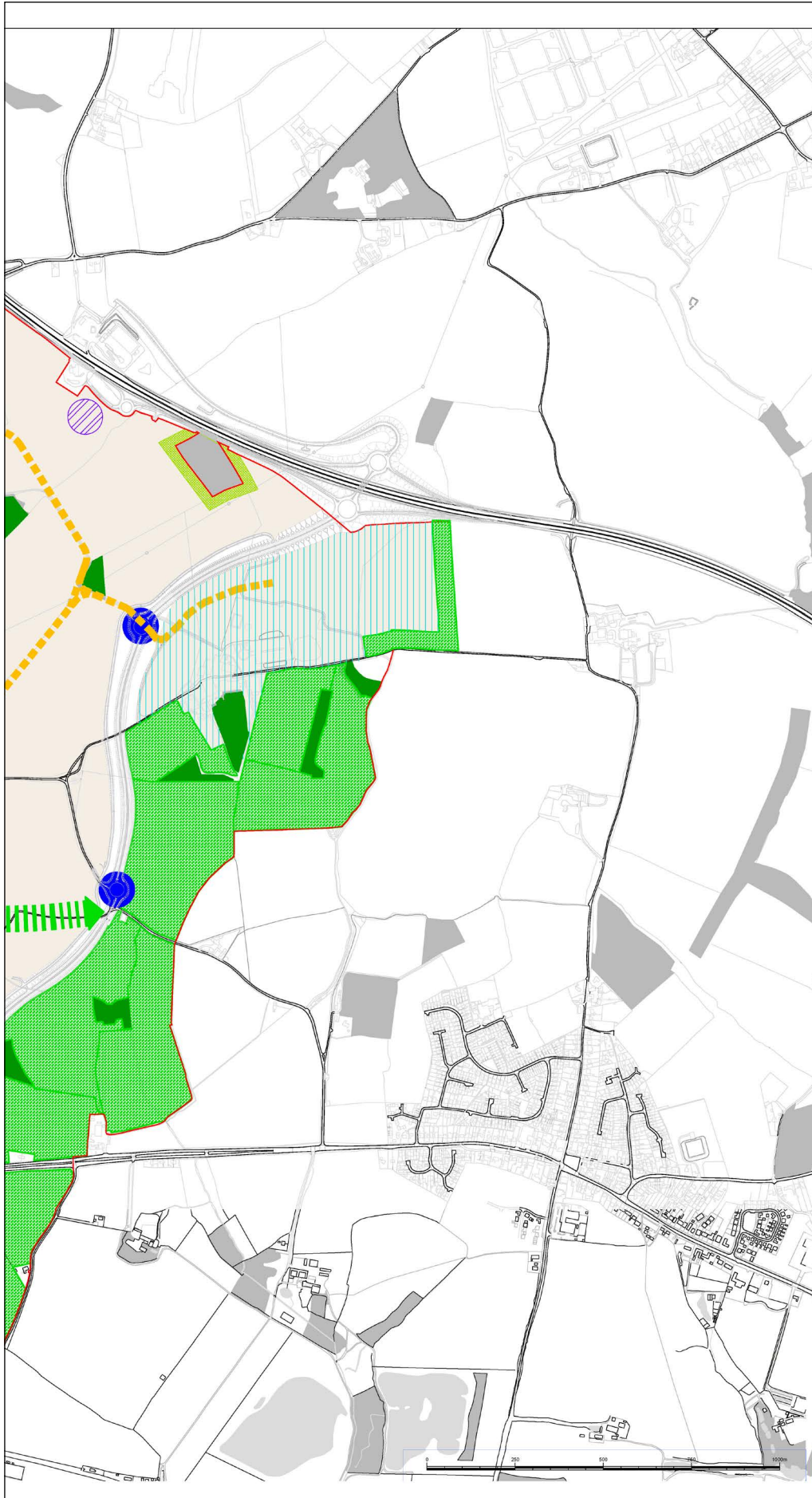
- Energy demand reduction and embodied carbon (whole life), waste water, waste management.
- Minimisation of waste water discharge on the public network.
- Maximisation of waste water treatment at source before discharge.
- Zero waste and circular economy principles.
- Fastest possible broadband network installed throughout the site to residential and non-residential development.

A PLACE WHERE INFRASTRUCTURE COMES FIRST AND MEETS ITS INHABITANTS' NEEDS

- Establishment of on-and off-site infrastructure delivery strategy and phasing plan that will align with the phases of development.
- Secured timely delivery of on- and off-site infrastructure aligned with each phase of development.

Appendix 2. Policies Map





Information shown is correct to the best of Homes England's knowledge at date of issue.

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SCALE BAR - NORTH POINT Do not scale this drawing.



- KEYS**
- Proposed Land Use**
- Site Allocation Boundary
 - Indicative Route of RTS
 - Strategic Green Gaps
 - Country Park
 - Broad Location of Green Corridors
 - Crockleford Heath Special Character Area
 - Employment Park
 - Broad Location of Knowledge Employment
 - Sports & Leisure Park: General location of buildings (Potential Park & Choose, Sports and University related structures)
 - Sports & Leisure Park: General location of sports pitches, parkland, potential site access and parking
 - Broad Location of Gypsy and Traveller Sites
 - Potential Vehicular Link
 - Vehicular Site Access Points (all modes)
 - Broad location of vehicular site access points (RTS - public transport only) and restricted access to potential Park and Choose, knowledge based employment and adjoining uses only
 - P&C Broad Location of Park and Choose (alternative locations)

- Other Features**
- Ancient Woodland
 - Other Woodlands
 - 30m Woodland Buffer
 - Local Nature Reserve
 - Principal Developable Area

REV	DESCRIPTION	DRAWN	CHKD	DATE
CLIENT				
TENDRING DISTRICT COUNCIL COLCHESTER BOROUGH COUNCIL ESSEX COUNTY COUNCIL				
PROJECT TITLE				
TENDRING COLCHESTER BORDERS GARDEN COMMUNITY				
DRAWING TITLE				
Policies Map				
DATE	DRAWN	CHECKED	APPROVED	
03 Feb 2023	KK	CP	-	
PURPOSE OF DRAWING		SCALE	SIZE	
FOR INFORMATION		1:5000	A0	
DRAWING NUMBER				REV
TCB-DWG-DW-PP-01				-

Appendix 3: Planning Application / Validation Requirements

Planning applications will be determined considering the policies and proposals within this **Plan**. For planning applications to be considered valid, a range of information must be submitted including plans and/or supporting documents in accordance with national validation requirements. The Councils local validation lists are available on their websites and clarifies what information is required. This will vary for different types and scales of application being made and will be reviewed as necessary to take account of statutory changes or Government guidance.

Each individual policy of this **Plan** specifies required supporting documents and information that must be submitted either prior to or in support of planning applications where relevant. These list lists are not exhaustive and will be regularly reviewed. Applicants are advised to engage with the Councils to determine the requirements of individual applications. Those documents expected include:

- Comprehensive site wide Garden Community Masterplan
- Detailed Area Specific Masterplans
- Design Codes
- Strategic Masterplan Compliance Statement
- Green - Blue Infrastructure Strategy
- Ecological Surveys
- Landscape and Visual Impact Assessment/s (LVIA)
- Biodiversity net gain calculation and biodiversity gain plan
- Indicative Drainage Plan for the Whole Garden Community
- Drainage Plan/s and SuDS Management and Maintenance Plan/s
- Design & Access Statement/s
- Heritage Impact Assessment and Mitigation Strategy

- Archaeological Evaluation
- Housing Strategy(ies)
- Housing Mix Statement
- Affordable Housing Phasing Strategy
- Economic and Employment Strategy
- Employment and Skills Plan (ESP)
- Phasing and Implementation Strategy
- Social and community infrastructure demographic studies
- Health Strategy and Health Impact Assessment
- Healthy Living and Play Strategy
- Stewardship Strategy
- Community Use Statement/Plan
- Transport Assessment
- Public Transport Strategy
- Parking Strategy and Management Plan
- Freight Management Strategy
- Travel Plan
- Mobility Hubs Strategy
- Minerals Resource Assessment (MRA)
- Energy and Carbon Reduction Strategy
- Digital Connectivity Report
- Water Efficiency Calculator Report
- Embodied Carbon Assessment
- Planning Obligation Statement
- Affordable Housing Statement
- Viability Assessment

Glossary

Adopted/Adoption

The final confirmation of a plan's status by a local planning authority (LPA).

Affordable Housing

The Councils definition will accord with the current definition in the National Planning Policy Framework (or any successor document) but will also include those uses eligible under Essex County Council's Independent Living Programme. It includes social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.

Air Quality Management Areas (AQMA)

Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Authority Monitoring Report (AMR)

A report published annually by the Councils monitoring progress in delivering progress in Local Plan policies and allocations.

Biodiversity Net Gain

Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. The Environment Act contains a new biodiversity net gain condition for planning permissions. To meet this requirement biodiversity gains will need to be measured using a biodiversity metric.

Brownfield Land (also known as Previously Developed Land)

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Boundary treatment

How a building or development site relates to its boundary - open, closed, accessible, fence, landscaped etc.

Carbon Positive

Carbon positive moves beyond carbon zero by making additional 'positive' or 'net export' contributions by producing more energy on site than the building requires and feeding it back to the grid.

Carbon sequestration

Carbon sequestration is the process of storing carbon in a carbon pool. Carbon dioxide is naturally captured from the atmosphere through biological, chemical, and physical processes.

Centre

References to centres apply to town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. See definitions of local centres and district centres.

Community Facilities

Are buildings, which enable a variety of local activity to take place including, but not limited to, the following: Schools, Universities and other educational facilities; Libraries and community centres; Doctors surgeries, medical centres and hospitals; Public houses and local shops; Museums and art galleries; Child care centres; Sport and recreational facilities; Youth clubs; Playgrounds; Cemeteries; and Places of worship.

Community Infrastructure Levy (CIL)

A mechanism by which Councils can set a standard charge on specified development in their area to pay for new infrastructure required to support growth.

Competent person (to prepare site investigation information)

A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation credits

When a developer cannot achieve at least 10% biodiversity net gain on their development site following application of the mitigation hierarchy, they will have the option to purchase biodiversity units from an offsite habitat market. If units cannot be sourced from local habitat markets, developers will be able to purchase their required units (as credits) which will be invested in habitat creation.

Design Code

A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area.

Development

The definition in Section 55 of the Town and Country Planning Act 1990 is 'means the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land'.

Development Plan

This includes adopted Local Plans, neighbourhood plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. The Development Plan is the starting point for decision making. This includes the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan.

District Centre

Important role serving the day-to-day needs of their local populations as well as providing access to shops and services for neighbouring areas across and beyond the Borough, but not to a level comparable with Colchester Town Centre.

Energy Hierarchy

The energy hierarchy is a classification of energy strategies, prioritised to assist progress towards a more sustainable energy system. The steps are: be lean, use less energy; be clean, supply energy efficiently; be green, use renewable energy; and offset.

European Sites

The European network of protected sites established under the Birds Directive and Habitats Directive (includes SPA, SAC, and Ramsar sites). See also habitats sites.

Garden Community

Communities which are holistically planned new settlements that respond directly to their regional, local and individual site context and opportunities to create developments underpinned by a series of interrelated principles which are based on the following Town and Country Planning Association Garden City Principles: Land value capture for the benefit of the community; Strong vision, leadership and community engagement; Community ownership of land and long-term stewardship of assets; Mixed-tenure homes and housing types that are genuinely affordable; A wide range of local jobs in the Garden Community within easy commuting distance of homes; Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food; Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience; Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods; Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

Green Infrastructure

A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Greenfield Site

Land which has never been built on before or where the remains of any structure or activity have blended into the landscape over time.

Gypsies and Travellers

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining whether persons are "gypsies and travellers" consideration will be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

Habitat Regulations Assessment (HRA)

The Habitat Regulation Assessment is a statutory requirement under the [Conservation \(Natural Habitats\) \(Amendment\) \(England and Wales\) Regulations 2010 \(as amended\)](#). An HRA is required for a plan or project which, either alone or in combination with, other plans or projects is likely to have a significant effect on the integrity of a European/ habitats site.

Habitats Site

Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Infrastructure

Infrastructure means any structure, building, system, facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively): footways, cycleways and highways; public transport; drainage and flood protection; waste recycling facilities; education and childcare; healthcare; sports, leisure and recreation facilities; community and social facilities; cultural facilities; emergency services; green infrastructure; open space; affordable housing; broadband; facilities for specific sections of the community such as youth or the elderly.

Local Centre

An essential role providing a range of small shops and services to meet the basic needs of local communities, serving a small catchment.

Local Development Scheme (LDS)

This is the project plan for a three year period for the production of all documents that will comprise the Local Plan. It identifies each Local Development Document and establishes a timetable for preparing each.

Local Plan

The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the [Planning and Compulsory Purchase Act 2004](#).

Local Wildlife Sites

Habitats identified by Essex Wildlife Trust as important for the conservation of wildlife.

Massing

The combined effect of the arrangement, volume and shape of a building or group of buildings in relation to other buildings and spaces. This is also called bulk.

Main Town Centre Uses

As defined in the National Planning Policy Framework, main Town Centre uses include retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities, the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Mineral Safeguarding Area

An area designated by the Minerals Planning Authority (Essex County Council) which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

Mitigation hierarchy

The mitigation hierarchy is a widely used tool that guides users towards limiting as far as possible the negative impacts on biodiversity from development projects. As a priority, impacts on key habitats and features must be avoided wherever feasible. Then the design must minimise impacts, then remediate impacts, and as a last resort compensate for impacts.

Mobility as a Service (MaaS)

Integrates various forms of transport services into a single mobility service accessible on demand. A MaaS operator facilitates a diverse menu of transport options to meet a customer's request, be they public transport, ride-, car- or bike-sharing, taxi or car rental/lease, or a combination thereof.

Modal Share

A modal share is the percentage of travellers using a particular type of transportation.

National Planning Policy Framework (NPPF)

Government planning policy which replaces a large number of Planning Policy Guidance notes and Planning Policy Statements with one single document. It sets out new planning requirements and objectives in relation to issues such as housing, employment, transport and the historic and natural environment amongst others.

Natural Surveillance

Natural surveillance is an urban design, architecture and landscaping technique that seeks to deter crime with social and highly visible spaces. Natural surveillance is based on the theory that isolation makes crime both easier and more likely.

Neighbourhood Plan

A plan prepared by a Parish Council, Neighbourhood Forum, or other locally constituted community group, for a particular neighbourhood.

Objectively Assessed Housing Need (OAHN)

The National Planning Policy Framework requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Further guidance provided in Planning Practice Guidance provides that 'The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans.'

Open Space

All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Permitted Development Rights

The level of development that can take place before planning permission is required, as stated in [The Town and Country Planning \(General Permitted Development\) Order 1995](#), as amended.

Planning Obligation/Section 106 Agreement

A legally binding agreement between a local planning authority and any person interested in land within the area of the local authority, or an undertaking by such person, under which development is restricted, activities or uses required; or a financial contribution to be made. Used to mitigate the impacts of development.

Planning Practice Guidance

Guidance and detail supporting the National Planning Policy Framework which is published online and regularly updated.

Previously Developed Land

See brownfield land above.

Ramsar Site

An area identified by international agreement on endangered habitats.

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

A tool used to manage and mitigate the adverse effects from increased recreational disturbance arising from new developments on European/habitats Sites.

Self-build and custom-build housing

Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy)

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Sites of Special Scientific Interest (SSSI)

Land notified under the Wildlife and Countryside Act 1981 as an ecosystem of flora and/or fauna considered to be of significant national value and interest to merit its conservation and management.

Sound/Soundness

To be considered sound, a Development Plan Document must be justified (founded on robust and credible evidence and be the most appropriate strategy) and effective (deliverable, flexible and able to be monitored).

Special Area of Conservation (SAC)

A site of European importance designated by the member states, where necessary conservation measures are applied for the maintenance or restoration, at favourable conservation status, of the habitats and/or species for which the site is designated.

Special Protection Area (SPA)

A site designated under the Birds Directive by the member states where appropriate steps are taken to protect the bird species for which the site is designated.

Starter Homes

Newly built properties that must be sold to someone who is a first-time buyer below the age of 40, with a discount of at least 20 per cent off the market value.

Statement of Community Involvement (SCI)

This will set out the standards that the Council intend to achieve in relation to involving the community and all stakeholders in the preparation, alteration, and continuing review of all Local Development Plan Documents and in significant planning applications, and also how the Council intends to achieve those standards. The Statement of Community Involvement will not be a Development Plan Document (see above) but will be subject to independent examination. A consultation statement showing how the Local Planning Authority has complied with its Statement of Community Involvement should accompany all Local Development Documents.

Strategic Housing Market Assessment (SHMA)

A study prepared for the Councils Evidence Base further to national guidance which assesses the overall state of the housing market and advises on future housing policies used to inform the Housing Strategy.

Supplementary Planning Document (SPD)

A document produced by the Council to add further detailed guidance and information on a particular subject such as Sustainable Construction or Open Space, Sport and Recreational Facilities. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

Sustainability Appraisal (SA)

An appraisal of the economic, social, and environmental effects of a plan from the outset of the preparation process, so that decisions can be made that accord with sustainable development.

Strategic Environmental Assessment (SEA)

A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Sustainable Communities

Places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built, and run, and offer equality of opportunity and good services for all.

Sustainable Construction

Is the name given to building in an energy efficient way. The incorporation of many new technologies and energy saving techniques into a building can dramatically reduce the CO₂ emissions and carbon footprint of a building. Initiatives include grey water recycling systems, solar panels, home recycling, wind turbines and ground water heating systems.

Sustainable Development

Development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

Sustainable Drainage Systems (SuDS)

A sustainable drainage system is designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.

Sustainable Transport

Sustainable Transport refers to walking, cycling and public transport, including train and bus. Sustainable Transport is transport that makes efficient use of natural resources and minimises pollution. In particular, Sustainable Transport seeks to minimise the emissions of carbon dioxide – a greenhouse gas associated with climate change – as well as nitrogen oxides, sulphur oxides, carbon monoxide and particulates, all of which affect local air quality.

Swales

Swales are shallow, broad and vegetated channels designed to store and/or convey water runoff and remove pollutants.

Topography

The physical features of an area of land, especially the position of its rivers, mountains.

Travel Plan

A plan demonstrating how a development would encourage its users to use more sustainable methods of transport to access a development.

Use Class

Different uses are given a classification as defined by The Town and Country Planning (Use Classes) Order 1987 (As amended). For example, an E use refers to retail, restaurant, office, financial/professional services, indoor sports, medical and nursery and a C3 use would refer to a residential dwellings (houses, flats, apartments etc).



Tendring Colchester Borders Garden Community Reg 19 Development Plan Document Sustainability Appraisal

**Colchester Borough Council, Tendring District
Council and Essex County Council**

Final report

Prepared by LUC
February 2023

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Chapter 1

Introduction

1.1 LUC was commissioned in October 2021 by Colchester Borough Council, Tendring District Council and Essex County Council to carry out Sustainability Appraisal (SA) of the Tendring Colchester Borders Garden Community Development Plan Document (DPD).

1.2 This SA Report appraises the contents of the Reg 19 DPD as well as presenting the appraisal of the options considered for inclusion in that document. This includes a number of options considered as part of the work for the draft DPD that were initially appraised in the previous iteration of the SA Report and were consulted upon alongside the draft DPD. It should be noted that this SA report does not yet reflect the findings of the Council's Integrated Water Management Strategy (IWMS) or HRA Appropriate Assessment as they were not available at the time of writing. It is understood that this evidence should become available prior to consultation on the Reg 19 DPD. Assuming that this is the case, the findings of those studies will be reflected in an updated version of this SA report that will be published alongside the Reg 19 DPD.

Background – the North Essex

Authorities' Shared Strategic Section 1

Local Plan

1.3 Tendring District Council and Colchester Borough Council adopted the North Essex Authorities' Shared Strategic Section 1 Local Plan in January and February 2021, respectively. Adoption of the Strategic Policies within the Section 1 Plan has allowed the Councils to proceed to the next phase of plan development: a DPD for the Garden Community. This builds upon the Section 1 Local Plan and contains further policies setting out how the new Garden

Community will be designed, developed and delivered in phases, in accordance with a masterplan. This SA Report relates to the Tendring Colchester Borders Garden Community Reg 19 DPD and should be read in conjunction with that document.

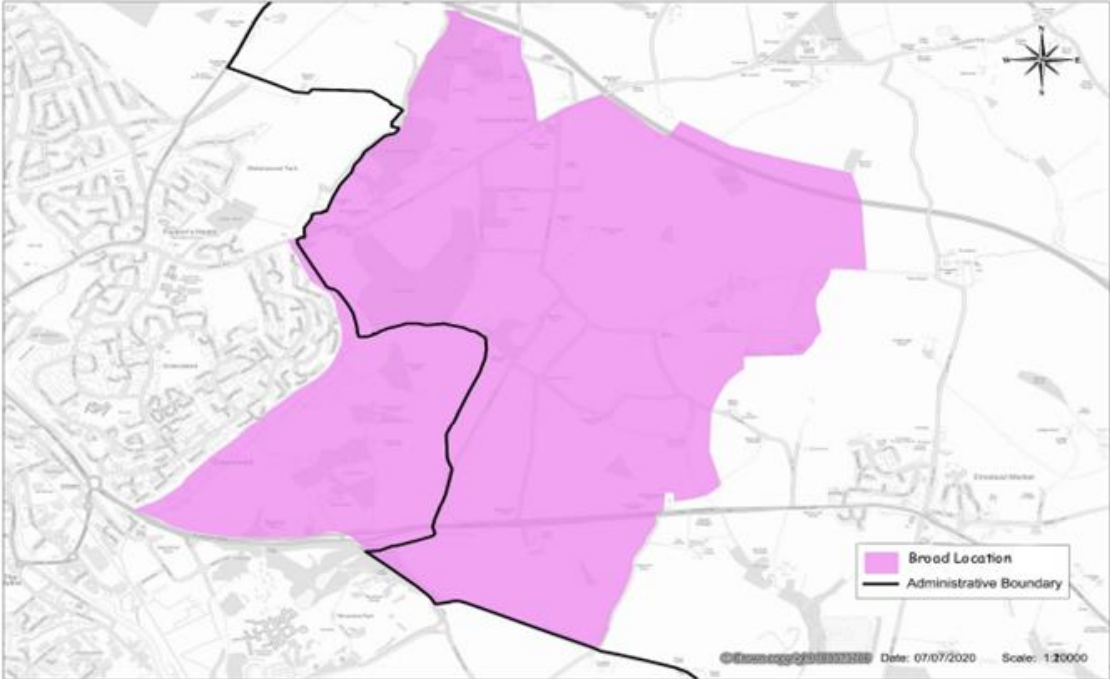
1.4 Policy SP8 of the Section 1 Local Plan allocates a new Garden Community at a defined broad location on the Tendring/Colchester border. This will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period (2013-2033) as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033. It states that a DPD will be prepared for the Garden Community, containing policies setting out how the new community will be designed, developed and delivered in phases, in accordance with 14 principles set out in the policy.

1.5 Policy SP9 of the Section 1 Local Plan sets out that the DPD will define the boundary of the new community and the amount of development it will contain. This policy also includes principles that the DPD and any planning application will address and requirements for the design, development and delivery of the Garden Community.

The Plan area

1.6 The broad location identified for the Garden Community in the Section 1 Local Plan lies to the east of Colchester and west of the settlement of Elmstead Market within Tendring District. It takes in land that lies within the districts of both Colchester and Tendring. This broad location also takes in sections of the A120 and A133. The University of Essex Colchester Campus borders the southern area of the broad location and to the south of the A133. The location of the broad location for the Garden Community is shown in Map 10.2 of the Section 1 Local Plan and reproduced in **Figure 1.1**.

Figure 1.1: Tendring Colchester Borders Garden Community - Broad Location



Work on the DPD to date

1.7 The independent examination of the Section 1 Local Plan enabled the Planning Inspector to conclude that the Garden Community would be the most appropriate, and sustainable option for meeting the need for long-term growth in the North Essex area. The development of the Section 1 Plan and accompanying SA work considered and discounted a variety of alternative options.

1.8 Publication of an Issues and Options Report for the DPD in 2017 [See reference 1] was the first stage in the planning process of preparing a DPD for the Garden Community. This document sought to gather views on the development of the Garden Community with responses at this early stage feeding into emerging planning strategies, policies and proposals for the site. Publication and consultation on this document took place before the

examination of the Section 1 Local Plan had concluded and therefore could not reflect the final outcome of the Local Plan process, but it assisted in inviting initial thoughts and ideas and to help demonstrate that a Garden Community in this location would be a feasible project.

1.9 The 2017 Issues and Options Report included a concept plan for the Garden Community. However, the 2017 Issues and Options Report pre-dates the examination as well as modifications relating to and the subsequent adoption of the Section 1 Local Plan. The publication and period of consultation for the Issues and Options Report was also undertaken prior to the grant of planning permission for the A120-A133 Link Road. The context to the Garden Community has therefore changed since the Issues and Options work was completed.

1.10 The Section 1 Local Plan was adopted in 2021 and includes just one Garden Community crossing the Tendring Colchester border, whereas at the time the Issues and Options document was published, the Draft Local Plan was promoting three Garden Communities in North Essex and Braintree, Colchester and Tendring Councils had established a company, North Essex Garden Communities (NEGC) as a potential delivery body. In 2020, NEGC was disbanded, and Tendring and Colchester Councils began working on proposals for the single Tendring Colchester Borders Garden Community. Since the Issues and Options Report was published, Essex County Council has been successful in bidding for government funding from the Housing Infrastructure for a Link Road between the A120 and A133 and Rapid Transit System to serve the Garden Community. The route of the Link Road has been established through the grant of planning permission in 2021 and differs considerably from the indicative route shown in the earlier concept plan in the 2017 Issues and Options document and so this concept plan is no longer a reasonable alternative to consider.

1.11 Given the change in context for the preparation of the DPD, work undertaken on the DPD following the adoption of the Section 1 Local Plan effectively represented a restarting of the plan making process. The previous iteration of this SA Report (SA Report for TCBGC draft DPD (2022) [\[See](#)

reference 2]) therefore set out the intended scope and level of detail of the appraisal work required for the DPD, as well as appraising the contents of the draft DPD. In addition to presenting an appraisal of the policies included in the Reg 19 DPD, this SA Report presents an appraisal of the options considered as part of the work for the draft DPD as well additional options identified as part of the Reg 19 plan making stage.

1.12 The first step in the draft plan making process following the conclusion of the Section 1 Local Plan examination and confirmation that allocation of a Garden Community on the Colchester and Tendring border was sound was the publication of a Consultation and Engagement Strategy **[See reference 3]** in December 2020. This outlined the approach the Councils would take to engage and communicate with various audiences, to help produce the content for the draft DPD. As part of this work, a dedicated website was set up to provide information on the Garden Community. An engagement website was as set up and all feedback has been considered by the Councils – on an ongoing basis in the run-up to preparing the draft DPD.

1.13 Two reports have been published summarising feedback received to date. One report was prepared by the Councils and summarises the Council-led informal engagement activity that took place from February to October 2021. The report considered the feedback received, via the various engagement opportunities that were made available to the community and stakeholders. The other report was produced by Traverse and Community Regen who were commissioned to design and facilitate an engagement programme over the summer and autumn of 2021, in close collaboration with masterplanners Prior + Partners, as part of their visioning work and for the preparation of the masterplan layout options.

Outline of the Reg 19 DPD

1.14 The Reg 19 DPD contains detail about the growth of the Garden Community and the specific requirements that developers will be expected to follow when applying for planning permission and carrying out the development.

The structure of the Reg 19 DPD follows some overarching ‘themes’ from which a vision from the Garden Community has been drafted. These themes emerged from the main requirements for the Garden Community set out in the Section 1 Local Plan, the National Model Design Code, the main topics of interest raised and discussed during public engagement activities and wider evidence gathering that have fed into the masterplanning and policy writing process. Policies are set out to guide development at the site in relation to topics related to each theme. The policies included in the DPD are as follows:

- Policy 1: Land Uses and Spatial Approach – sets out how different parts of the site are expected to be developed and protected as well as detailing requirements for additional future masterplanning and design codes for the site.
- Policy 2: Requirements for all New Development – sets out the minimum design criteria against which the Councils will consider all development proposals for the Garden Community and any subsequent developments or changes of use.
- Policy 3: Nature – sets out requirements for the protection of habitats and designated biodiversity assets as well as the protection and enhancement of green infrastructure.
- Policy 4: Buildings, Places and Character – sets out the Councils’ expectation for the Garden Community to be unique and distinctive in its character and appearance and for the new homes to meet high standards for a range of users.
- Policy 5: Economic Activity and Employment – sets out the approach for the economic growth of the Garden Community alongside support for the education and training of its residents, with the aim of creating at least one job per new household within or in close proximity to the Garden Community.
- Policy 6: Community and Social Infrastructure – requires the provision of a full range of services and facilities at the Garden Community with the requirement for these to be delivered to align with each phase of development.

- Policy 7: Movement and Connections – requires the movement towards net zero carbon transport by 2050, with measures including services and facilities accessible by active modes in accordance with the principle of a walkable 15-minute neighbourhood and the incorporation of a new rapid transit system.
- Policy 8: Sustainable Infrastructure – sets out the approach to provide energy efficient and sustainable buildings and create places which are resilient to change and will support decisions by residents who wish to live lower impact lives.
- Policy 9: Infrastructure Delivery and Impact Mitigation – sets out the approach to achieve the required and appropriate level of infrastructure in a timely manner for the sustainable development of the Garden Community.

Sustainability Appraisal and Strategic Environmental Assessment

1.15 Under the Planning and Compulsory Purchase Act 2004, SA is mandatory for Development Plan Documents. For these documents it is also necessary to conduct an environmental assessment in accordance with the SEA Regulations (as amended) [See reference 4]. The SEA Regulations remain in force post-Brexit and it is a legal requirement for the DPD to be subject to SA and SEA throughout its preparation.

1.16 SA and SEA are tools used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives. SEA considers only the environmental effects of a plan, while SA considers the plan's wider economic and social effects in addition to its potential environmental impacts. SA should meet all of the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, so a separate SEA should not be required. An approach which satisfies the requirements for both SA and SEA is advocated in the Government's Planning Practice Guidance (PPG) [See

reference 5] Practitioners can comply with the requirements of the SEA Regulations through a single integrated SA process – this is the process that is being undertaken by the Councils. From here on, the term ‘SA’ should therefore be taken to mean ‘SA incorporating the requirements of the SEA Regulations’.

1.17 The SA process comprises a number of stages as, shown below.

Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope.

Stage B: Developing and refining options and assessing effects.

Stage C: Preparing the Sustainability Appraisal Report.

Stage D: Consulting on the plan and the SA Report.

Stage E: Monitoring the significant effects of implementing the plan.

Meeting the requirements of the SEA Regulations

1.18 This section signposts the relevant sections of the SA Report that meet the various reporting and procedural requirements of the SEA Regulations. This information will be included in the SA Report at each stage of the SA to show how the requirements of the SEA Regulations have been met through the SA process.

1.19 SEA guidance recognises that data gaps will exist but suggests that where baseline information is unavailable or unsatisfactory, authorities should consider

how it will affect their assessments and determine how to improve it for use in the assessment of future plans. Where there are data gaps in the baseline, or reports not yet published, these are highlighted in the text. The collection and analysis of baseline data is regarded as a continual and evolving process, given that information can change or be updated on a regular basis. Relevant baseline information will be updated during the SA process as and when data are published.

Environmental Report

1.20 The following requirements of Regulation 12(1) and (2) and Schedule 2 are covered by the full SA Report produced to accompany consultation on the Local Plan constitutes the ‘environmental report’:

- Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible Authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation. The report shall identify, describe and evaluate the likely significant effects on the environment of:
 - Implementing the plan or programme; and
 - Reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.

1.21 The following requirements are covered in this report in **Chapter 1**, **Chapter 3**, **Appendix B** and **Appendix C**:

- An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.
- The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.
- The environmental characteristics of areas likely to be significantly affected.

- Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC on the conservation of wild birds and the Habitats Directive.
- The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.

1.22 The following requirements are covered in **Chapter 4** and **Chapter 5** of this report:

- The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive effects, and secondary, cumulative and synergistic effects, on issues such as:
 - Biodiversity;
 - Population;
 - Human health;
 - Fauna;
 - Flora;
 - Soil;
 - Water;
 - Air;
 - Climatic factors;
 - Material assets;
 - Cultural heritage, including architectural and archaeological heritage;
 - Landscape; and

- The interrelationship between the issues referred to in sub-paragraphs (a) to (l).
- The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.

1.23 The following requirements are covered in **Chapter 2** and **Appendix E**:

- An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.

1.24 The following requirements are covered in **5.40** of this report:

- A description of the measures envisaged concerning monitoring in accordance with regulation 17.

1.25 The requirement to provide a non-technical summary of the information provided under paragraphs 1 to 9 of the Regulations will be met by a separate non-technical summary document prepared to accompany the SA Report for the Regulation 19 DPD.

1.26 The Environmental Report at each stage of the SA will adhere to the requirement of Regulation 12 (3) that the report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of:

- Current knowledge and methods of assessment;
- The contents and level of detail in the plan or programme;
- The stage of the plan or programme in the decision-making process; and
- The extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

Consultation

1.27 Regulation 12(5) requires that when deciding on the scope and level of detail of the information that must be included in the environmental report, the responsible Authority shall consult the consultation bodies. The approach to Scoping is described in **Chapter 2**.

1.28 Prior to consultation on the Reg 19 DPD, this SA report will be updated to include the findings of the Integrated Water Management Strategy (IWMS) Stage and HRA Appropriate Assessment as they were not available at the time of writing. Once the findings of these studies are finalised an updated version of this SA report will be produced to support consultation on the Reg 19 DPD. Consultation on the Reg 19 DPD is currently expected to commence in June 2023. The consultation document will be accompanied by this SA Report. This meets the requirement of Regulation 13 at the current stage that authorities with environmental responsibility and the public, shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme. **Appendix A** presents the consultation comments that were received in relation to the SA Scoping Letter (2021) and the SA Report for the Draft DPD (2021), which took place in Spring 2022, and explains how each one has been addressed in the SA work undertaken since then.

1.29 Regulation 14 requires that other EU Member States are consulted where the implementation of the plan or programme is likely to have significant effects on the environment of that country. The Local Plan is not expected to have significant effects on other EU Member States.

Taking the environmental report and the results of the consultations into account in decision-making (relevant extracts of Regulation 16)

1.30 Regulation 16 requires provision of the following information on decision-making. These requirements will be addressed after the DPD is adopted:

- When the plan or programme is adopted, the public and any countries consulted under Reg. 14 must be informed and the following made available to those so informed:
 - The plan or programme as adopted;
 - A statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report, the opinions expressed, and the results of consultations entered into have been taken into account, and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and
 - The measures decided concerning monitoring.

Monitoring

- Regulation 17(1) requires that the responsible Authority shall monitor the significant effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action. **5.40** of the SA Report proposes measures to be taken to monitor the likely significant effects of the DPD.

Structure of the SA Report

1.31 This chapter describes the background to the production of the DPD and the requirement to undertake SA. The remainder of this SA Report is structured as follows:

Chapter 2 describes the approach that is being taken to the SA of the DPD.

Chapter 3 describes the relationship between the DPD and other relevant plans, policies and programmes; summarises the social, economic and environmental characteristics of the Garden Community area and identifies the key sustainability issues.

Chapter 4 presents the findings of the SA for the policies and options considered for the DPD including the key vision themes and masterplan options.

Chapter 5 presents the appraisal of the cumulative effects of the DPD.

Chapter 6 proposes indicators for monitoring the potential sustainability effects of the DPD.

Chapter 7 presents the conclusions of the SA of the DPD and describes the next steps to be undertaken.

Appendix A presents a summary of the consultation comments received in relation to the SA work to date.

Appendix B reviews national and international plans, policies and programmes of relevance to the undertaking of the SA.

Appendix C presents baseline information for the Garden Community area.

Appendix D summarises the cumulative effects of the draft DPD and how these differ from the Reg 19 DPD SA findings.

Appendix E presents an audit trail of the options considered as part of the preparation of the DPD and the Council's reasons for selecting or rejecting each one.

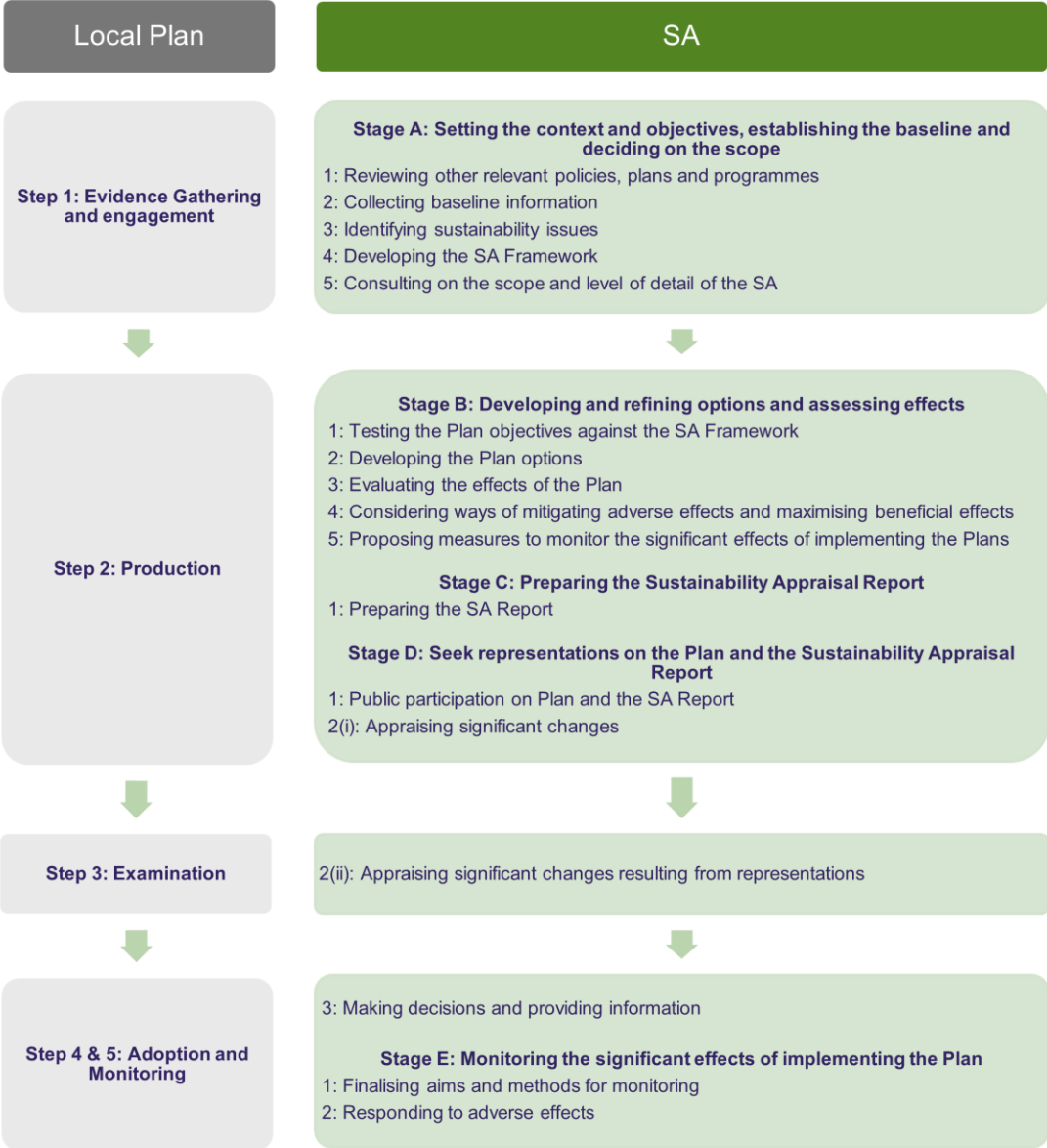
References lists the various reports and other sources of information cited in the SA Report.

Chapter 2

Methodology

2.1 In addition to complying with legal requirements, the approach being taken to the SA of the Garden Community DPD is based on current good practice and the guidance on SA/SEA set out in the Government's PPG. This calls for SA to be carried out as an integral part of the plan-making process. **Figure 2.1** sets out the main stages of the plan-making process and shows how these correspond to the SA process.

Figure 2.1: Corresponding stages in plan-making and SA



2.2 The sections below describe the approach that has been taken to the SA of the DPD to date and provide information on the subsequent stages of the process.

SA Stage A: Scoping

2.3 The Scoping stage of SA involves understanding the social, economic and environmental baseline for the plan area as well as the sustainability policy context and key sustainability issues. These are then used to inform the appraisal framework as follows.

Review other relevant policies, plans and programmes to establish policy context

2.4 The plan is not prepared in isolation; rather it is prepared within the context of other policies, plans and programmes. The SEA Regulations require the Environmental Report to describe the relationship of the plan with other relevant plans and programmes. It should also be consistent with environmental protection legislation and support the attainment of sustainability objectives that have been established at the international, national, and regional/sub-regional levels.

2.5 A review was therefore undertaken of other policies, plans, and programmes at the international, national, regional and sub-regional levels that were considered to be relevant to the scope of the DPD. This review was initially presented by the SA Scoping Report [See reference 6]. The original scoping work was overtaken by the draft DPD and the SA work prepared for that document in February 2022. This SA Report updated the review of policies, plans, and programmes presented in the SA 2017 Scoping Report. Given the time that has passed since the preparation of the previous iteration of the SA Report this work has been revisited and **Chapter 3** and **Appendix B** present an updated review of policies, plans and programmes.

Collect baseline information to establish sustainability context

2.6 Information on existing environmental, social and economic conditions in the plan area provides the baseline against which the plan's effects can be assessed in the SA and monitored during the plan's implementation.

2.7 Baseline information can also be combined with an understanding of drivers of change that are likely to persist regardless of the plan to understand the likely future sustainability conditions in the absence of the plan.

2.8 The SEA Regulations require the Environmental Report to describe relevant aspects of the current state of the environment and how they are likely to evolve without the plan. An understanding of this likely future, together with the assessed effects of the plan itself, allows the SA to report on the likely cumulative effects of the plan, another requirement of the SEA Regulations.

2.9 The SEA Regulations require assessment of effects in relation to the following 'SEA topics': biodiversity, population, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), landscape, and the inter-relationship between these. Baseline information was therefore collected in relation to the SEA topics as well as additional sustainability topics covering broader socio-economic issues such as housing, access to services, crime and safety, education and employment. This reflects the integrated approach that is being taken to the SA and SEA processes. The baseline information for the Garden Community area originally presented in the SA Scoping Report was reviewed as part of the SA Report for the draft DPD. A further update of the baseline evidence has been undertaken as part of the preparation of this report. The updated baseline information for the plan area is presented in **Appendix C**.

Identify key sustainability issues

2.10 The baseline information also allows the identification of existing sustainability issues, including problems as required by the SEA Regulations.

2.11 Key sustainability issues facing the Garden Community area and an analysis of their likely evolution without the DPD are detailed in **Chapter 3**.

Develop the SA framework

2.12 Development of an SA framework is not a requirement of the SEA Regulations but is a recognised way in which the likely sustainability effects of a plan can be transparently and consistently described, analysed and compared. The SA framework comprises a series of sustainability objectives and supporting criteria that are used to guide the appraisal of the policies and proposals within a plan.

2.13 The SA Scoping Report prepared in November 2017 included an SA framework with 22 SA objectives which, at that stage, was proposed as a means of appraising the draft DPD and reasonable alternatives considered as part of the preparation of the plan. However, having undertaken a review of policies, plans, and programmes and baseline evidence of relevance to the DPD and considered the Additional Sustainability Appraisal prepared for the Section 1 Local Plan [[See reference 7](#)], which was published after the 2017 SA Scoping Report, it was decided that the headline SA objectives from the Additional SA of the SA of the Section 1 Local Plan provided an appropriate framework to undertake the appraisal work for the Garden Community DPD. This provides consistency with the Additional SA of the higher tier Section 1 Local Plan and avoids the potential for repeating some of the shortcomings identified with earlier SA work for the Section 1 Local Plan.

2.14 A review of other policies, plans, and programmes, together with identification of the key sustainability issues facing the Garden Community area,

has helped to inform a review of the appraisal questions (the SA assessment criteria) included in the SA framework as a means of guiding the appraisal of the DPD and reasonable alternatives against the headline SA objectives. The review work for the SA objectives involved a number of changes to the appraisal questions that appeared in the SA Framework for the Additional SA of the Section 1 Local Plan. A small number of changes to the appraisal questions have also been made following the analysis of consultation responses received in relation to the SA Report on the draft DPD. This is explained in more detail in **Chapter 3**.

2.15 The updated and refined SA framework for the appraisal of the DPD (including changes made to the appraisal questions) is presented in **Chapter 3**.

Consult on the scope and level of detail of the SA

2.16 Public and stakeholder participation is an important element of the SA and wider plan-making processes. It helps to ensure that the SA Report is robust and has due regard for all appropriate information that will support the plan in making a contribution to sustainable development.

2.17 The SEA Regulations require the statutory consultation bodies (the Environment Agency, Historic England, and Natural England) to be consulted “when deciding on the scope and level of detail of the information that must be included” in the SA Report. The scope and level of detail of the SA is governed by the SA framework.

2.18 As noted above, as part of the restarting of the DPD preparation following the adoption of the Section 1 Local Plan, the decision was made to make use of the SA framework used for SA of that document for the appraisal of the DPD, after reviewing and amending the supporting criteria that are used to guide the appraisal of policies and proposals. As such, while consultation on the SA Scoping Report for the initial DPD work was undertaken as part of the Issues

and Options consultation between 13th November 2017 and 22nd January 2018, the results of this consultation are not presented in this report as the Scoping information has been superseded by that presented in this report.

2.19 In October 2021 the Councils issued a scoping letter to the three statutory consultees seeking comment on this approach. **Appendix A** lists the comments that were received on the scope of the SA from the statutory consultees in autumn 2021 and describes how each one has been addressed in this SA Report. In light of the comments received, a number of amendments were made to the review of policies, plans, and programmes, the baseline information, key sustainability issues and the SA framework. Consultation on the SA Report for the draft DPD was undertaken in spring 2022. Comments received as part of this period of consultation are also detailed in **Appendix A**.

SA Stage B: Developing and refining options and assessing effects

2.20 Developing options for a plan is an iterative process, usually involving a number of consultations with the public and stakeholders. Consultation responses and the SA can help to identify where there may be other 'reasonable alternatives' to the options being considered for a plan.

2.21 In relation to the SA Report, Part 3 of the SEA Regulations 12 (2) requires that:

“The report must identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives, taking into account the objectives and the geographical scope of the plan or programme.”

2.22 Schedule 2 (h) of the SEA Regulations requires that the Environmental Report includes a description of:

“(h) an outline of the reasons for selecting the alternatives dealt with.”

2.23 The SEA Regulations require that the alternative policies considered for inclusion in a plan that must be subject to SA are ‘reasonable’, therefore alternatives that are not reasonable do not need to be subject to appraisal. Examples of unreasonable alternatives could include policy options that do not meet the objectives of the plan or national policy (e.g. the National Planning Policy Framework (NPPF)).

2.24 The SA findings are not the only factors taken into account when determining a preferred option to take forward in a plan. Indeed, there will often be an equal number of positive or negative effects identified by the SA for each option, such that it is not possible to rank them based on sustainability performance in order to select a preferred option. Factors such as public opinion, deliverability and conformity with national policy will also be taken into account by plan-makers when selecting preferred options for their plan.

2.25 The following sections describe the process that was followed in identifying and appraising options for the DPD. The alternative options were identified by the Council based on the most up-to-date evidence and taking into account information received during consultation exercises. The stages of option development and the accompanying SA work carried out are described below.

Identifying and appraising the options for the spatial framework and policies

2.26 The SA Scoping Report (2017) was prepared to be consulted upon at the same time as the Issues and Options [See reference 8] version of the DPD. In addition to reporting the usual information on the intended scope and level of detail of the SA, it also presented an appraisal of the various elements of the DPD as drafted for consultation at that stage. This included an appraisal of the vision, themes and principles and Development Concept option (i.e. the policy content in the concept as well as the site boundary).

2.27 The SA Scoping Report explained that broad boundary options relevant to the Garden Community were explored within the SA of the Section 1 Local Plans. Development Concept options were not developed within the DPD relevant to these and as such, at that stage, alternative options did not exist to the same level of detail as the Development Concept included in the Issues and Options DPD. For this reason, reasonable alternatives were not identifiable at that stage.

2.28 The work undertaken on the DPD in 2017 has effectively been overtaken by adoption of the Section 1 Local Plan. The draft DPD effectively represented a restarting of the plan preparation process, rather than an evolution from the previously consulted upon options. As such, a recounting of the options presented in the SA work undertaken prior to the work for the draft DPD and a summary of prior findings, is not included in this report.

2.29 In determining the approach for the spatial distribution of development at the Garden Community (Policy 1 in the draft DPD), the Councils, taking into account both technical evidence and the views expressed through public engagement undertook a comprehensive masterplanning process informed by work from masterplanners Prior + Partners. The work undertaken was used to arrive at and subsequently considered a range of alternative options and approaches. These included strategies that involved development expanding over a wider footprint onto land south of the A133 and/or east of the new link

road as well as development at the lower and higher end of the 7,000 to 9,000 home range set out in the adopted Section 1 Local Plan.

2.30 The Councils also considered different ways of accommodating higher and lower densities of development across different parts of the site, alternative approaches to 'green buffers' around the edge of the site and different approaches to accommodating 'centres', identifying locations for employment and routing the Rapid Transit System through the site. The Councils also considered different approaches to recognising the special character of Crockleford Heath, and different levels of protection that could be given to the land and property in that area.

2.31 Further options identified as part of the consultation on the draft DPD have also been subject to SA as part of this report. Further details are provided in **Chapter 4** about each of these options and their expected effects.

2.32 Appendix E of this report presents an audit trail of the options considered for the Reg 19 DPD and the reasons for selecting or rejecting each option for inclusion in that document.

SA Stage C: Preparing the Sustainability Appraisal Report

2.33 This SA Report describes the process that has been undertaken to date in carrying out the SA of the DPD. It sets out the SA findings for the policy approaches in the Reg 19 DPD as well as the reasonable alternative policy options considered. Likely significant effects, both positive and negative, have been presented, taking into account the likely secondary, cumulative, synergistic, short, medium and long-term and permanent and temporary effects.

2.34 The SA findings are set out in **Chapter 4** and **Chapter 5** of this SA Report along with information on how other policies within the DPD or the Section 1

Local Plan may help to mitigate negative effects and maximise the benefits of the policy options.

SA Stage D: Consultation on the DPD and the SA Report

2.35 Information about consultation on the SA that has already taken place at earlier stages of plan-making has been provided above. The Councils are now inviting comments on the Reg 19 Tending Colchester Borders Garden Community DPD. These documents are expected to be published on the Councils' websites for a period of consultation commencing in June 2023. Comments relating to the SA will be taken into account during the Examination of the Local Plan by a Planning Inspector to be appointed by the Secretary of State, and in the remaining stages of preparation for the DPD and the SA process.

SA Stage E: Monitoring implementation of the Local Plan

2.36 Draft recommendations for monitoring the likely significant social, environmental and economic effects of implementing the DPD are included in **5.40** of this SA Report and these will be updated as appropriate during later stages of the SA.

Appraisal methodology

2.37 Reasonable alternative options for the spatial framework of development and policies included in the DPD document were appraised against the SA objectives in the SA framework (see **The SA framework** in **Chapter 3**), with

symbols being attributed to each option to indicate its likely effects on each SA objective as shown in. Where a potential positive or negative effect is uncertain, a question mark was added to the relevant symbol (e.g. +? or -?) and the symbol was colour coded in line with the potential positive, negligible or negative effect (e.g. green, yellow, orange, etc.).

2.38 The likely effects of options need to be determined and their significance assessed, which inevitably requires a series of judgments to be made. The appraisal has attempted to differentiate between the most significant effects and other more minor effects through the use of the symbols shown in **Table 2.1**. The dividing line in making a decision about the significance of an effect is often quite small. Where either (++) or (--) has been used to distinguish significant effects from more minor effects (+ or -) this is because the effect of an option or policy on the SA objective in question is considered to be of such magnitude that it will have a noticeable and measurable effect taking into account other factors that may influence the achievement of that objective.

Table 2.1: Key to symbols and colour coding used in the SA

Symbol and Colour Coding	Description
++	Significant positive effect likely.
++/-	Mixed significant positive and minor negative effects likely.
+	Minor positive effect likely.
+/-	Mixed minor effects likely.
++/--	Mixed significant effects likely.
-	Minor negative effect likely.
--/+	Mixed significant negative and minor positive effects likely.
--	Significant negative effect likely.
0	Negligible effect likely.

Symbol and Colour Coding	Description
?	Likely effect uncertain.

Difficulties and data limitations

2.39 The SEA Regulations, Schedule 2(8) require the Environmental Report to include:

“...a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.”

2.40 A number of difficulties and limitations arose in the course of the SA as follows:

- Much of the baseline information (see Chapter 3 and Appendix C) which was used to inform the appraisal of the draft DPD was based on data from the 2011 census. This information is now relatively out of date but is still the most reliable source of information for many topics. As new information is made available from the 2021 census this will be used to inform updates to the baseline for the IIA.
- The reasonable alternatives identified by the Council for the policies in the draft DPD and those inferred from the consultation questions included in that document were not worked up to the same level of detail as the policies themselves. As such the same level of detail could not be included for the appraisal of reasonable alternatives.

Chapter 3

Sustainability context

Introduction

3.1 Schedule 2 of the SEA Regulations requires information on (numbering relates to the specific numbered list in Schedule 2):

1. “an outline of the contents and main objectives of the Plan and its relationship with other relevant plans or programmes” and
5. “the environmental protection objectives established at International, Community or Member State level, which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during its preparation”.

3.2 An outline of the DPD was provided in **Chapter 1**. The SEA Regulations require the SA Report to describe the environmental protection objectives established at international and national levels (and how these have been taken into account in plan preparation/appraisal). This requirement is addressed through the remainder of this chapter with more detail provided for international and national plans and programmes of most relevance provided in **Appendix B**. For lower tier plans and programmes, SEA Regulations require the SA Report to include an outline of the relationship of the DPD to these. This requirement is addressed later in this chapter.

Relationship with other relevant plans or programmes

3.3 The DPD is not prepared in isolation and must be in conformity with a range of international, national and sub-national plans and programmes. The document needs to be consistent with international and national guidance and strategic planning policies and should contribute to the goals of a wide range of other programmes and strategies, such as those relating to social policy, culture and heritage. It must also conform to environmental protection legislation and the sustainability objectives established at an international, national and regional level. It should be noted that the policy context is inherently uncertain as the current framework outlined here is likely to change in response to a number of key factors:

- **Brexit** – Following the United Kingdom’s (UK) departure from the European Union (EU) on 31 January 2020, it entered a transition period which ended on 31 December 2020. Directly applicable EU law now no longer applies to the UK and the UK is free to repeal EU law that has been transposed into UK law.
- **COVID-19** – The COVID-19 pandemic has led to far-reaching changes to society in the UK and around the world. Which of these changes will continue in the long term is unknown and will depend on a variety of factors. Potential implications for planning and development include Government measures to re-start the economy via support for housebuilding and infrastructure development; changes to permitted development rights; increased remote working and reduced commuting and related congestion and air pollution; increased prioritisation of walking and cycling over public transport; and increasing pressure to ensure satisfactory living standards are set and enforced.
- **Planning for the Future White Paper** – The August 2020 consultation sets out proposals for the reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals. Potential implications include reducing the period of a Local Plan period to 10 years; a move towards a zonal

planning system with areas of England allocated as either Growth Areas; Renewal Areas or Protected Areas; and the abolition of Community Infrastructure Levy (CIL) and Section 106.

- Levelling-up and Regeneration Bill – the bill was introduced in May 2022 and sets out the direction for planning and makes provisions to support the levelling-up agenda. It seeks to streamline the planning process whilst attaching greater weight to development plans. It also aims to improve infrastructure delivery with a new levy system and improve alignment between plans to address cross-boundary issues. Once enacted this bill will have implications on planning.

3.4 It is also likely that UK and sub-national climate change policy will change as public awareness and prioritisation of the threat of climate change grows, as illustrated by the increasing number of local authorities, including Colchester Borough and Tendring District, that have declared a climate emergency.

International

3.5 Former EU Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the ‘SEA Directive’) and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’) were transposed into the Strategic Environmental Assessment (SEA) Regulations [\[See reference 9\]](#) and Habitats Regulations . [\[See reference 10\]](#) Following the UK’s departure from the EU, these Regulations still apply and require environmental assessment processes to be undertaken in relation to the DPD . These processes should be undertaken iteratively and integrated into the production of the plan in order to ensure that any potential negative environmental effects (including on European-level nature conservation designations) are identified and can be mitigated.

3.6 There were also a wide range of other EU Directives relating to issues such as water quality, waste and air quality, most of which are transposed into UK law through Acts, Regulations and national-level policy. The UK has now fully

left the EU and therefore EU Directives no longer apply to the UK. The relevant Regulations are discussed in **Appendix B**.

National

3.7 There is an extensive range of national policies, plans and programmes that are of relevance to the DPD and SA process. A pragmatic and proportionate approach has been taken with regards to the identification of key national policies, plans and programmes, focusing on those that are of most relevance. A summary of the main objectives of the NPPF and PPG of relevance to DPD and SA is provided below. In addition, the main sustainability objectives of other national plans and programmes which are of most relevance for the DPD and SA are provided in **Appendix B**.

The National Planning Policy Framework and Planning Practice Guidance

3.8 The NPPF [[See reference 11](#)] is the overarching planning framework which provides national planning policy and principles for the planning system in England. The NPPF was originally published in March 2012, revised in July 2018, updated in February 2019 and again in July 2021. Further updates to the NPPF are currently being consulted upon, however the most recent update to the NPPF places an increased focus on design quality. This includes for sites as well as for places as a whole. The terminology included in the Framework on protecting and enhancing the environment and promoting a sustainable pattern of development has been revised. Furthermore, revisions are included in relation to policies which address opting out of permitted development, the use of masterplans and design codes and the important contribution of trees in new developments.

3.9 The NPPF states that in addition to being positively prepared, justified and effective, plans will be considered sound if they are capable of:

“enabling the delivery of sustainable development in accordance with the policies in (the) Framework.”

3.10 In addition to contributing to the achievement of sustainable development the NPPF also requires plans to be prepared positively in a way that is ‘aspirational but deliverable’. This means that opportunities for appropriate development should be identified in order to achieve net gains across the three overarching objectives of sustainable development: that is to say achieving the economic, social and environmental objectives of the planning system. Significant adverse impacts on these objectives should be avoided however and, where possible, alternative options which reduce or eliminate these types of impacts should be taken forward. Where this is not possible mitigation followed by compensatory measures should be pursued.

3.11 National policy within the NPPF of most relevance to the DPD has been summarised below.

3.12 The Government has also set out long term goals for managing and improving the environment in its 25 Year Environment Plan [\[See reference 12\]](#). The document seeks to influence planning at a local level and therefore will be relevant to the scope of the SA and production of the DPD. Reference has been included within each topic below to the relevant text from the environment plan. In addition, the Environmental Improvement Plan 2023 [\[See reference 13\]](#) builds on this, setting out how the Government will work with landowners, communities and businesses to deliver each of their goals for improving the environment, matched with interim targets to measure progress.

3.13 Additionally, the Environment Act 2021 [\[See reference 14\]](#) introduced statutory requirements in relation to biodiversity net gain, as described in the Biodiversity section below.

Population growth, health and well-being

3.14 The NPPF includes as part of its social objective the promotion of “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.”

3.15 Ultimately planning policies and planning decision making should “aim to achieve healthy, inclusive and safe places”.

3.16 The document states that strategic policies should set out the pattern, scale and quality of development and make sufficient provision for “housing (including affordable housing) ... [as well as] community facilities (such as health, education and cultural infrastructure)”. Policies should reflect “the size, type and tenure of housing needed”. This policy approach is to include but should not be limited to housing requirements relating to affordable homes, families with children, older people, students, people with disabilities, service families, travellers, those who rent their homes and people wishing to commission the construction of their own homes. At major developments providing new housing planning policies and decisions should expect at least 10% of new provision to be delivered for affordable home ownership subject to conditions and exemptions.

3.17 To help to diversify opportunities for builders, promote a better mix of site sizes and increase the number of schemes that can be built-out quickly to meet housing need, the NPPF states that at least 10% of the sites allocated for housing through a local authority’s plan should be on sites no larger than one hectare unless it can be demonstrated that there are strong reasons why this target cannot be achieved.

3.18 Where there is an identified need, development of sites not already allocated for housing to provide entry-level homes suitable for first-time buyers is to be supported by local planning authorities unless such need is already to be met at other locations within the authority area. These sites should comprise of entry-level homes that offer one or more types of affordable housing.

3.19 The document also promotes a theme of enhancing healthy and safe communities which is to be achieved by creating places which “promote social interaction (and) enable and support healthy lifestyles”.

3.20 As part of this approach social, recreational and cultural facilities and services that the community needs should be provided guided by planning policies which:

- “plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services;
- support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- guard against the unnecessary loss of valued facilities and services.”

3.21 Plan making through the guidance of the NPPF recognises the important role of access to open spaces and other facilities which provide opportunities for sport and physical activity has in terms of health and well-being of communities. The importance of delivering a sufficient choice of school places to meet the needs of existing and new communities is also recognised in the document and local planning authorities should take a “proactive, positive and collaborative approach to meeting this requirement”.

3.22 The NPPF also sets out that the standard method provided in national planning guidance should be used to undertake a local housing need assessment identifying the minimum number of homes needed. Unmet need from neighbouring areas will also need to be taken into account as part of the

calculation. The Housing Delivery Test Measurement Rule Book [See reference 15] sets out how the measurement of housing delivery in the area of relevant plan-making authorities is calculated. It should be noted that the housing requirements for Colchester and Tendring have been established through the examination and adoption of the Section 1 Local Plan – but that these requirements will be the subject of ongoing review as the Councils’ shared and individual Local Plans are, themselves, reviewed.

3.23 A Green Future: Our 25 Year Plan to Improve the Environment sets out goals for improving the environment over the next 25 years. It details how the Government will work with communities and businesses to leave the environment in a better state than it is presently. The document identifies six key areas upon which action will be focused. Those of relevance to the topics of population growth, health and well-being are using and managing land sustainably; and connecting people with the environment to improve health and well-being. These two key areas are of relevance to the DPD as follows:

- Using and managing land sustainably:
 - Embed an ‘environmental net gain’ principle for development, including housing and infrastructure.
- Connecting people with the environment to improve health and well-being:
 - Help people improve their health and well-being by using green spaces including through mental health services.
 - Encourage children to be close to nature, in and out of school, with particular focus on disadvantaged areas.
 - ‘Green’ our towns and cities by creating green infrastructure and planting one million urban trees.
 - Make 2019 a year of action for the environment, working with Step Up To Serve and other partners to help children and young people from all backgrounds to engage with nature and improve the environment.

Economy

3.24 The NPPF contains 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”.

3.25 It also requires that planning seeks to “create the conditions in which businesses can invest, expand and adapt” with policies required to “set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth”. Policies addressing the economy should also seek “to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment”.

3.26 Planning policies are also required specifically to address support for the rural economy. Sustainable growth and expansion of all types of business and enterprise in rural areas should be supported, both through conversion of existing buildings and well-designed new buildings, while the diversification of the rural economy and promotion of sustainable rural tourism and leisure developments is also supported.

3.27 The NPPF also supports the role of town centres as functioning at the heart of local communities. This support is required to provide for a “positive approach to [town centres’] growth, management and adaptation”. Included within this support is a requirement to “allocate a range of suitable sites in town centres to meet the scale and type of development needed, looking at least ten years ahead”.

Transport

3.28 The NPPF requires that “transport issues should be considered from the earliest stages of plan-making”. The scale, location and density of development should reflect “opportunities from existing or proposed transport infrastructure”.

To help reduce congestion and emissions, improve air quality and public health the planning system should focus significant development “on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. The framework also requires that planning policies support an appropriate mix of uses across an area to further help reduce the need to travel as well as the provision of high-quality walking and cycling network.

3.29 While the framework promotes the use and development of sustainable transport networks it also requires that “where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development” should be identified and protected.

Air, land and water quality

3.30 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued soil and the economic and other benefits of the best and most versatile agricultural land. Policies should also prevent new and existing development from “contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

3.31 The document also requires that strategic policies should seek to make the most effective use of land in meeting local requirements making as much use as possible of previously-developed or ‘brownfield’ land. Furthermore, policies should “support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”.

3.32 The NPPF also sets out an approach to help ensure that there is a sufficient supply of minerals to enable the provision of the infrastructure, buildings, energy and goods needed in England. To this end, planning policies should provide for the extraction of mineral resources of local and national

importance and safeguard locations of specific minerals resources of local and national importance. The approach set out in the NPPF also includes encouraging the prior extraction of minerals, if it is necessary for non-minerals development to occur, where practical and environmentally feasible.

3.33 A Green Future: Our 25 Year Plan to Improve the Environment [See reference 16]: Of the key areas in the document around which action will be focused, those of relevance in terms of the protection of air, land and water quality are using and managing land sustainably; recovering nature and enhancing the beauty of landscapes; and increasing resource efficiency, and reducing pollution and waste. The three key areas of relevance to the DPD are as follows:

- Using and managing land sustainably:
 - Embed a ‘net environmental gain’ principle for development, including natural capital benefits to improved and water quality.
 - Protect best agricultural land.
 - Improve soil health and restore and protect peatlands.
- Recovering nature and enhancing the beauty of landscapes:
 - Respect nature by using our water more sustainably.
- Increasing resource efficiency and reducing pollution and waste:
 - Reduce pollution by tackling air pollution in our Clean Air Strategy and reduce the impact of chemicals.

Climate change adaptation and mitigation

3.34 The NPPF contains as part of its environmental objective a requirement to mitigate and adapt to climate change, “including moving to a low carbon economy”. The document also states that the “planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change”. To achieve these aims new development should

be planned to ensure appropriate adaptation measures are included (including green infrastructure) and should be designed, located and orientated as to help to reduce greenhouse gas emissions.

3.35 The revised framework also requires that development is directed away from areas which are at highest existing or future risk of flooding. Where development is required in such areas, the “development should be made safe for its lifetime without increasing flood risk elsewhere”. The NPPF also states that all major development and development in areas at risk of flooding should incorporate sustainable drainage systems.

3.36 In relation to coastal change in England planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Furthermore, plans should “reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast”.

3.37 A Green Future: Our 25 Year Plan to Improve the Environment [**See reference 17**]: The key areas in the document of relevance in terms of responding to climate change are using and managing land sustainably; and protecting and improving our global environment. Actions that will be taken as part of these two key areas are as follows:

- Using and managing land sustainably:
 - Take action to reduce the risk of harm from flooding and coastal erosion including greater use of natural flood management solutions.
- Protecting and improving our global environment:
 - Provide international leadership and lead by example in tackling climate change and protecting and improving international biodiversity.

Biodiversity

3.38 A further requirement of the NPPF’s environmental objective is that the planning system should contribute to protecting and enhancing the natural environment including helping to improve biodiversity, and using natural resources prudently. In support of this aim the framework states that local planning documents should “identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks” and should also “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

3.39 The framework requires that plans should take a strategic approach in terms of “maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

3.40 A Green Future: Our 25 Year Plan to Improve the Environment [**See reference 18**]: The key areas in the document of relevance in terms of the protection and promotion of biodiversity are recovering nature and enhancing the beauty of landscapes; securing clean, productive and biologically diverse seas and oceans; and protecting and improving our global environment. Actions that will be taken as part of these three key areas are as follows:

- Recovering nature and enhancing the beauty of landscapes:
 - Develop a Nature Recovery Network to protect and restore wildlife, and provide opportunities to re-introduce species that have been lost from the countryside.
- Securing clean, healthy, productive and biologically diverse seas and oceans:
 - Achieve a good environmental status of the UK’s seas while allowing marine industries to thrive, and complete our economically coherent network of well-managed marine protected areas.

- Protecting and improving our global environment:
 - Provide international leadership and lead by example in tackling climate change and protecting and improving international biodiversity.
 - Support and protect international forests and sustainable agriculture.

3.41 Additionally, the Environment Act 2021 [See reference 19] introduced a requirement that all applications for the development of land will have to deliver a 10% biodiversity net gain above the ecological baseline for the application site. The Act also introduced Local Nature Recovery Strategies, which will guide the delivery of biodiversity net gain projects. The spatial extent of strategies is to be determined by the Secretary of State. The implementation of these new initiatives will help to ensure that new development contributes towards the delivery of net gains in biodiversity, so that the environment, across the DPD area and surroundings, is improved as the Garden Community is built out. The requirements of the Environment Act will come into force in 2023 following a two-year transition period to enable local planning authorities, developers and others to prepare for the proposed requirement.

Historic environment

3.42 Of relevance to the approach of the planning system to the historic environment the NPPF contains an environmental objective to contribute to the protection and enhancement of the built and historic environment. The document also sets out a strategy to seek “the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay and other threats”. Such a strategy is required to take into consideration the desirability of sustaining and enhancing the significance of heritage assets and bringing them into viable use.

3.43 It should also take into account the wider benefits of conserving the historic environment, the contribution new development can make in terms of character and distinctiveness and the opportunity for the historic environment to contribute to this character and distinctiveness. Local authorities should also maintain or

have access to a historic environment record which is to be supported by up to date evidence.

Landscape

3.44 The Local Plan will be required to have consideration for the conservation and enhancement of landscape character. The NPPF includes as part of its approach to protecting the natural environment, recognition for the intrinsic character and beauty of the countryside, and the wider benefits to be secured from natural capital and ecosystem services. Importantly, great weight is to be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

3.45 As part of the approach to achieving well-designed places the NPPF states that planning policies and decisions should ensure that developments “are sympathetic to local character and history, including the surrounding built environment and landscape setting”.

3.46 A Green Future: Our 25 Year Plan to Improve the Environment [**See reference 20**]: The key area in the document of relevance in terms of the conservation and enhancement of landscape character is recovering nature and enhancing the beauty of landscapes. Actions that will be taken as part of this key area are as follows:

- Working with AONB authorities to deliver environmental enhancements.
- Identifying opportunities for environmental enhancement of all England’s Natural Character Areas, and monitoring indicators of landscape character and quality.

Sub-national plans, policies and programmes

3.47 Below the national level there are further plans and programmes which are of relevance to the Local Plan and SA process. These plans and programmes sit mostly at the sub-regional, county and local authority level. Importantly this includes the Section 1 Local Plan for North Essex and Tendring Section 2 Local Plan, as well as the adopted Local Plan for Colchester comprising the Core Strategy, Site Allocations DPD and Development Policies DPD. These documents set the planning policy direct for both local authority areas. The Colchester Section 2 Local Plan is currently being examined and will replace the existing Local Plan for the Borough once adopted.

3.48 Colchester Economic Development Strategy 2015 to 2021 and Tendring District Council Economic Strategy 2020-24 support job creation, business development, sustainable growth and inward investment across both local authority areas. Pathways for reducing emissions across both local authorities and to commit the councils to achieve net zero by 2030 are set out in the Tendring Climate Emergency Action Plan 2020-2023 and Colchester Borough Council Climate Emergency Action Plan 2021-23.

3.49 At a county level, the Essex Minerals Local Plan, Essex and Southend-on-Sea Waste Local Plan and Essex Local Transport Plan set the approach for minerals extraction and safeguarding, waste sites and transport in the DPD area. The vision and objectives for the delivery of green infrastructure across Essex are set out in the Essex Green Infrastructure Strategy 2020.

Baseline information

3.50 Baseline information provides the context for assessing the sustainability of the DPD. It also provides the basis for identifying trends, predicting the likely effects of these documents and monitoring its outcomes. The requirements for

baseline data vary widely, but it must be relevant to environmental, social and economic issues, be sensitive to change and should ideally relate to records which are sufficient to identify trends.

3.51 Schedule 2 of the SEA Regulations requires data to be gathered on biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the inter-relationship between the above factors. As an integrated SA and SEA is being carried out, baseline information relating to other sustainability topics has also been included; for example, information about housing, education, transport, energy, waste and economic growth. As with the review of relevant plans, policies and programmes, a small number of amendments have been made to the baseline information since it was originally presented in the SA Scoping Report in 2017 in order to update it, drawing on the most recent evidence sources. The updated baseline information is presented in **Appendix C**.

Key sustainability issues

3.52 The updated review of plans, policies and programmes and baseline information reviews was used to identify the key sustainability issues relevant to the plan area.

3.53 In recognition of the SEA Regulation requirement (Schedule 2) that the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme must be described in the Environmental Report, the section below describes the likely evolution of each key sustainability issue if the DPD was not to be adopted and development at the site is delivered only in line with the existing, adopted local and national policy.

Economy

Economy: description of sustainability issue and supporting evidence

3.54 The broad area is predominantly rural i.e. comprising open countryside, rural buildings and scattered dwellings but is in close proximity to the University of Essex, Colchester town with the A120 and A133 passing through the area to the north and south respectively.

3.55 There are significant economic ‘anchors’ in the wider vicinity such as the University of Essex and employment provision at the Hythe; however links need to be made to utilise these.

State of environment in absence of the plan

3.56 Despite emerging policy aiming to ensure services and facilities are integrated into the Garden Community as expected by the Strategic Section 1 Local Plan, the Plan can ensure that sufficient retail and employment premises are integrated into any new community through an effective framework regarding the eventual form of the development. The Plan can ensure that provision will be planned to complement, rather than displace, existing local service provision in the town of Colchester. This may not be the case in the absence of the Plan.

Economy: description of sustainability issue and supporting evidence

3.57 The site is close to the established employment centre of Colchester and notable the University of Essex at the site’s southern boundary. The site has

good access to Harwich Port (part of Freeport East) to the east via the A120 which will be improved following construction of the A133/A120 link road.

State of environment in absence of the plan

3.58 The growth of the University of Essex will also provide an opportunity for the Garden Community to capture future associated employment growth. Utilising the existing strengths of the existing employment providers and centres is a key opportunity for the Garden Community. The Plan can facilitate this opportunity, which perhaps would not be realised through alternative development approaches.

Economy: description of sustainability issue and supporting evidence

3.59 Jobs linked to homeworking will be physically associated with the homes of residents and therefore also on site; in relation to these jobs, the design of housing will be crucially important (The North Essex Garden Communities Employment & Demographic Studies (SQW / Cambridge Econometrics 2017)).

State of environment in absence of the plan

3.60 The planning of the Garden Community provides a unique opportunity to deliver truly innovative forms of emerging utility-related technologies, including but not limited to state of the art telecommunications infrastructure which could provide an ultra-fast broadband service for existing and future residents. This could otherwise not be forthcoming within the Garden Community in the absence of the Plan.

Economy: description of sustainability issue and supporting evidence

3.61 The COVID-19 pandemic has had a dramatic effect on the number of people claiming out-of-work benefits and commuting/working patterns, in addition to issues related to increasing pressures on recreation and open spaces and the supply of housing.

State of environment in absence of the plan

3.62 In addition to providing an opportunity to capture future employment growth, the Garden Community provides the opportunity to support the delivery of development that supports home working in Tendring and Colchester. This may include the incorporation of appropriate internal space provision at new homes and securing infrastructure to provide an ultra-fast broadband. This could otherwise not be forthcoming within the Garden Community in the absence of the Plan.

Health

Health: description of sustainability issue / supporting evidence

3.63 Public access to natural greenspace (ANGSt) is an issue within the wider area, although the site borders the Salary Brook nature reserve to the west. Access to natural greenspace will be of importance to promote more active and healthier lifestyle choices among residents at the Garden Community and in the surrounding areas.

State of environment in absence of the plan

3.64 The Plan has the opportunity to suitably include accessible natural green space throughout the design and layout of the Garden Community. This might not be the case in the absence of a plan-led approach, or otherwise not be given due weight in favour of marketable land uses.

Health: description of sustainability issues / supporting evidence

3.65 Tendring District is the most deprived authority within the County of Essex. Life expectancy is 11.7 years lower for men and 10.5 years lower for women in the most deprived areas of Tendring than in the least deprived areas. Furthermore, life expectancy is 8.6 years lower for men and 8.0 years lower for women in the most deprived areas of Colchester than in the least deprived areas.

State of environment in absence of the plan

3.66 In essence, the development of a Garden Community will provide housing, employment, more local facilities and greenspace within Tendring and Colchester. Therefore, the Plan has the opportunity to improve the surrounding communities giving them greater access to essential infrastructure. In the absence of the Plan, it cannot be certain whether this would be forthcoming.

Health: description of sustainability issue / supporting evidence

3.67 There are no existing GP surgeries within the Garden Community area, the closest being in the surrounding villages and town of Colchester. Serving

specific communities, the capacities of these facilities are unlikely to cumulatively serve the Garden Community. This is unless the provision of primary healthcare is delivered in alternative ways, as currently being advocated by the NHS – such as digital channels and through minimising the causes of ill health through the incorporation of Health Towns principles within the Garden Community.

State of environment in absence of the plan

3.68 In facilitating inclusive facilities, the Plan can ensure that a new Garden Community can incorporate premises for local centres, flexible community space that can be utilised for health services, sports provision and opportunities for active travel. In the absence of the Plan, it cannot be certain whether this would be forthcoming.

Housing

Housing: description of sustainability issue / supporting evidence

3.69 There is a need for affordable housing to meet projected requirements for Tendring and Colchester.

State of environment in absence of the plan

3.70 The Plan can help to ensure the provision of affordable housing, in significant numbers, as part of the mix of development in a comprehensively planned new settlement. It is noted that the Section 1 Plan includes the requirement for the delivery of 30% affordable homes at the Garden

Community, however, the inclusion of this requirement in the DPD will provide greater certainty in relation to the achievement of this delivery.

3.71 This can be considered comparatively unlikely to be forthcoming without a plan led approach – leaving an ongoing shortfall that would need to be addressed through alternative means outside of the Garden Community.

Housing: description of sustainability issue / supporting evidence

3.72 Suitable Gypsy and Traveller accommodation proposals have not been forthcoming through the Local Plan call-for-sites mechanisms of Colchester Borough and Tendring District Councils to meet longer-term post 2033 needs.

State of environment in absence of the plan

3.73 The Section 1 of Colchester and Tendring's Local Plan includes Policy SP8 which ensures that Garden Community in this location would require accommodation provision of Gypsy and Travellers. The Garden Community Plan can ensure that such provision is located with the interests of the envisaged new community in mind.

Biodiversity

Biodiversity: description of sustainability issue / supporting evidence

3.74 The broad area contains a SSSI (Bullock Wood) which is likely to require sensitive consideration in regard to preservation and enhancement.

3.75 The Local Nature Reserves of Salary Brook and Welsh Wood are in close proximity to / within the broad area.

3.76 There are existing natural landscape and ecological features within the site such as Salary Brook, Welsh Wood, woodland, ancient woodland and a network of intact hedgerows and associated veteran trees, land drains and ditches.

State of environment in absence of the plan

3.77 A plan-led approach to strategic development can ensure that existing features of biodiversity are protected and integrated into the Garden Community's green infrastructure. Comparatively, this is less likely to be the case through more traditional strategic development approaches.

Biodiversity: description of sustainability issue / supporting evidence

3.78 As identified within the HRA of the Strategic Section 1 (and the Section 2 Local Plans), a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) will be needed to ensure that the level of growth does not have likely significant effects on Natura 2000.

State of environment in absence of the plan

3.79 The relationship between areas of biodiversity interest and human activity through recreation are often incompatible in terms of wildlife conservation. A plan led approach can ensure that such management and the identification of land for recreational purposes is ensured. However, both Colchester and Tendring Councils have adopted the Essex Coast RAMS approach which identifies a programme of measures to mitigate the impact of projected

development on protected areas. The Councils have the means of securing financial contributions towards these measures.

Landscape

Landscape: description of sustainability issue / supporting evidence

3.80 Natural England's National Character Area Profile: Northern Thames Basin, in which this area lies, indicates that the rural urban fringe should be conserved and enhanced through the spatial planning process and through good design in development. despite this, the topography of the land indicates benefits to the proposals in the form of integrating development into a natural context.

3.81 There are existing natural landscape and ecological features within the site such as Salary Brook, Welsh Wood, woodland, ancient woodland and a network of intact hedgerows and associated veteran trees, land drains and ditches.

State of environment in absence of the plan

3.82 A plan-led Garden Community can ensure that sensitive natural features are integrated, protected and enhanced through a framework approach to design and layout. This is not unique to Garden Communities and can be expected to be ensured through more traditional approaches to development.

Landscape: description of sustainability issue / supporting evidence

3.83 There are a number of sensitive receptors associated with the surrounding area and large scale development has the potential to impact on the rural character of the small settlements surrounding and within the site.

State of environment in absence of the plan

3.84 A plan-led Garden Community, adhering to Garden City principles and the Garden Community Charter, can ensure better integration of development within the open countryside. This would otherwise be less likely to be the case through more traditional development approaches.

Soil quality

Soil quality: description of sustainability issue / supporting evidence

3.85 The Garden Community site area contains Grade 1 Agricultural Land (determined 'excellent' by Natural England) along much of the eastern boundary.

State of environment in absence of the plan

3.86 The loss of agricultural land is inevitable through any strategic scale development. In the absence of the Plan, it can be considered likely that there would be a similar loss of such land. Given the scale of the growth associated

with the Garden Community, it is unlikely that the development could occur entirely on brownfield within Tendring and Colchester.

Education and skills

Education and skills: description of sustainability issue / supporting evidence

3.87 In Colchester, there are longer term forecasted capacity issues relating to primary school reception places in the areas of Colchester north, Colchester southwest and Stanway, Wivenhoe and Colchester rural south. There is an identified expected shortfall in secondary school Year 7 capacity in Colchester in 2023/24. However, there is no identified shortfall in the forecasted capacity for 2021/22 and 2022/23 as well as for all years forecasted after 2023/24. There is less forecasted secondary school Year 7 capacity in Thurstable with expected shortfalls in many of the upcoming reporting years up to 2030.

3.88 In Tendring, there are longer term forecasted capacity issues relating to primary school reception places in the areas of Little Clacton / Tendring / Thorpe / Weeley, Brightlingsea / Elmstead and Frinton / Walton. There is also an identified expected shortfall in secondary school Year 7 capacity in Tendring in the areas of Clacton, Colne, Harwich and Manningtree and surroundings across many of the upcoming reporting years up to 2030 **[See reference 21]**.

State of environment in absence of the plan

3.89 A plan led approach enables an 'infrastructure first' approach to delivering the Garden Community, through effective working with the commissioning authority. It is more likely that a less holistic approach to ensuring adequate school capacity would result in the absence of the Plan.

Climate and energy consumption

Climate and energy consumption: description of sustainability issue / supporting evidence

3.90 Both Councils have declared a Climate Emergency.

3.91 UKCP18 is the latest generation of national climate projections for the United Kingdom and outlines the most recent scientific evidence on projected climate changes. This enables the LPA to plan for projected climate changes. UKCP18 includes projections based on difference scenarios. The headline projections under all scenarios are:

- By the end of the 21st century, all areas of the UK are projected to be warmer, more so in summer than in winter.
- Rainfall patterns across the UK are not uniform and vary on seasonal and regional scales and will continue to vary in the future.
- Future climate change is projected to bring about a change in the seasonality of extremes.
- Future increases in the intensity of heavy summer rainfall events. For urban areas particularly, this will impact on the frequency and severity of surface water flooding.

3.92 We can continue to expect increases to extreme coastal water levels driven mainly by increases in mean sea level rise, although we cannot rule out additional changes in storm surges. Regarding CO₂ emission reductions, both Tendring and Colchester have a higher percentage than the Essex average (24%) at 26% and 29% respectively.

State of environment in absence of the plan

3.93 While the delivery of new development is likely to have adverse effects relating to climate change in the short term as construction occurs and sites users need to travel to the area, the provision of the Garden Community offers a significant opportunity for the utilisation of renewable energy sources and the introduction of higher building standards for energy efficiency. The Plan can ensure that renewable energy generation and energy efficiency measures are included within the development that would otherwise be unlikely to be integrated in its absence.

Access

Access: description of sustainability issue / supporting evidence

3.94 Colchester Borough's self- containment rate (share of residents who also work within the Borough) was 69% in 2011, with 24,850 employed residents leaving the Borough to work. Of these 25% go to Greater London, 15% to Tendring District, 15% to Braintree District and 10% to Chelmsford City.

State of environment in absence of the plan

3.95 A plan-led approach, together with the delivery model of the Garden Community, can ensure the integration of rapid transit. It is unlikely that this would be ensured through any planning application without such a requirement either physically or through sufficient contributions. It is noted that there is an award of Housing Infrastructure Fund funding to deliver works for rapid transit. However, it may be that the award would be withdrawn if there was no plan in place to give additional certainty about the housing the funding is to enable.

Access: description of sustainability issue / supporting evidence

3.96 There are highway network efficiency issues on a number of strategic inter-urban routes which are operating at or near to capacity.

State of environment in absence of the plan

3.97 It is considered that the Plan can ensure an appropriate level of services and facilities and the incorporation of methods of active travel and rapid transit at the site. This can ensure that residents take fewer trips outside the Garden Community for convenience shopping and day to day needs. This can offset traffic implications on existing roads as much as possible. It is thought that without this requirement established within the Plan, planning applications are unlikely to ensure provision to the same level.

Access: description of sustainability issue / supporting evidence

3.98 The area is well located in terms of existing access and the presence of strategic roads and those that permeate the broad area and those eastern parts of Colchester.

State of environment in absence of the plan

3.99 Development at the scale proposed can ensure that such issues are overcome and solutions become viable. These are best consulted on and ensured through a plan-led system. This cannot be expected in the absence of the Plan.

Access: description of sustainability issue / supporting evidence

3.100 Proportionately more households own at least 1 car or van within Colchester than the regional and national figures at 43.8%.

State of environment in absence of the plan

3.101 The Plan can include an approach to limit parking and reduce the number of trips undertaken by private vehicles through the incorporation of active travel routes, rapid transit and car clubs. In the absence of the Plan, these initiatives are less likely to be delivered.

Access: description of sustainability issue / supporting evidence

3.102 For a number of reasons, access to a variety of services and facilities can be an issue for Colchester residents. The English Indices of Multiple Deprivation (IMD) 2019 measure social inclusion by considering and scoring a whole range of issues, from access to certain facilities, to income and employment. The score provides an indication of deprivation within an area. The Borough ranks 181st out of 317 districts on the IMD (rank 1 being the most deprived). Colchester ranks 4th in comparison to 12 other Essex authorities in terms of average score, with Tendring the more deprived Essex authority. Despite this, there are areas in Colchester where deprivation exists and which contrast with the surrounding more affluent areas. Colchester has one LSOA in the 10% most deprived in the country, namely Greenstead, which is adjacent to the broad area of search for the Garden Community.

3.103 The IMD also presents findings in relation to the accessibility of local services across the country through the Barriers to Housing and Services

Domain. Colchester contains 12 Lower Super Output Areas which are amongst the 10% most deprived in the country in relation to this measure. Tendring contains four Lower Super Output Areas which falls within the 10% most deprived in relation to this measure.

State of environment in absence of the plan

3.104 A plan-led approach to the delivery of the Garden Community can help to encourage social inclusion. This can be achieved through the appropriate design of new communities and the ensuring the delivery of adequate community infrastructure and services.

Access: description of sustainability issue / supporting evidence

3.105 Vacancy levels in Colchester town centre have increased from 10.5% of total ground floor premises to 14.5% [See reference 22]. This is above the national average of 12%. Retail capacity is anticipated to decline by 3,900 sqm in Colchester from structural changes in the retail sector and the economic implications of the COVID-19 pandemic, all of which could have an adverse impact on the vitality and viability of Colchester town centre.

State of environment in absence of the plan

3.106 The Garden Community is in relatively close proximity to Colchester town centre. A detailed, plan led approach to the Garden Community through the DPD, will allow for an adequate level of service provision at the site while limiting the potential for new development to adversely affect the viability of Colchester town centre.

Sustainable transport

Sustainable transport: description of sustainability issue / supporting evidence

3.107 The percentage of households owning at least 1 car or van within Tendring District at 45.3%, which is slightly higher than national and regional statistics. Colchester is also higher than the regional and national figures at 43.8%. The relatively high level of car ownership in both local authority areas is likely to mean that there is a high level dependency on trips made by private vehicle with implications in terms of carbon emissions and air pollution.

3.108 The presence of the Great Eastern Mainline and rail links at Hythe exist as a rapid public transport link to Colchester. The existing strategic and local bus networks currently set down and pick-up in close proximity to the site with a bus interchange located at the University campus. Within the Colchester Borough Council Local Plan, provision is made for a dedicated bus corridor to support development in North Colchester.

State of environment in absence of the plan

3.109 A plan-led approach, together with the delivery model of the Garden Community, can ensure the integration of rapid transit within the wider area and help to limit the potential car dependency to become ingrained at the new development. This approach will help to limit the negative contribution the development makes in terms of carbon emissions and air pollution. It is unlikely that this would be ensured through any planning application without such a requirement either physically or through sufficient contributions. Funding has been secured via the Housing Infrastructure Fund to implement works for rapid transit at the Garden Community site. Without the added certainty provided by the plans set out in the DPD, it may be that this funding would be removed.

Air quality

Air quality: description of sustainability issue / supporting evidence

3.110 There is likely to be an increase in air pollution associated with development in the broad location and resultant traffic movements into Colchester town due to a number of AQMAs.

State of environment in absence of the plan

3.111 A plan-led approach, and the delivery model established in the Plan, enables development to be supported by effective sustainable transport means designed to minimise vehicle emissions.

3.112 This approach would be unlikely to be forthcoming in the absence of the Plan, which can also ensure the promotion of active modes through significant green infrastructure.

Water

Water: description of sustainability issue / supporting evidence

3.113 All waterbodies in the Essex Combined Management Catchment and Anglian TraC Management Catchment are failing in terms of achieving good chemical status. Improvements to water quality are needed to meet the EU Water Framework Directive (2000/60/EC) target of 'good ecological status' and 'good chemical status' by 2027.

3.114 Opportunities for improving the status of water bodies should be identified as part of development proposals. Typical water body improvements might be creating 'natural' riverbanks, overcoming barriers to fish movement or providing sustainable drainage systems.

3.115 The Colchester Water Cycle Study (WCS) concluded that, allowing for the planned resource management of Anglian Water Services South Essex Resource Zone, Colchester would have adequate water supply to cater for growth over the plan period. However, the WCS identified that there are long term limitations on further abstraction from the raw water resources supplying the Borough and that there is a drive to ensure the delivery of sustainable development for Colchester. The Integrated Water Management Strategy (IWMS) Stage 1 report undertaken for the Section 1 Local Plan concluded for the three Garden Communities in North Essex considered as part of that plan, that there are workable wastewater options within the limits of conventional treatment which would not impact on the Water Framework Directive status of receiving waterbodies.

3.116 Water bodies altered by human activity may be classified as Heavily Modified (HMWB) or Artificial (AWB) and have an objective to achieve 'good potential'. Salary Brook to the west of the Garden Community site is within a Nitrate Vulnerable Zone and has a 'moderate' overall status.

State of environment in absence of the plan

3.117 As stated in the Plan, investment in this essential area of infrastructure will be required to facilitate the improvements needed and ensure adequate ongoing maintenance. It is uncertain whether this infrastructure would be forthcoming from development proposals in the absence of the Plan.

3.118 The delivery of the Garden Community also provides an unprecedented opportunity to integrate innovative sustainable drainage systems into the design of new development which will help to ensure higher levels of water quality in the area. It is unlikely that this would be the case to the same degree through

development proposals in the absence of the Plan. The IWMS Stage 2 report has been commissioned to inform future work as part of the DPD process. This reporting should be used to inform future stages of masterplanning for the site.

Flood risk

Flood risk: description of sustainability issue / supporting evidence

3.119 The National Planning Policy Framework seeks to avoid inappropriate development in areas at risk of flooding, but where development is necessary, to ensure that it is safe and does not increase flood risk elsewhere. Significant levels of flood risk have been identified along river stretches in Colchester. This is the case at the site's western boundary associated with Salary Brook.

State of environment in absence of the plan

3.120 In the absence of the Plan there is unlikely to be any significant difference in how areas of flood risk are considered within the Garden Community. That said, the design and layout of the Garden Community can ensure that existing water courses are maximised as features of a blue infrastructure interest throughout the site. The delivery of the Garden Community provides an unprecedented opportunity to integrate innovative sustainable drainage systems into the design of new development which will help to limit increases in flood risk in the area. It is unlikely that this would be the case to the same degree through development proposals in the absence of the Plan.

Historic environment

Historic environment: description of sustainability issue / supporting evidence

3.121 The site contains a small number of Listed Buildings which should be preserved and moderate to high potential for below ground heritage assets dating to the Late Iron Age/Roman period, a moderate to high potential for medieval remains, and a moderate potential for prehistoric remains. Similarly, within the site there is a low to moderate potential for Saxon archaeology, and a moderate to high potential for post-medieval remains (notably field boundaries).

State of environment in absence of the plan

3.122 In the absence of the Plan, such features would have to be protected through suitable schemes both in regard to designations and their settings. The Plan can further ensure that enhancements to assets are sought where possible.

Utilities

Utilities: description of sustainability issue / supporting evidence

3.123 Due to the likely nature and scale of the proposed Garden Community, utility provision does not exist within the site currently.

3.124 There is capacity in the medium pressure gas network in the region, but local low pressure upgrades will be required.

3.125 Broadband provision will help to support the Garden Community's target of 'one job per home' through effective home working.

State of environment in absence of the plan

3.126 The development of a new Garden Community provides significant opportunities to not only provide new infrastructure but also the opportunity to deliver innovative forms of infrastructure and ensure their integration from the outset, reducing and avoiding the need for disruptive retrofitting which could otherwise be the case in the absence of the Plan.

Existing communities

Existing communities: description of sustainability issue / supporting evidence

3.127 Few existing services and facilities are within the boundaries of the site at present.

State of environment in absence of the plan

3.128 Despite policy in regard to ensuring services and facilities are integrated into the Garden Community existing in the form of the Strategic Section 1 Local Plans, the DPD can ensure that a more coordinated approach is taken to incorporate sufficient retail, employment, social and community premises into any new community through an effective framework regarding the eventual form of the development. The Plan can ensure that provision can need to be planned to complement, rather than displace, existing local service provision in local town centres. This may not be the case in the absence of the Plan.

The SA framework

3.129 As described in the Methodology chapter, an analysis of plans, policies, and programmes and baseline evidence informed identification of key sustainability issues facing the DPD. It was concluded from these issues that the headline sustainability objectives within the SA framework used to for the Additional SA of the Section 1 Local Plan were also appropriate for the SA of the DPD. The supporting appraisal questions were reviewed and refined to ensure they were relevant to the site specific context of the DPD as opposed to the sub-regional scale relevant to appraise the Section 1 Local Plan.

3.130 This resulted in a small number of updates to the appraisal questions included as a means to interrogate the options for the plan in relation to each of the SA objectives. The appraisal questions are not intended to be exhaustive but help to guide the appraisal of plan proposals. Where changes have been made to the appraisal questions these are shown as strikethrough and underlined text. The updated SA framework is presented in the section below.

SA Objective 1: To create safe environments which improve quality of life, community cohesion

Appraisal questions

- Does it seek to improve / supply community facilities for young people?
- Does it seek to increase cultural activities or suitable development to stimulate them? Does it seek to support cultural identity and social inclusion?

- Will there be measures to increase the safety and security of new development and public realm where residents can partake of frequent and unplanned social interactions?
- Will it support design which reduces the potential for crime or anti-social behaviour?

SA Objective 2: To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford

Appraisal questions

- Will it increase the range and affordability of housing to support the growing population and for all social groups?
- Does it respond to the needs of an ageing population?
- Does it seek to provide appropriate rural affordable housing?
- Will it deliver well designed and sustainable housing?
- Will it contribute to meeting Gypsy and Traveller pitch requirements of the GTAA?
- Will it help to deliver a suitable mix of housing sizes, types and tenures to meet local needs?

SA Objective 3: To improve health/reduce health inequalities

Appraisal questions

- Will it ensure access to and prevent overburdening of health facilities, including primary, acute and emergency services, including through the provision of new infrastructure of this type?
- Will it ensure access to sport and recreation facilities, open space and accessible natural green space, including through the provision of new infrastructure of this type?
- Will it encourage access by walking or cycling?

SA Objective 4: To ensure and improve the vitality and viability of centres

Appraisal questions

- Does it seek to prevent loss of retail and other services or deliver these types of services in locations where they are accessible to a large number of residents?
- Does it support the creation of new viable centres while promoting and enhancing the viability of existing centres?
- Does it seek to locate development close to centres?
- Does it seek to locate development within easy public travelling distance to town centres?
- Does it seek to improve public transport networks to town centres?

SA Objective 5: To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways

Appraisal questions

- Will it improve the delivery of a range of employment opportunities to support the growing population?
- Will it tackle employment associated deprivation?
- Will it enhance the area's potential for tourism?
- Will it promote development of the ports?
- Will it support business innovation, diversification, entrepreneurship and changing economies while building on links to nearby employment sites?
- Does it seek to improve links to and enhance existing training and learning facilities and/or create more facilities?
- Will the employment opportunities available be mixed to suit a varied employment skills base?
- Will it provide new residents with appropriate space and infrastructure (including ultra-fast broadband) as to allow for homeworking?

SA Objective 6: To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity

Appraisal questions

- Will development have a potential impact on a national, international or European designated site (SPA, SAC, Ramsar, SSSI)?
- Will it maintain and enhance sites otherwise designated for their nature conservation interest?
- Will it conserve and enhance natural/semi natural habitats, including those that are not presently designated?
- Will it conserve and enhance species diversity, and in particular avoid harm to indigenous BAP priority species?
- Will it result in biodiversity net gain?

SA Objective 7: To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion

Appraisal questions

- Will it increase and/or improve the availability and usability of sustainable transport modes, including infrastructure for electric vehicles?
- Will it seek to encourage people to use alternative modes of transportation other than private vehicle?

- Will it support the viability of existing public transport and lead to the integration of different transport modes?
- Will it improve rural public transport?
- Does it seek to increase the uptake or viability of walking and cycling as methods of transportation, through new infrastructure or integration?
- Will it support an increased level of self-containment in the area through the incorporation of services and facilities and employment floorspace to meet a high proportion of residents needs in the locality?

SA Objective 8: To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development

Appraisal questions

- Will it contribute positively to reduce social exclusion by ensuring access to jobs, shopping, services and leisure facilities for all?
- Does it seek to concentrate development and facilities where access via sustainable travel is greatest?
- Does it seek to minimise congestion at key destinations / areas that witness a large amount of vehicle movements at peak times?
- Would the scale of development require significant supporting transport infrastructure in an area of identified need?
- Will it ensure adequate school places (through expansion / new facilities) and early years provision to support growth as well as supporting good access to these types of facilities?

- Will it ensure the required improvements to utilities infrastructure?
- Will it ensure access to and necessary increases in capacity to GP services?
- Will it ensure access to and necessary increases in capacity to acute healthcare services?
- Will it provide a suitable amount of sports, recreational, leisure and open space facilities?

SA Objective 9: To conserve and enhance historic and cultural heritage and assets and townscape character

Appraisal questions

- Will it protect and enhance designations, features and areas of historical, archaeological and cultural value in both urban and rural areas?
- Will it have a negative impact on the significance of a designated historic environment asset or its setting?
- Does it seek to enhance the range and quality of the public realm and open spaces?
- Will it reduce the amount of derelict, degraded and underused land?
- Does it encourage the use of high quality design principles to respect local character?
- Will / can any perceived adverse impacts be reduced through adequate mitigation?

SA Objective 10: To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation

Appraisal questions

- Will it reduce emissions of greenhouse gases by reducing energy consumption?
- Will it lead to an increased generation of energy from renewable sources?
- Will it encourage greater energy efficiency?
- Will it improve the efficient use of natural resources, minimising waste and promoting recycling?
- Will it support the siting and design of development as to adapt to climatic change through measures such as the incorporation of green infrastructure, building orientation and choice of materials?
- The contribution promoting more sustainable modes of transport can make to limiting carbon emissions is addressed through SA objective 7: sustainable travel.

SA Objective 11: To improve water quality and address water scarcity and sewerage capacity

Appraisal questions

- Will it lead to no deterioration on the quality of water bodies?
- Will water resources and sewerage capacity be able to accommodate growth?

- Does it seek to support the recycling of rainwater and greywater?

SA Objective 12: To reduce the risk of fluvial, coastal and surface water flooding

Appraisal questions

- Does it promote the inclusion of Sustainable Drainage Systems (SuDS) in new developments and will their integration be viable?
- Does it seek to avoid development in areas at risk of flooding (fluvial, coastal, surface water) and where this is not possible ensure that development is safe?
- Does it seek to avoid increasing flood risk (fluvial, surface water, groundwater) in areas away from initial development?

SA Objective 13: To improve air quality

Appraisal questions

- Will it improve, or not detrimentally affect air quality along the A12, A120 or A133?
- Will it help to limit traffic within AQMAs within Colchester and surroundings?
- Does it seek to improve or avoid increasing traffic flows generally?

SA Objective 14: To conserve and enhance the quality of landscapes

Appraisal questions

- Will landscapes sensitive to development be protected?
- Will it lead to rural expansion or development outside development boundaries/limits that increases coalescence with neighbouring settlements?
- Is the scale / density of development in keeping with important and valued features of the local landscape and the existing rural character of the site and surrounding small settlements?
- Will it help to conserve and enhance existing natural landscape features within the site?
- Will it help to conserve and enhance the existing rural urban fringe and support the integration of development within the natural context?

SA Objective 15: To safeguard and enhance the quality of soil and mineral deposits

Appraisal questions

- Will it avoid the loss of high quality agricultural land?
- Will it avoid the sterilisation of mineral deposits / is the site within a Minerals Safeguarding Area (MSA)?
- Will it support or lead to the remediation of contaminated land, avoiding environmental pollution or exposure of occupiers or neighbouring land uses to unacceptable health risk?

- Will it support the efficient use of land resources, by achieving appropriate densities of development thereby limiting the need for the development of greenfield land?

Chapter 4

SA Findings for Individual Components of the Reg 19 DPD

4.1 This chapter presents the sustainability findings for the policies included in the Reg 19 DPD alongside any reasonable alternatives considered. The policies have been presented in this report to follow the order they are included in the Reg 19 DPD.

4.2 Appendix E summarises the cumulative effects for the draft DPD and how these differ from the Reg 19 DPD SA findings. **Appendix E** then presents all policies that are included in the DPD as well as the reasonable alternatives. It also sets out the Councils' reasons for discounting those options that were not preferred. For many of the policies the Councils have considered an approach that would involve no new policy in the DPD to address the topic in question and rely on existing national and local policy. Given that the NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the DPD policies have been assessed, options of this nature do not constitute a reasonable alternative for the purposes of the SA. Therefore, these options have not been appraised.

Key vision themes and principles and objectives

4.3 The vision for the future of the Garden Community DPD is set out in relation to five key vision themes. The Vision is included to be relatively high level and aspirational in nature. It provides an image of the Garden Community once it is built out as a place where better ways of living, working and playing can be achieved. The Garden Community is to be a place where a high quality of placemaking is achieved, where development allows for improvements in

biodiversity and local character, while also providing appropriate infrastructure and a suitable level of transport connections to meet the needs of local people. The vision for each theme is supported by a number of principles and objectives. The sustainability effects of the key vision themes are presented in **Table 4.1** with a description of the effects presented below the table.

4.4 The achievement of the principles and objectives in the DPD will ultimately be dependent upon the requirements of the policies in the document and from this, the conformity of development proposals for the Garden Community with these requirements. As such, a proportionate and relatively light touch approach to the assessment of the principles and objectives has been taken. The SA has considered the compatibility or incompatibility of the principles and objectives in relation to each SA objective as presented in **Table 4.2** with a summary of the findings included below the table.

Table 4.1: Sustainability effects of key vision themes

Key Vision Themes	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15
Nature	+	-	+	0	-	+	+	0	+	+	+	+	+	+	0
Movement and connections	+	0	+	0	0	0	+	+	0	+	0	0	+	0	0
Community and social infrastructure	+	0	+	0	0	0	+	+	0	+	0	0	+	0	0
Buildings, places and character	+	+	0	0	+	0	0	0	+	0	0	0	0	+	0
Sustainable infrastructure	0	+	+	0	0	+	+	0	0	+	0	+	+	+	0

4.5 The key vision themes are expected to have mostly positive effects given their high level and aspirational nature. Positive effects are identified when the aim of the principles and objectives directly aligns with that of the SA objective, as outlined below:

- Key vision theme “Nature” addresses the outdoor natural environment of the Garden Community, including green infrastructure, and how this will benefit both people and wildlife. Given the potential benefits of open space and green infrastructure provision in relation supporting social interactions between new residents and providing space for physical activity minor positive effects are identified in relation to SA objectives 1: safety and community cohesion and 3: health. The incorporation of green infrastructure will also provide habitat space for wildlife and support travel by more sustainable means limiting the reliance on private vehicles, while also contributing to the adaptation to climate change. Therefore, minor positive effects are also expected in relation to SA objectives 6: biodiversity and geological diversity, 7: sustainable travel, 10: energy efficiency and climate change, 12: flood risk and 13: air quality. The protection of existing areas of open space and green infrastructure assets are likely to preserve the aesthetic quality of the Garden Community area and therefore minor positive effects are also expected in relation to SA objectives 9: historic environment and townscape and 14: landscape. This Key Vision Theme is likely to have minor negative effects in relation to SA objectives 2: housing and 5: economy given that areas that are considered acceptable for development associated with housing and employment opportunities may more be limited considering the approach to preserving much of the Garden Community as open space.
- Key vision theme “Buildings, Places and Character” addresses the delivery of well-designed homes and spaces for a range of activities and employment opportunities. This key vision theme is likely to have minor positive effects in relation to SA objectives 1: safety and community cohesion, 2: housing, 5: economy, 9: historic environment and townscape and 14: landscape. The positive effects recorded reflect the support for the creation of distinctive places within which high quality landscapes and architecture are given importance. This approach is likely to help instil a

sense of ownership among new residents as the Garden Community grows, while also incorporating a range of housing types and employment opportunities that will meet a range of needs and skills.

- Key vision theme “Community and Social Infrastructure” addresses community health and wellbeing through the provision of community spaces, schools and sport and leisure facilities as well as infrastructure stewardship. Given the key vision theme’s direct alignment with SA objectives 1: safety and community cohesion, 3: health and 8: services and infrastructure, minor positive effects are recorded. The provision of these types of infrastructure and ensuring their long term maintenance through an appropriate approach to stewardship, will be of importance in terms of creating a sense of ownership at the Garden Community for new residents. The provision of necessary supporting infrastructure will also be important to support the creation of a relatively self-contained community from which the need to travel longer distances is limited. This could have benefits in terms of the emissions of greenhouse gases and air pollutants. A minor positive effect is therefore expected in relation to SA objectives 7: sustainable travel, 10: energy efficiency and climate change and 13: air quality.
- Key vision theme “Movement and Connections” addresses mobility measures such as active travel routes and the prioritisation of rapid public transit. Therefore, the approach of this Key vision theme is likely to help promote walking and cycling and modes which are expected to have less adverse effects in relation to greenhouse gas emissions and air pollution. As such, this key vision theme is likely to have minor positive effects in relation to SA objectives 7: sustainable travel, 10: energy efficiency and climate change and 13: air quality. This key vision theme directly addresses encouraging travel by more active modes and this is likely to help improve public health in the area. It may also help ensure access to the local centres in the Garden Village and services and facilities for a higher number of residents (including those without access to a car) which will help improve the satisfaction of residents with their local environment. Minor positive effects are therefore expected in relation to SA objectives 1: safety and community cohesion, 3: health, 7: vitality and viability of centres

and 8: services and facilities. No negative effects are expected in relation to the SA objectives.

- Key vision theme “Sustainable Infrastructure” addresses sustainable living, including the provision of green infrastructure and the incorporation of building solutions which will support sustainable lifestyle choices for the Garden Community’s residents. Considering the support for green infrastructure in the key vision theme, which is likely to provide space for residents to partake in healthier lifestyles and travel by more sustainable modes, as well as supporting habitat provision and connectivity in the area, minor positive effects are expected in relation to SA objectives 3: health, 6: biodiversity and geological diversity, 7: sustainable travel, 10: energy efficiency and climate change and 13: air quality. This approach is also likely to help preserve natural features which contribute to the setting and character of the Garden Community and therefore minor positive effects are also recorded in relation to SA objectives 12: flood risk and 14: landscape. The approach of the key vision theme to incorporate building solutions to support residents in terms of their decisions to live more sustainability is likely to involve energy efficiency measures and materials at the new homes in the Garden Community. This would further help achieve SA objectives 10 as well as supporting the delivery of a higher quality of housing stock in the area. Therefore, a minor positive effect is also recorded in relation to SA objective 2: housing.
- The key vision themes address a range of topics that will be of importance as the new Garden Community is delivered. However, it is worth noting that promoting more efficient use of land (including the re-use of brownfield land), preserving higher value agricultural soils and ensuring the extraction of viable mineral resources before built development occurs have not been included. The nature of the Garden Community at a large greenfield site, will make many of these objectives difficult to achieve.

Table 4.2: Compatibility between the DPD principles and objectives and the SA objectives

Principles and Objectives	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15
A place shaped by nature and landscape	Compatible	Incompatible	Compatible	Neutral	Incompatible	Compatible	Compatible	Neutral	Compatible	Compatible	Compatible	Compatible	Compatible	Compatible	Neutral
A place with thriving ecology and biodiversity	Neutral	Incompatible	Compatible	Neutral	Incompatible	Compatible	Neutral	Compatible	Compatible	Neutral	Neutral	Neutral	Neutral	Compatible	Neutral
A place with a productive and climate resilient natural landscape	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral	Neutral	Compatible	Compatible	Compatible	Neutral	Compatible	Compatible
A place where housing is accessible, affordable and inclusive	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral
A place with great homes	Neutral	Compatible	Compatible	Neutral	Neutral	Incompatible	Neutral	Compatible	Incompatible	Compatible	Neutral	Neutral	Neutral	Incompatible	Neutral
A place with a thriving local economy	Neutral	Neutral	Neutral	Compatible	Compatible	Incompatible	Compatible	Neutral	Incompatible	Neutral	Neutral	Neutral	Neutral	Incompatible	Compatible
A place that is vibrant and active	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Compatible	Compatible	Neutral	Neutral	Neutral	Compatible	Neutral	Neutral
A place with distinctive identity	Neutral	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Neutral	Neutral	Compatible	Neutral
A place where everyone can feel at home	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral
A place where it's easy to be healthy and happy	Compatible	Neutral	Compatible	Neutral	Neutral	Neutral	Compatible	Compatible	Compatible	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral
A place where everyone can learn	Compatible	Neutral	Neutral	Compatible	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
A place to play and have fun	Compatible	Neutral	Compatible	Neutral	Neutral	Neutral	Compatible	Compatible	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
A place where long term stewardship is considered from the outset	Compatible	Neutral	Compatible	Neutral	Neutral	Neutral	Neutral	Compatible	Neutral	Neutral	Neutral	Neutral	Neutral	Compatible	Neutral

Principles and Objectives	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15
A place where active and sustainable travel is the natural choice	Compatible	Neutral	Compatible	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral
A place with rapid, efficient and cost effective public transport	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral
A connected place	Neutral	Neutral	Compatible	Neutral	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral
A place where people have priority	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral
A place where the energy supply is sustainable, smart and future proofed	Neutral	Neutral	Neutral	Neutral	Neutral	Incompatible	Neutral	Neutral	Incompatible	Compatible	Neutral	Neutral	Neutral	Incompatible	Neutral
A place designed for the impacts while minimising its contribution to climate change	Neutral	Neutral	Compatible	Neutral	Neutral	Compatible	Compatible	Neutral	Neutral	Compatible	Compatible	Compatible	Neutral	Compatible	Neutral
A place that optimises resource efficiency and recycling across the whole development lifecycle	Neutral	Neutral	Neutral	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Compatible	Compatible	Compatible	Neutral	Neutral	Neutral
A place where infrastructure comes first and meets its inhabitants' needs	Neutral	Neutral	Compatible	Neutral	Neutral	Neutral	Compatible	Compatible	Neutral	Compatible	Neutral	Neutral	Compatible	Neutral	Neutral

SA Objective 1: Safety and community cohesion

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.6 A significant proportion of principles and objectives are compatible with this SA objective. This is typically the case where the principle and objectives support the creation of spaces where residents can interact or where a sense of ownership of the Garden Community would be promoted. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 2: Housing

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.7 Several principles and objectives encourage well designed housing that will support the needs of a range of residents and are therefore compatible with this SA objective. A small number of principles and objectives are not compatible with this SA objective as the protection of habitats and landscapes mean that certain parts of the site are not considered suitable for housing development.

SA Objective 3: Health

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.8 A significant proportion of principles and objectives are compatible with this SA objective. In many cases the compatibility reflects the support for the provision of open spaces and other facilities which might support public health. Principles and objectives that support the uptake of active modes of transport are also considered to be compatible with this SA objectives. No principles or objectives are assessed to be incompatible with this SA objective.

SA Objective 4: Vitality and viability of centres

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.9 Several principles and objectives encourage the vitality and viability of centres, for example by supporting links to these areas and allowing for appropriate levels of density which is likely to help support the viability of services at these locations. No principles or objectives are assessed to be incompatible with this SA objective.

SA Objective 5: Economy

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.10 Several principles and objectives encourage a prosperous and sustainable economy and therefore are considered to be compatible with this SA objective. This is notably the case for principles and objectives that directly support the delivery of accessible employment space and centres that respond positively to changing patterns of retail. “A place shaped by nature and landscape” and “a place with thriving ecology and biodiversity” are both assessed as incompatible with this SA objective as the protection and provision of landscape and natural environment may restrict employment development in certain areas.

SA Objective 6: Biodiversity and geological diversity

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.11 In general the principle and objectives are mostly assessed as being compatible or neutral in relation to this SA objective. The principles and objectives include support for green infrastructure as well as the protection of existing biodiversity sites. A small number of principles and objectives are assessed to be incompatible with this SA objective due to the support for the development of homes, employment uses and energy infrastructure that could potentially conflict with the conservation and enhancement of the natural environment.

SA Objective 7: Sustainable travel

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.12 A significant proportion of principles and objectives encourage sustainable travel, including increasing the viability of walking and cycling and are therefore compatible with this SA objective. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 8: Services and infrastructure

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.13 Many of the principles and objectives will encourage accessibility to services and infrastructure, and therefore are compatible with this SA objective. This includes at the new neighbourhood centres to be delivered at the Garden Community and by sustainable modes of transport. Support for access to high speed broadband is also included. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 9: Historic environment and townscape

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.14 Many of the principles and objectives support the retention of features which contribute to the setting of the historic environment and the townscape. There is also support in the principle for objectives for high quality design and architectural style. Where the principle and objectives provide direct support for new development that might adversely affect the setting of heritage assets they are deemed to be incompatible with this SA objective.

SA Objective 10: Energy efficiency and climate change

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.15 A great number of the principles and objectives are assessed as compatible with this SA objective. In general it is expected that the principle and objectives of the DPD would support minimising greenhouse gas emissions and higher energy efficiency standards at new developments. They also support approaches that would make the Garden Community better adapted to climate change through measures such as the incorporation of green infrastructure. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 11: Water resources and quality

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.16 Several principles and objectives encourage the improvement of water quality and address water scarcity, particularly through the conservation and enhancement of water bodies and water recycling. Therefore, while the majority of principles and objectives are assessed as being neutral in relation to this SA objective, a small number are assessed as being compatible. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 12: Flood risk

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.17 Several principles and objectives encourage the reduction of the risk of flooding, particularly through the protection and provision of green space and green and blue infrastructure. These principles and objectives are assessed as being compatible with this SA objective. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 13: Air quality

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.18 Many of the principles and objectives are assessed as being compatible with this SA objective. These principles and objectives are supportive of measures that would encourage travel by active and public transport thereby limiting the potential for air pollution from private car trips. None of the principles and objectives are considered to be incompatible with this SA objective.

SA Objective 14: Landscape

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.19 Many of the principles and objectives are compatible with this SA objective. Some of the principles and objectives include support for the protection of landscape features as well as green infrastructure. Several principles and objectives are assessed as incompatible with this SA objective due to their support for development which could conflict with the conservation and enhancement of landscapes.

SA Objective 15: Soils and mineral resources

Comment on compatibility between the DPD Principles and Objectives and the SA objectives

4.20 Several principles and objectives encourage the safeguarding and enhancement of the quality of soil and the efficient use of land resources. These principles and objectives are assessed as compatible with this SA objective. This includes the minimisation of hard surfaces and the incorporation of appropriate densities of development. None of the principles and objectives are considered to be incompatible with this SA objective.

4.21 A number of the principles and objectives seek to promote the more efficient use of land resources. However, it is worth noting that safeguarding of mineral resources (e.g. by extraction of viable reserves before development occurs) is not included. The principles and objectives for development at the Garden Community might be strengthened by addressing this topic.

Sustainability effects of the spatial options for the Garden Community

4.22 This section sets out the SA findings for the spatial options considered for the delivery of development at the Garden Community. Three main options were worked up by Prior and Partners on behalf of the Councils and are presented in the Masterplan Design Options Report [See reference 23]. The appraisal of these three options in this report reflects the level of detail that is presented in the Masterplan Design Options Report.

4.23 The options considered were:

- Option 1: 'Maximum development area' – seeks to maximise the use of land for development across the area of search, prioritising full site connectivity with the rapid transit network and four mixed use hubs with differing roles and characters that respond to their setting. This option includes one district centre in the centre of the Garden Community, with smaller 'local' hubs with more community focus for the other neighbourhoods and the potential for southern neighbourhood hub south of the A133 relating to employment and university focus. A range of economic clusters are to be incorporated in the north east and south of Garden Community. Additional employment centres to be clustered in the neighbourhood hubs.

Figure 4.1: Masterplan Diagram for Option 1: Maximum Development Area



- Option 2: 'Maximum connectivity' – seeks to create a new community within substantial landscaped buffers to the east of the link road and the A133, prioritising full site connectivity with the rapid transit network and four mixed use hubs with differing roles and characters that respond to their setting. This option includes one district centre in the south of the Garden Community to recognise the links with Colchester and the University and opportunities for higher densities, with smaller 'local' hubs with more community focus for the northern neighbourhoods and the potential for southern neighbourhood hub south of the A133 relating to employment and university focus. A range of economic clusters are to be incorporated in the north east and south of Garden Community. Additional employment centres to be clustered in the neighbourhood hubs.

Figure 4.2: Masterplan Diagram for Option 2: Maximum Connectivity



- Option 3, Approach A: 'Maximum landscape' – seeks to ensure the retention of landscape setting to the east and south of the new community which is to be distinct from existing settlements. The rapid transit network will follow as direct a route as possible, which slightly reduces its coverage but aims to improve journey times. This option includes three hubs across the Garden Community with the aim of creation truly walkable neighbourhoods. The maximised landscape setting may result in higher densities. An area of employment is to be provided in a cluster to the north east of the site related to the road network and park and chose provision. Additional employment centres to be clustered in the neighbourhood hubs and employment will be spread across the site.

Figure 4.3: Masterplan Diagram for Option 3, Approach A: Maximum Landscape



4.24 The Masterplan Design Options Report also identified one additional sub-option for the spatial distribution of development at the Garden Community. This option represents a variation of option 3 above. The option is detailed in the Council's Spatial Options Report and is summarised below:

- Option 3, Approach B: 'Alternative approach to maximum landscape' – provides development at the new Garden Community in broadly the same distribution as option 3. However, through option 3a land is provided to the south of the A133 and East of the main existing campus for university expansion. This land could accommodate academic and other university related uses. It could also allow for expansion of sports pitches and recreation in close proximity to existing related facilities on campus. This alternative would still result in the majority of the land south of the A133 and within the area of search being retained as a green buffer to neighbouring settlements. Knowledge based employment uses would be provided north of the A133. Under this option these could potentially be extended westwards to provide a more direct relationship and link to the Knowledge Gateway. The approach could also deliver a mix of uses to the north of the A133, with the land becoming part of the Garden Community neighbourhoods, with potential for residential with other associated uses.

4.25 Table 4.3 below presents the expected sustainability effects for the four spatial options. The likely sustainability effects are described by SA objective below the table.

Table 4.3: Sustainability effects for options considered in relation to the distribution of development at the Garden Community

SA Objective	Option 1: Maximum development area	Option 2: Maximum connectivity	Option 3, Approach A: Maximum landscape	Option 3, Approach B: Alternative approach to maximum landscape
SA 1: Safety and community cohesion	+/-	+/-	++	++/-
SA 2: Housing	++	++	++	++
SA 3: Health	+/-	+/-	++/-	+/-
SA 4: Vitality and viability of centres	+/-	+/-	++	++/-
SA 5: Economy	++	++	++	++
SA 6: Biodiversity and geological diversity	--/+	+/-	++/-	+/-
SA 7: Sustainable travel	+/-?	+/-?	++/-	++/-
SA 8: Services and infrastructure	+/-	+/-	++	++/-

SA Objective	Option 1: Maximum development area	Option 2: Maximum connectivity	Option 3, Approach A: Maximum landscape	Option 3, Approach B: Alternative approach to maximum landscape
SA 9: Historic environment and townscape	--?	--?	-?	-?
SA 10: Energy efficiency and climate change	+	++	++	++
SA 11: Water resources and quality	+	+	+	+
SA 12: Flood risk	+/-	++/-	++/-	++/-
SA 13: Air quality	+/-	+/-	++/-	++/-
SA 14: Landscape	--/+	+/-	++/-	+/-
SA 15: Soils and minerals resources	--	--	--	--

SA Objective 1: To create safe environments which improve quality of life, community cohesion

4.26 It is likely that the potential to limit crime, fear of crime and the occurrence of antisocial behaviour will be most influenced by the detailed design of development (for example the incorporation of appropriate lighting schemes and the incorporation of footpaths and open spaces to be overlooked for active

frontages). These issues will not be influenced by the selection of one of the four options for the distribution of development at the Garden Community.

4.27 All four options will include the delivery of new community infrastructure (such as healthcare, schools and early learning centres). All options also require the incorporation of new community hubs (centres) for a focus of these new provisions as well as open spaces where residents might be able to meet their day to day needs. These locations are also likely to support informal social interactions between residents, thereby promoting a degree of social cohesion and promoting tolerance. All four options are likely to support a degree of self-containment at the new community, given the community services to be delivered, which will support the creation of a sense of identity at the site. The connectivity provided through all options via the network of active travel routes and rapid transit network will support linkages to existing neighbourhoods within Colchester.

4.28 The focus on delivering a 'maximum development area' through option 1, means that this option will incorporate the lowest amount of open space. Options 1 and 2 would each include four centres as to help ensure that all residents are provided with good access to the new services and facilities within reasonable walking distance. Through options 1 and 2, the centre provided to the centre and south of the Garden Community respectively, is to be a larger district centre with a wider range of provisions, as supported by three smaller local centres at other locations within the Garden Community site. Both of these options include development to the south of the A133 which would incorporate a local centre with a limited range of community facilities. Residents at these locations, through options 1 and 2, could lack immediate access to certain provisions. While there could be potential for improved connections with the University of Essex Colchester Campus, through these options, the presence of the A133 is likely to result in severance from the other parts of the Garden Community for many residents in the parcel of land to the south of this route.

4.29 In contrast, option 3, approach A would result in the most compact form of development with land to the south of the A133 preserved as landscape buffer. While only three centres are to be incorporated through this option, residents

would benefit from good levels of walkability to these locations from most parts of the site. Furthermore, the range of services and facilities at each centre is likely to be increased through this option, given the increased development density at each location. Given that this option would incorporate the largest extent of open space, it may also support increased interactions between residents. Option 3, Approach B would result in an alteration of option 3 to include land for university expansion to the south of the A133. The extent of open space would be only slightly reduced through this alteration of option 3. Through option 3, approach B, the development to the north of the A133 would be extended further to the west. A degree of severance is likely to result between the development to the south of the A133 and that to the north of this road through option 3, approach B. However, it is noted that this development would integrate with the university given its proposed use. The increased westward extension of development within the site to the north of the A133, through this option is likely to result in some site users having more limited access to services and facilities within the new centre to be delivered in the southern part of the Garden Community. The needs of these site users to access services and facilities within the centre will be influenced by the specific nature of the uses permitted within these parts of the site.

4.30 Overall, a mixed minor positive and minor negative effect is expected for options 1 and 2. A significant positive effect is expected for options 3, approach A and 3, approach B. For option 3, approach B a minor negative effect is expected in combination.

SA Objective 2: To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford

4.31 All four options would support the delivery of 8,000 homes which will contribute to meeting the housing need across Colchester and Tendring. The

level of affordable housing and mix of dwelling tenures and sizes is not expected to be affected by the spatial distribution of development at the Garden Community. Through option 1 the density of development (average of 40 dwellings per hectare – ‘dph’) would be lower than option 2 (average of 45 dph), option 3, approach B (average of 46.5 dph) and option 3, approach A (average of 50 dph), however, all three options would include housing at densities varying across the site from 30 to 75 dph, providing new residents with a range of property types to choose from. While the lower density of development supported through option 1 could potentially allow for the incorporation of larger private gardens and larger living spaces at the new homes delivered, this may also be achieved through options 2, 3, approach A and 3, approach B through creative design.

4.32 Overall, a significant positive effect is expected for all four options.

SA Objective 3: To improve health/reduce health inequalities

4.33 As described in relation to SA objective 1, all three options would incorporate a similar level of community services and facilities. All three options would also support travel by more active modes and thereby healthier lifestyle choices, through the incorporation of a network of suitable routes at which priority can be given to walking and cycling.

4.34 The higher density of development and smaller developed area of option 3, however, is likely to result in a higher number of homes being provided in close proximity to health and social care facilities within the three centres to be provided. Given the shorter distances of many trips, residents will be required to take on a regular basis, option 3, approach A will also support a larger number of trips being taken by foot and cycle, to the benefit of health and wellbeing. The alteration of option 3, approach A set out through option 3, approach B, would result in the inclusion of land for the university expansion to the south of the A133. A degree of severance is likely to result between the development to the

south of the A133 and that to the north of this road through option 3, approach B. However, this development is likely to integrate effectively with the university given its proposed use. To the north of the A133 development would extend further to the west. Site users at this more westerly location would be less well related to the new centre to be incorporated at the south of the Garden Community and it is likely that trips by active mode would be less likely from these areas.

4.35 Options 1 and 2 are likely to result a markedly higher proportion of journeys being made by car. This is likely particularly given the potential for the severance of residents within the parcel of land to the south of the A133 from services and facilities they need to access regularly, notwithstanding the fact that the rapid transit system and green links and connections would cross the A133 under all three options. Furthermore, through options 1 and 2, the distribution of services and facilities across four centres (instead of three centres), may mean that some residents will have access to a more limited scale of provision for healthcare nearby.

4.36 The higher average density of development set out through option 3, approach A also supports the incorporation of a larger amount of open space at 55% of the total site area. This will increase access to opportunities for outdoor recreation among new residents and also allow for appropriate interactions with nature, which has been shown to support improved wellbeing. Options 2 and 3, approach B would incorporate a comparable level of open space at 52%. While all four options would incorporate new open space and sport uses throughout the site, through option 3, approach B, the variation of option 3, approach A to include land south of A133 for development, would also provide new sports/recreation uses, which are likely to benefit residents of the new Garden Community as well as users of the university. In contrast, option 1, which seeks to maximum the developable area within the Garden Community, would incorporate the lowest level of open space at 48% of the total site area.

4.37 There is potential for noise, light and air pollution from the A120 to the north and A133 to the south to affect new residents at the site. However, all four options incorporate landscape buffer areas towards these routes which is likely

to help mitigate these effects. Furthermore, all four options incorporate speed reduction on the section of the A133 that is adjacent to the Garden Community site.

4.38 Overall, a mixed minor positive and minor negative effect is expected for options 1, 2 and 3, approach B and a mixed significant positive and minor negative effect is expected for option 3, approach A.

SA Objective 4: To ensure and improve the vitality and viability of centres

4.39 While Garden Community benefits from being relatively well related to edge of the town of Colchester, the town centre is 3.1km away and the Garden Community is envisaged as a new freestanding community in its own right. Therefore, the effects described relate mostly to the vitality and viability of new centres to be incorporated at the site. As described in relation to SA objective 1, all three options would incorporate a similar level of community services and facilities. It is also likely that the vitality and viability of the centres to be incorporated as part of the new Garden Community through each option would be equally supported by the connectivity provided by the rapid transit system and new green links. Compared to options 3, approach A and 3 approach B, there is some potential for full coverage provided by the rapid transit system through options 1 and 2 to result in slower journeys times (with negative implications for access to the new centres within the Garden Community) given the larger area of the site to be covered. However, this is considered further in relation to SA objective 7: sustainable travel.

4.40 Given the larger number of centres incorporated through options 1 and 2, the lower development density at each of these locations is likely to mean that a more limited range of services and facilities will be supported. Furthermore, the lower average density of development (40 dph and 45 dph, respectively) and the larger overall site area covered by the Garden Community is likely to mean that some residents will not be located within walking distance of a centre which

provides access to the range of services and facilities they need regular access to. As such, it is likely that options 1 and 2 would be less supportive of centres that residents access regularly, with negative effects on their long term viability. The delivery of development in the southern parcel of land beyond the A133, through options 1 and 2 is likely to support increased connectivity with the existing university campus. However, although there will be rapid transit system and green link connections across this route, it is likely that the severance resulting from the road may limit the potential for new residents at this location making use of other centres within the Garden Community.

4.41 The potential for a degree of severance to result is also likely through option 3, approach B. However, the uses to be provided to the south of the A133 through this option will allow for the expansion of the university. This area of development is therefore expected to integrate effectively with existing development to the south of the road. The location of additional residential and associated uses in the west of the Garden Community through option 3a is likely to mean more residents will have more limited access to the centres to be provided, particularly when compared to option 3, approach A. While option 3, approach B (46.5 dph) would also result in a higher average development density than options 1 and 2, the development density achieved at the Garden Community would be lower than that set out through option 3, approach A (50 dph).

4.42 Overall, a mixed minor positive and minor negative effect is expected for options 1 and 2. A significant positive effect is expected for options 3, approach A and 3, approach B. For option 3, approach B a minor negative effect is expected in combination.

SA Objective 5: To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways

4.43 As described in relation to SA objective 1, all four options would incorporate a similar level of community services and facilities (including schools). This is likely to mean that residents would mostly have good levels of access to facilities supporting learning in the Garden Community. Furthermore, all four options would provide for new homes that would be relatively well related to the Colchester Knowledge Gateway which is located along the A133.

4.44 All four options would also support connectivity across the site, given the green links and rapid transit system to be incorporated. This includes to the existing university campus to the south of the A133 via the rapid transit system. As such, new residents would benefit from a good level of access to facilities at this location which could support opportunities for long term learning. Through options 1, 2 and 3, approach B the development to the south of the A133 would form an extension of the existing campus, thereby potentially supporting increased links between the Garden Community and the existing campus site. This is most notable through option 3a given that the land included for development to the south of the A133 is to allow for the expansion of the university through this option. While option 3, approach A does not include land to the south of the A133, land for the expansion of the university is also incorporated through this option. This option would support the expansion of the university to the north of the A133.

4.45 All four options would also allow for the incorporation of employment opportunities at neighbourhood hubs across the Garden Community. All four options include substantial employment clusters to the north east and south of the site. Through options 3, approach A and 3, approach B the employment

cluster in the south of the site is specified to be located at land to the north of the A133. The location to the north of the A133, under options 3, approach A and 3, approach B, would incorporate knowledge-based employment uses as well as allowing for the expansion of the university. Option 3, Approach B has the greatest potential to expand on uses already in place and emerging on the Knowledge Gateway. This option would result in employment uses occurring further to the west and in close proximity to the Knowledge Gateway area, in the land to the north of the A133. This option is considered most likely to support improved economic benefit given the potential for increased synergy with existing and proposed uses at the Knowledge Gateway. The approach set out through all four options would make good use of the existing road network and support uses which require HGVs or similar, as well as supporting connectivity for a large number of residents to employment opportunities, many via the rapid transit system.

4.46 Overall, a significant positive effect is expected for options 1, 2, 3, approach A and 3, approach B.

SA Objective 6: To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity

4.47 The development of the site through all three options would result in a large amount of greenfield land take. While the policy position for the Garden Community is to achieve a minimum 10% biodiversity net gain, new or enhanced habitats can take some time to become established and their biodiversity benefits are inherently more uncertain than those of existing habitats. It is likely that the development and supporting infrastructure required would result in loss, disturbance and fragmentation of existing habitats through construction activities and once new homes and businesses are occupied. To the west of the site there are a number of areas of ancient woodland, as well as Salary Brook Local Nature Reserve and several Local Wildlife Sites. Through all four options, these areas would be retained as undeveloped land, although

there is potential for impacts relating to increased recreation from new residents and air pollution associated with increasing numbers of car journeys in the area. A large country park would also be delivered through all four options.

4.48 Option 1 seeks to achieve the maximum developable area within the site boundary. As such, although the development would be delivered in the context of a landscape framework, with substantial buffer zones to the southern and eastern edges, the development footprint as well as the infrastructure required to support growth at the site (including a more extensive rapid transit system) would result in a large amount of greenfield land take. Through option 2 the increased density of development would mean that the rapid transit system would be less extensive and most importantly the landscape buffers retained to the south and east would be more sizeable. Option 3, Approach A incorporates an approach to maximise the area to be retained as undeveloped. The higher densities of development supported through this option will mean that the land to the south of the A133 can provide more extensive landscape buffers while the same overall level of housing development is achieved. Option 3, Approach B represents an alternation of option 3, approach A, with a sizeable area of the site to remain as undeveloped, however, the average development density through this option is lower than option 3 approach A. Through this option development would be required to extend further to the west than any other options considered. As with all other options considered, Salary Brook Local Nature Reserve would not be developed, the further westward expansion required through this option would reduce the separation between this biodiversity site and the Garden Community, with increased potential for habitat fragmentation and disturbance. Furthermore, development would occur within part of the land to the south of the A133, however, a portion of this land larger than through options 1 and 2 would be maintained as a landscape buffer.

4.49 Overall, a mixed minor positive and significant negative effect is expected for option 1, a mixed minor positive and minor negative effect is expected for options 2 and 3, approach B and a mixed significant positive and minor negative effect is expected for option 3, approach A.

SA Objective 7: To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion

4.50 Given the level of development at the Garden Community, an increased number of journeys in the area is expected as homes are occupied, and businesses become operational. A proportion of these will be made by private car, with the overall level dependent on the choices of new residents and users of the site. This increase in car travel in the area will contribute to local congestion contributing a minor negative effect in relation to the mixed effects recognised for SA objective 7.

4.51 As described in relation to SA objectives 1 and 5, all four options would incorporate a similar level of community services and facilities and employment opportunities at neighbourhood hubs across the Garden Community. The incorporation of these provisions at the site is likely to help support a level of self-containment and reduce the need for regular travel to be made by car from the Garden Community. All four options are expected to provide good access to employment opportunities given the employment clusters to be incorporated at the north east and south of the site and jobs provided within the new centres to be incorporated. Furthermore, all options will support connectivity across the site given the green links and rapid transit system to be incorporated.

4.52 Through all four options there is potential for new residents to make use of existing bus stops and new bus services that will supplement the rapid transit system along the A133. This potential is greatest under options 1, 2 and 3, approach B with the increased level of development to the south of the A133, close to the university campus and the service and facilities in this area. It is noted that all three options allow for increased connections across the A133 towards the university campus, which may mean that any difference between the four options in relation to use of existing bus stops at the university campus may be minimal.

4.53 By providing a higher density of development and smaller developed area, option 3, approach A is expected to perform most favourably in terms of promoting trips by active and sustainable modes. This option is also considered have the greatest potential for achieving a rapid transit system which achieves a level of coverage and the requisite speed of journey times to remain viable in the longer term. This would be achieved by locating stops at the park and choose site, the district centres (where density of development is highest and the greatest number of people can access services) and the university. Option 3, approach B would result in a slightly lower density of development than option 3, approach A (46.5 dph compared to 50 dph) which could reduce the potential for trips to be made by active modes. The rapid transit system would achieve a similar level of coverage to option 3, approach A, with the relatively small area of development included to the south of the A133 meaning that users of this part of the site would be in relatively close proximity to new services along the A133. However, the further westerly extension of the site through option 3, approach B would mean some site users and residents would be less well related to the new centres to be incorporated at the Garden Community which could reduce the potential for travel by more sustainable and active modes.

4.54 The area required to be served by the rapid transit system included through option 2 and option 1 in particular is greater, given the larger size of developed area involved. This means that journey times for passengers towards Colchester and other settlements would be longer, thereby adding uncertainty in relation to achieving the level of use needed to support its longer viability under options 1 and 2.

4.55 Overall, an uncertain mixed minor positive and minor negative effect is expected for options 1 and 2, a mixed significant positive and minor negative effect is expected for option 3, approach A and a mixed minor positive and minor negative effect is expected for option 3, approach B.

SA Objective 8: To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development

4.56 As described in relation to SA objectives 1 and 7, all four options would incorporate a similar level of community services and facilities as well as green links and routes for a rapid transit system. It is likely that through all four options residents would benefit from some level of access to services and facilities including by public transport. The Garden Community is also to be supported by the incorporation of infrastructure for superfast broadband and it is unlikely that any of the three options considered will influence the potential for its delivery.

4.57 Options 1 and 2 would incorporate development across a larger site area. Given the wider distribution of development, some residents within the site are likely to lack local access to a wide range of services and facilities. The southern parcel of land beyond the A133 would be developed through these options which would require increased connectivity with the existing university campus. However, although there will be rapid transit system and green link connections across the A133, it is likely that the severance resulting from the road may limit the potential for new residents at this location to make use of other centres within the Garden Community. While a new centre is to be provided in this location through these options, the higher number of centres incorporated through both options 1 and 2 is likely to result in a smaller number of residents being within easy walking or cycling distance of each centre, thereby reducing the likely level of service provision that can viably be supported.

4.58 Option 3, Approach A would locate a higher number of residents in close proximity to larger centres where there is access to a greater number of services. The higher densities of development achieved through this option

would support increased levels of access to services and facilities for a large number of residents. Option 3, Approach B would result in a slightly lower level of average density of development meaning the potential for achieving a high level of access to services and facilities for a large number of residents would be less pronounced. The further westerly extension of the developed area though this option may result in some site users having reduced access to a wide range of services and facilities. It is noted, however, that the requirements of site users to access these provisions from this location will be dependent largely on the specific activities permitted at this part of the site. Furthermore, this option includes some development to the south of the A133 to allow for the expansion of the university. As explained in relation to options 1 and 2, there is some potential for a degree of severance to result between this area and the areas of the Garden Community to the north of the A133. Given that option 3, approach A specifically incorporates land to the south of the A133 to allow for the expansion of the university, it is expected that this area would integrate well with the existing university area. All options are expected to provide residents with good access to jobs given the provision of employment land within the new centres at the Garden Community and through the incorporation of employment clusters to the north east and south of the site.

4.59 Overall, a mixed minor positive and minor negative effect is expected for options 1 and 2 a significant positive effect is expected for option 3, approach A and a mixed significant positive and minor negative effect is expected for option 3, approach B.

SA Objective 9: To conserve and enhance historic and cultural heritage and assets and townscape character

4.60 The Garden Community area contains and is in close proximity to a number of heritage assets as well as existing historic lanes which contribute to the existing character of the area. This includes a number of listed buildings towards Crockleford Heath, Grade II Listed Allen's Farmhouse to the north east

of the site, and Wivenhoe Registered Park outside of the site boundary to the south west. Undoubtedly the delivery of a relatively high level of development within the site will affect the setting of these assets. Effects are likely to result regardless of the mitigation strategy implemented. There is, however, potential for the magnitude of effects to be reduced through an appropriate approach, although the specific effect is uncertain at this stage given that this will depend on the detailed design of the site which is currently unknown. The general approach to the masterplanning of the site is to respond to the important features within and surrounding the site by incorporating buffers to heritage assets including towards those at Crockleford Heath and Wivenhoe Registered Park (to the north of the A133) and repurposing existing historic lanes as part of the network of green links within the site.

4.61 All four options include landscape buffers around Crockleford Heath and towards Wivenhoe Registered Park, to the north of the A133. However, maximising the area of development through option 1, in particular, would result in an increased level of development within the parcel of land to the south of the A133 which has potential to impact upon the setting of Wivenhoe Registered Park. Options 2, 3, Approach B and 3, Approach A, in particular, include a more substantial area of landscape buffer in the southern parcel of land. Through options 1 and 2 the area of the landscape buffer towards Grade II Listed Allen's Farmhouse would be substantially reduced compared to options 3, approach A and 3, approach B meaning these options could result in increased adverse effects in relation to the setting of this heritage asset.

4.62 Overall, an uncertain significant negative effect is expected for options 1 and 2 and an uncertain minor negative effect is expected for options 3, approach A and 3, approach B.

SA Objective 10: To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation

4.63 It is expected that impacts relating to energy use and practices relating to waste management will be affected by the behaviour of new residents at the site, although the design of new homes can influence these behaviours. The potential for waste reduction and promoting recycling at the site will also be influenced by the potential for residents to benefit from kerbside collections and it is expected that this service would be extended to serve the Garden Community area. All three options considered are to incorporate higher building standards to increase energy efficiency and on-site renewable energy facilities for generation and storage, thereby limiting the community's dependency upon energy from fossil fuels.

4.64 The potential for developments to be delivered to be adaptable to climatic change will be influenced by detailed design, such as the incorporation of appropriate materials and building orientation. It will also be of importance to incorporate green infrastructure at the site which will help attenuate flood waters, support the sequestration of greenhouse gases, adapt the Garden Community to higher temperatures resulting from climate change and support habitat connectivity as species come under pressure from changing weather patterns. All four options would maintain the green edge to Colchester with the creation of a major new country park and enhance the existing north-south green infrastructure as well as providing east-west green infrastructure linkages. While each option incorporates a minimum 48% of open space, the provision of open space under options 2 (52%), 3, approach A (55%) and 3, approach B (52%) is notably higher than under option 1 (48%). These three options are therefore expected to deliver development that would be better adapted to the effects of climate change than option 1.

4.65 Overall, a minor positive effect is expected for option 1 and a significant positive effect is expected for options 2, 3, approach A and 3, approach B.

SA Objective 11: To improve water quality and address water scarcity and sewerage capacity

4.66 Achieving more efficient water use and the potential to limit water scarcity through these means, will be most influenced by the behaviour of new residents at the Garden Community. The detailed design of the site and other measures such as the incorporation of low-flow water appliances may also help address this issue. All four options would be delivered to incorporate Sustainable Drainage Systems and water management systems to mimic natural hydrological processes. Each option would support the restoration of Borrow Pits to the east of Link Road as water bodies. The Garden Community lies outside of Source Protection Zones (SPZ) in Tendring and Colchester and it is not expected that the variation of the distribution of development through each option would greatly impact water quality.

4.67 The Integrated Water Management Strategy (IWMS) Stage 2 report has been commissioned to inform future work as part of the DPD process. This report will be able to inform further stages of masterplanning for the site and the SA for the submission plan. The IWMS Stage 1 report [\[See reference 24\]](#) was carried out for the Section 1 Local Plan and concluded for the three Garden Communities in North Essex considered as part of that plan, that there are workable wastewater options within the limits of conventional treatment which would not impact on the Water Framework Directive status of receiving waterbodies.

4.68 A minor positive effect is expected for all four options.

SA Objective 12: To reduce the risk of fluvial, coastal and surface water flooding

4.69 Within the site there are areas of higher flood risk (including areas of flood zone 3) along Salary Brook to the west. There are also small areas of 1 in 30

years surface water flood risk and medium ground water flood risk interspersed throughout the site. Under all four options, these areas would be maintained as undeveloped within a landscape buffer. All four options are also to incorporate sustainable drainage systems and water management systems which mimic natural hydrological processes. Nonetheless, the development of a relatively large area of greenfield land would increase the amount of impermeable surfaces, which could increase downstream flood risk. Given the larger area of development set out through option 1 and the reduced level of open space incorporated through this option, it is not expected to perform as well as options 2, 3, approach A and 3, approach B in relation to minimising flood risk.

4.70 Overall, a mixed minor positive and minor negative effect is expected for option 1 and a mixed significant positive and minor negative effect is expected for options 2, 3, approach A and 3, approach B.

SA Objective 13: To improve air quality

4.71 Given the amount of development at the Garden Community, an increased number of journeys in the area is expected as homes are occupied, and businesses become operational. A proportion of these will be made by private car, with the overall level dependent on the choices of new residents and users of the site. This increase in car travel in the area will contribute to adverse air quality, although it is noted that technological advancement have seen a general trend towards less polluting vehicles. As described in relation to SA objectives 1 and 5, all three options would incorporate a similar level of community services and facilities and employment opportunities at neighbourhood hubs across the Garden Community. The incorporation of these provisions at the site is likely to help support a level of self-containment and reduce the need for regular travel to be made by car from the Garden Community. Reduced travel within and from the site is expected to help limit air pollution associated with travel at the site. There are existing air quality issues within the town of Colchester, with an AQMA having been declared within the town centre; however, it is not expected that any one option would have substantially increased potential to affect air quality at this location.

4.72 All four options support connectivity across the site, given the green links and rapid transit system to be incorporated. It is also expected that all options would provide nearby access to employment opportunities within the new centres to be incorporated as well as at the new employment clusters to be focussed towards the north east and south of the Garden Community site.

4.73 Through all four options there is potential for new residents to make use of existing bus stops and new bus services that will supplement the rapid transit system along the A133. This potential is greatest under options 1, 2 and 3, approach B with their increased level of development to the south of the A133, close to the university campus and the services and facilities in this area. It is noted that all four options allow for increased connections across the A133 towards the university campus, which may mean that any difference between the four options in relation to use of existing bus stops at the university campus may be minimal.

4.74 By allowing a higher density of development and smaller overall developable site area, option 3, approach A and to a lesser extent option 3, approach B are expected to perform most favourably in terms of promoting trips by active and sustainable modes and thereby having more limited impacts on air quality. These options are also considered to have the greatest potential for achieving a rapid transit system which achieves a level of coverage and the requisite speed of journey times to remain viable in the longer term. This would be achieved by locating stops at the park and choose site, the district centres (where density is highest of development and the greatest number of people can access services) and the university. Option 3, Approach B is likely to achieve many of the benefits identified for option 3, approach A. However, the extension of the developed area further to the west towards the Knowledge Gateway area through this option, is likely to mean that some site users and residents would be less likely to benefit from easy access to a wide range of services and facilities within the new centres to be incorporated. The area served by the rapid transit system included through option 2 and option 1 in particular is greater, given the larger size of developed area involved. This means that journey times for passengers towards Colchester and other settlements would be longer, which could affect the potential for residents to regularly use its services and support its longer viability.

4.75 All four options incorporate similar areas of landscaping surrounding the main routes (most notably the A120 and A133) at the edge of the Garden Community which will help to minimise impacts from air pollution associated with these routes. Each option also incorporates targeted speed reductions and traffic calming on the A133 immediately to the south of the Garden Community and these measures will further help to reduce the potential for air pollution from this source to affect residents at the site.

4.76 Overall, a mixed minor positive and minor negative effect is expected for options 1 and 2 and a mixed significant positive and minor negative effect is expected for options 3, approach A and 3, approach B.

SA Objective 14: To conserve and enhance the quality of landscapes

4.77 Much of the Garden Community area is assessed as having high to moderate landscape value and the plateau edges have been identified to form visible skylines which are particularly sensitive to built development. Recommendations for the development of the site include the retention of woodlands and hedgerows/field boundaries [See reference 25]. Furthermore, the site takes in land between the settlements of Colchester, Wivenhoe and Elmstead Market. As such, without sensitive design, there is potential for the loss of or impacts relating to existing features of landscape value, harm to existing character and the coalescence of settlements.

4.78 Through all four options a country park would be incorporated to the west thereby helping to maintain separation between the Garden Community and the settlement of Colchester. The maintenance of this area as undeveloped will also help to maintain areas of ancient woodland and support the incorporation of green infrastructure which is likely to benefit landscape character in the area. Option 1 seeks to achieve the maximum developable area within the site boundary. Through this option, while development would be delivered in the context of a landscape framework, with 50m buffer zones to the southern and

eastern edges, there would be a more extensive development footprint and the infrastructure required to support growth at the site would be more extensive including an extended rapid transit system.

4.79 Of the four options considered, option 1 would include the highest level of development to the south of the A133 which could result in a limited sense of separation between the Garden Community and the settlement of Wivenhoe to the south. In all, it is expected that the lower levels of density delivered through this option would result in increased sprawl and encroachment on presently undeveloped area including those with existing landscape value. Through option 2 the increased density of development would mean that the rapid transit system would be less extensive and most importantly the landscape buffers retained to the south and east would be more sizeable.

4.80 While all options incorporate a range of densities to respond to the exiting character of the site, option 3, approach A incorporates an approach to achieve higher levels of density and maximise the area to be retained as undeveloped, with extensive landscape buffers to the south and east. While higher densities of development achieved could have implications for local character, incorporating a range of densities to respond appropriately to local character will mitigate the potential for adverse effects. The higher densities of development supported through this option will mean that the land to the south of the A133 can be retained entirely as undeveloped while the same overall level of housing development is achieved. Furthermore, the area of landscaping towards the eastern boundary of the site is most extensive through this option. This approach is considered to be of particular importance in terms of preventing coalescence between the settlements of Colchester, Wivenhoe and Elmstead Market as the Garden Community is developed.

4.81 Through option 3, approach B, a relatively high average development density would result which is only lower than that set out through option 3, approach A. Option 3, Approach B, however, would result in an alteration to option 3, approach A which would include land for development to allow for the expansion of the university to the south of the A133 and for the further westerly extension of development to the north of this road. This approach has the

potential to contribute to coalescence between the Garden Community and Wivenhoe to the south. It would also result in some development on the eastern slopes of the Salary Brook valley with potential effects relating to the landscape and topographical context of this area. These issues would need to be addressed by maintaining the openness of the southern area of parcel of land to the south of the A133 through the incorporation of appropriate uses such as sport and recreation and by sympathetic design in the area to north and west of the A133.

4.82 Overall, a mixed minor positive and significant negative effect is expected for option 1, a mixed minor positive and minor negative effect is expected for options 2 and 3, approach B and a mixed significant positive and minor negative effect is expected for option 3, approach A.

SA Objective 15: To safeguard and enhance the quality of soil and mineral deposits

4.83 The majority of the Garden Community area falls within a mineral safeguarding area for sand and gravel. The site is greenfield land and much of it comprises grade 1 agricultural soils, with some areas of grade 2 and grade 3 soils to the north west and west, respectively. The development of the Garden Community will therefore result in the loss of a large area of greenfield land as well as loss of access to higher value agricultural soils. It may be that the extraction of any viable mineral resources can be achieved before development of the site occurs.

4.84 The more extensive footprint of development that would result through option 1 would result in loss of a larger area of greenfield and higher value agricultural soils. The land within the site, proposed to be free from built development, would be maintained as open space and green infrastructure which may limit these areas use for agricultural purposes. However, there is potential for the incorporation of allotments and orchards at the site in these locations, which would benefit from being located on higher value soils.

Furthermore, the maintenance of these areas as undeveloped may allow for their use for more intensive food growing in the longer term. Option 3, Approach A and to a lesser extent option 3, approach B would preserve a more substantial area of the Garden Community site as undeveloped. However, even under these options, the amount of greenfield land take and area of higher value agricultural soils to be developed would still be relatively high.

4.85 Overall, a significant negative effect is expected for all four options.

Conclusions for SA of masterplan options

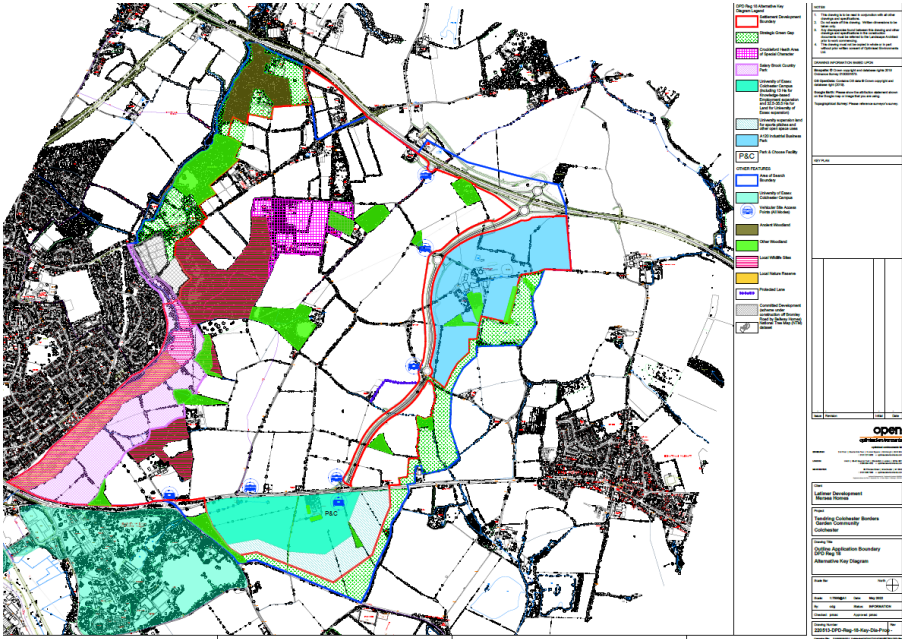
4.86 Of the four options considered for the spatial layout of the Garden Community, the preferred option (option 3, approach A) on which Policy 1 is based was found to perform more sustainably than the reasonable alternatives. This reflects the higher proportion of the site that would remain undeveloped, with increased benefits in terms of preserving local landscape character, the setting of nearby settlements and heritage assets and greenspace for habitat provision and connectivity. This approach was also found to perform more favourably in terms of limiting the need to travel by car, given the higher density and more compact form of development that would result. This approach is considered mostly likely to provide residents with easy access to a range of services and facilities within the Garden Community at the new centres. Option 3, Approach A would also limit the potential for a portion of residents to be located to the south of the A133 (as would result through options 1 and 2) where they would experience a degree of severance from the rest of the Garden Community. While option 3, approach B would also provide some new development to the south of the A133, this land would allow for the expansion of the university. Therefore, the issue of severance resulting from the A133 is less of an issue under this option, given the level of integration that would be achieved with the existing university area and services and facilities at this location.

Potential refinements to the four masterplan options

4.87 Three potential refinements to the masterplan options were identified during the Regulation 18 consultation process, as outlined below:

- Refinement A: 'Latimer/Lichfields' – focuses development south of the A133 to accommodate the expansion of the University of Essex. This option would allocate between 32.5 and 35.5 hectares to accommodate: student accommodation and support facilities, new sports facilities, and new sports pitches. Additionally, this option includes land for the knowledge-based employment also to be located south of the A133. This could potentially provide a more direct relationship between the Knowledge Gateway and the University of Essex and create an opportunity for the Rapid Transit System to better connect with the University campus.

Figure 4.4: Masterplan Diagram for Refinement A: Latimer/Lichfields



- Refinement B: 'University of Essex' – this option would include: 12 to 15 hectares of student accommodation and support facilities, 3.5 hectares of new sports buildings/facilities, up to 17 hectares of new sports pitches and additional knowledge-based employment land. This option would allocate 13ha of knowledge-based employment land north of the A133. It is assumed that the 13ha would be allocated on the 15ha of land, which was shown in Option 3, Approach A of the Draft DPD as 'university expansion land' and 'knowledge-based employment'. The additional land proposed for student accommodation and sports pitches would take place on land south of the A133.
- Refinement C: 'Greenstead Councillors and Community' – focuses development directly north of the A133 and south of the A133 to accommodate the expansion of the University of Essex and Knowledge Gateway area. Additionally, this option includes land for the knowledge-based employment also to be located south of the A133. There is also proposed access into the new knowledge gateway area and university sports area.

4.88 These options only suggest changes to portions of the Garden Community development regarding land allocated for the University of Essex and the knowledge-based employment site. As such, any of them could be 'added' to any of the four masterplan options appraised above. Therefore, they have not been appraised as standalone options but rather a brief commentary is provided below on the likely sustainability effects of these potential refinements to the four masterplan options.

4.89 All three refinements would increase the amount of employment land, positive effects would be expected for SA 5: Economy and SA 8: Services and infrastructure. These options would provide residents with good access to jobs through the incorporation of employment clusters to the south of the site. Additionally, positive effects are expected in relation to SA 7: sustainable travel as these options could create an opportunity for the Rapid Transit System to better connect with the University of Essex campus.

4.90 Mixed effects are expected for SA 3: Health as a reduction in open space would result in less access to greenspace for residents however the options would also provide new sports/recreation uses, which are likely to benefit residents of the new Garden Community as well as users of the university.

4.91 For SA objectives 6: Biodiversity and geological diversity, 9: Historic environment and townscape and 14: Landscape, these options are likely to result in negative effects as the expansion of land allocated for the University of Essex and knowledge-based employment site south of the A133 under the Latimer/ Lichfields and University of Essex refinements and directly north of the A133 under Greenstead Councillors and Community refinement would result in a reduction of greenfield land. As such, these options would result in loss, disturbance and fragmentation of existing habitats and could impact upon the setting of Wivenhoe Registered Park. Furthermore, development to the south of the A133 could result in a limited sense of separation between the Garden Community and the settlement of Wivenhoe to the south.

4.92 Additionally, the increase in impermeable built surfaces could increase surface water flood risk. The new development will also bring with it more residents and workers, with potential for transport-related air pollution and water pollution from contaminated surface runoff or from combined sewer overflows. As such, minor negative effects are also identified in relation to SA objectives 11: water resources and quality, 12: flood risk, 13: air quality and 15: soils and mineral resources. However, these effects are uncertain until the design and layout is confirmed.

4.93 Negligible effects are expected for SA objectives 1: safety and community cohesion, 2: Housing, 4: vitality and viability of centres and 10: energy efficiency and climate change.

Policy 1: Land uses and spatial approach

4.94 Policy 1 sets out the key land uses for the Garden Community and spatial parameters within which it is expected to be built. It also sets out the Councils' expectations for the information that will need to be submitted and approved ahead of the determination of any planning applications for development of the site.

4.95 As discussed in the preceding section of this report, the Councils considered four options for the land uses and spatial parameters for the site. These options were originally presented in the Masterplan Design Options Report [See reference 26]. The appraisal of the four options considered was undertaken 'policy-off' (that is to say without considering the potential for mitigation to be achieved through detailed policy requirements in the DPD).

4.96 The appraisal of Policy 1 is based on the Council's preferred approach for the spatial layout of the site as described in the policy text and accompanying key diagram, while also considering the mitigation that might be achieved through the requirements of the policy. The spatial layout described by Policy 1 represents an evolution of the preferred approach, option 3: maximum landscape, as presented in the Masterplan Design Options Report.

Table 4.4: Sustainability effects of Policy 1: Land Uses and Spatial Approach

SA Objective	Policy 1 Effect
SA 1: Safety and community cohesion	++
SA 2: Housing	++
SA 3: Health	++/-

SA Objective	Policy 1 Effect
SA 4: Vitality and viability of centres	++
SA 5: Economy	++
SA 6: Biodiversity and geological diversity	--/+
SA 7: Sustainable travel	++/-
SA 8: Services and infrastructure	++
SA 9: Historic environment and townscape	+/-
SA 10: Energy efficiency and climate change	++
SA 11: Water resources and quality	0
SA 12: Flood risk	+/-
SA 13: Air quality	++/-
SA 14: Landscape	++/-
SA 15: Soils and minerals resources	--

4.97 Policy 1 requires the Garden Community to be developed to be inclusive, safe and healthy. The development is to be provided across three distinct 'neighbourhoods' with each to be served by separate but interconnected 'neighbourhood centres'. At these locations a range of shops, jobs, services and community facilities, including education are to be accessible. The aim is to provide access to local services and facilities within a 20-minute walk or via cycling or public transport, making the Garden Community relatively self-contained. Furthermore, the development of the site is to be supported by the necessary infrastructure delivered in a timely manner, with its development to meet the needs and lifestyle choices of a variety of residents. Conflict with existing communities is expected to be reduced by the inclusion of strategic green gaps that address coalescence concerns raised in consultation and protection of the distinctive rural identity of Crockleford Heath by designation of an area of special character. Taken together, these policy requirements are

judged to result in a significant positive effect in relation to SA objective 1: safety and community cohesion.

4.98 The delivery of 6,500 to 8,000 new homes is supported though Policy 1. This includes homes of a variety of sizes, types, tenures and densities. The inclusion of a new site for the accommodation of gypsies and travellers within the Garden Community to be planned by reference to an up-to-date Gypsy and Traveller Needs Assessment and will contribute to meeting the accommodation needs of this community. Furthermore, 'Crockleford Neighbourhood' will accommodate 1,000 new homes as an individual community, this could include plots for self-build and custom build homes. As such, the policy supports a substantial number of new homes to contribute to the needs of Tendring and Colchester that would meet a range of needs and a significant positive effect is expected in relation to SA objective 2: housing.

4.99 The policy requires that proposals at the Garden Community contribute positively to health and wellbeing. Proposals are also required to accord with a future Strategic Masterplan for the site which is to be informed by the National Design Guide, National Model Design Code, Building for a Healthy Life and Building with Nature which will help ensure the creation of healthier places. As part of the infrastructure to be incorporated at the 'South and North Neighbourhoods', the policy requires that key infrastructure including that relating to health is provided from the early phases of development. Further to this, the policy proposes new sports facilities to be located south of the A133 at the University of Essex for use by residents and clubs in the existing community and the Garden Community. Considered in combination with the requirement for layout of the site to ensure that a range of services and facilities are easily accessible to residents, which is likely to help promote active modes of transport a significant positive effect is expected in relation to SA objective 3: health and wellbeing. This significant positive effect is expected in combination with a minor negative effect given the potential for the health implications (relating to noise, air and light pollution) of delivering development close to the A-roads at the northern and southern boundaries of the site and close to the new link road between these.

4.100 Through Policy 1 the delivery of the Garden Community is to achieve three interconnected neighbourhoods ('North', 'South' and 'Crockleford'), each developed around a 'neighbourhood centre'. The density of development across the Garden Community will vary across and within each neighbourhood area. This approach is to be supported by a creation of a highly connected site, achieved by the incorporation of walking, cycling and rapid transit system routes. As such the development is expected to be delivered in a manner which ensures that a large number of residents have access to services and facilities within 20 minutes. Further to the centres, 'hubs' will be provided around and along corridors between 'Neighbourhood centres' to provide further range of local business needs. The high level of access for Garden Community residents to the new neighbourhood centres and the provision of these centres to deliver new services and facilities from the early phases of development is likely to support their long term viability. A significant positive effect is therefore expected in relation to SA objective 4: vitality and viability of centres.

4.101 Policy 1 requires the delivery of employment land within the site principally at a new business park to the south of the A120 and east of the new A120/A133 Link Road. To the south west of the Garden Community a new 'knowledge-based employment' site with strong ties to the University of Essex will include new employment uses. Employment land is also to be incorporated in the new centres within the 'South' and 'North' neighbourhoods. The distribution of this employment land is likely to provide easy access to jobs for many residents. Access to these locations is to be supported by the rapid transit system, 'Park and Choose' facilities, and a network of walking and cycling routes incorporated at the site. These sustainable transport links will also support access to employment opportunities in the wider area such as the University of Essex, Colchester Town Centre, Colchester General Hospital and the Northern Gateway. A significant positive effect is therefore expected in relation to SA objective 5: economy.

4.102 The policy sets out the principle of development for the site, which contains several areas of ancient woodland, Salary Brook Local Nature Reserve and a number of Local Wildlife Sites to the west. Development at this location, considering the associated loss of greenfield and resultant increased in human activities, will have implications in terms of habitat loss, fragmentation and

disturbance. However, significant areas of the site are to be maintained as two undeveloped country parks and a strategic green gap. In line with the policy, the Salary Brook Country Park will incorporate land and woodland at and around Salary Brook Nature Reserve and provide connections with the wider green infrastructure network. The new Wivenhoe Country Park will incorporate land north of Brightlingsea Road and west of Elmstead Road and will connect with Wivenhoe Park and the University of Essex which will create habitats and connections for local wildlife. These measures are likely to secure benefits in terms of space for wildlife and habitat provision. Considering these potential benefits together with the potential for widespread impacts on existing habitats (including those which are undesignated), an overall mixed minor positive and significant negative effect is therefore expected in relation to SA objective 6: biodiversity and geological diversity. The potential for mitigation of the significant negative effect of the policy alone is considered in the cumulative effects chapter.

4.103 The delivery of development at the site will undoubtedly result in an increased number of journeys as homes and businesses are occupied. While private and commercial car access will be provided to the site, priority is to be given to sustainable modes. Furthermore, given the connectivity supported through the policy via new walking, cycling and rapid transit routes it is expected that many residents can make use of active and sustainable modes to meet many of their day to day needs. The incorporation of essential services and facilities at a centre within each new neighbourhood, as well as hubs and employment land across a number of locations at the Garden Community and achievement of higher, but appropriate levels of density, will further promote good access for residents and encourage journeys by more sustainable modes. The policy also requires that the delivery of essential infrastructure is phased so that it is available as soon as it is needed. As such, a mixed significant positive and minor negative effect is expected in relation to SA objective 7: sustainable travel. Given that the policy supports good access to a range of services and facilities for a majority of new residents at the new centres to be delivered within the Garden Community, a significant positive effect is also recorded in relation to SA objective 8: services and infrastructure.

4.104 By providing development at the Garden Community there is potential for impacts upon a number of designated heritage assets. This includes several listed buildings towards Crockleford Heath, Grade II Listed Allen's Farmhouse to the north east of the site and Wivenhoe Registered Park outside of the site boundary to the south west. Policy 1 requires development to occur following an appropriate approach to architecture, design, character, development density and public space, to achieve a distinctive sense of place. The approach to development is also required to consider the proximity of heritage assets. Furthermore, to the south of A133 and east of new A120/A133 Link Road and south of Allen's Farm, land will be maintained as part of the 'Elmstead Strategic Green Gap' where development will only be permitted if it is appropriate to a countryside location. Similarly, land at Crockleford is being designated as the 'Crockleford Heath Area of Special Character' to ensure development within this area considers the local character, heritage assets and their settings and the area's rural setting. The approach to development at these locations will help to limit adverse impacts on the settings of Wivenhoe Registered Park, heritage assets at Allen's Farm and Crockleford Heath. While the scale of development at the Garden Community has the potential to adversely affect the settings of the heritage assets in question, the requirements of Policy 1 will help mitigate the magnitude of any effects. Considering the mitigation set out in the policy, a mixed minor positive and minor negative effect is expected in relation to SA objective 9: historic environment and townscape.

4.105 The maintenance of significant areas of the Garden Community as undeveloped open space with links to the wider green infrastructure network will be of importance to support adaptation to climate change and the resilience to more extreme weather events, such as increased temperatures and flooding. Policy 1 also requires that the development of the Garden Community achieves a minimisation of greenhouse gas emissions through resource efficiency, minimisation of waste, reduction in embodied carbon and the prioritisation of renewable energy. Furthermore, the policy also requires that proposals mitigate and improve resilience to the effects of climate change. As such, a significant positive effect is expected in relation to SA objective 10: energy efficiency and climate change.

4.106 The Garden Community is not located within a Source Protection Zone (SPZ) which might otherwise mean that development might have potential for adverse effect relating to water quality. Policy 1 does not directly address water quality at the development. Policy safeguards are included in the Section 1 Local Plan, which ensures that a given development will not proceed until the necessary infrastructure upgrades have been provided as necessary in accordance with Anglian Water Services and Environment Agency advice. A Stage 2 IWMS has been commissioned and the findings of this will be incorporated into the Plan, masterplans and design codes. This evidence will be available to inform future work as part of the DPD process. The report will be able to inform further stages of masterplanning for the site and the SA for the submission plan. The IWMS Stage 1 report [See reference 27] was carried out for the Section 1 Local Plan and concluded for the three Garden Communities in North Essex considered as part of that plan, that there are workable wastewater options within the limits of conventional treatment which would not impact on the Water Framework Directive status of receiving waterbodies. A negligible effect is therefore expected in relation to SA objective 11: water resources and quality.

4.107 The Garden Community site contains a small number of areas of higher fluvial flood risk (including areas of flood zone 3) along Salary Brook to the west, although Policy 1 provides for a new Country Park and protection of an area of Ancient Woodland in this watercourse corridor. There are also small areas of 1 in 30 years surface water flood risk and medium ground water flood risk interspersed throughout the site. Policy 1 does not directly address flood risk at the site, although it is understood from the testing of masterplan options, that the Garden Community is to incorporate sustainable drainage systems and water management systems which mimic natural hydrological processes. While the policy preserves significant areas of the site area as undeveloped, where natural drainage patterns would likely continue, the development of a relatively large area of greenfield land would increase the amount of impermeable surfaces which could affect local flood risk or flood risk in the surroundings. Therefore, a mixed minor positive and minor negative effect is expected in relation to SA objective 12: flood risk.

4.108 The provision of the Garden Community to be relatively self-contained with access to a reliable rapid transit network as well as nearby services, facilities and jobs is likely to reduce the need to travel by private vehicle. As required by Policy 1, the provision of required infrastructure at the early phases of development of each neighbourhood area and promotion of walking, cycling and public transport will further support this approach. However, the occupation of new homes and businesses will nevertheless result in some need to travel across and beyond the site. While there is a trend towards less polluting and electric vehicles, these will still make some contribution to local air pollution. An overall mixed significant positive and minor negative effect is expected in relation to SA objective 13: air quality.

4.109 As discussed in relation to the historic environment, Policy 1 requires that development should be delivered at the Garden Community to achieve a distinctive sense of place. Furthermore, it requires that significant areas of land within the Garden Community are maintained as Country Parks and a Strategic Green Gap, preventing most forms of development in these locations. This approach will avoid the potential for coalescence between Colchester, Wivenhoe and Elmstead Market, thereby helping to preserve their individual character. Similarly, the creation of the 'Crockleford Heath Area of Special Character' will limit development at this location and preserve its rural setting. Regardless of the requirements set out in Policy 1 and the proposed site layout in the key diagram, the development of this large area of greenfield land, which presently forms part of the countryside to the east of the settlement of Colchester, will have implications for local character. The site has been assessed to have high to moderate landscape value and much of the area displays a degree of landscape sensitivity [See reference 28]. A mixed significant positive and minor negative effect is expected in relation to SA objective 14: landscape.

4.110 The majority of the Garden Community site falls within a mineral safeguarding area for sand and gravel and it is mostly greenfield land. Furthermore, much of the site comprises grade 1 agricultural land (excellent quality) with areas of grade 2 (very good) and 3 (good to moderate) interspersed. While Policy 1 maintains large areas of the Garden Community as undeveloped, its development would still involve the loss of large areas of

greenfield land and higher value agricultural soils to development. There is also potential for access to minerals to be adversely affected. A significant negative effect is therefore expected in relation to SA objective 15: soils and minerals resources.

Reasonable alternatives

4.111 As described earlier in this section three reasonable alternatives (option 1: maximum development footprint, option 2: maximum connectivity and option 3, approach B) as well as three refinements have been considered as part of the plan preparation process. The appraisal of these options is presented earlier in this report.

Policy 2: Requirements for all new development

4.112 Policy 2 sets out the minimum design criteria against which development proposals for the Garden Community will be considered. Part A of the policy provides the minimum planning criteria for ensuring development is well designed and relates well to its surroundings. Part B ensures that practical requirements have been addressed and Part C ensures that potential impacts on surrounding uses and/or the local environment are identified, and measures are put in place to ensure any adverse impacts are minimised. The likely sustainability effects of Policy 2 are set out in Table 4.5 and described below the table.

Table 4.5: Sustainability effects of Policy 2: Requirements for All New Development

SA Objective	Policy 2 Effect
SA 1: Safety and community cohesion	+
SA 2: Housing	0
SA 3: Health	+
SA 4: Vitality and viability of centres	0
SA 5: Economy	0
SA 6: Biodiversity and geological diversity	+?
SA 7: Sustainable travel	+
SA 8: Services and infrastructure	+
SA 9: Historic environment and townscape	+?
SA 10: Energy efficiency and climate change	+?
SA 11: Water resources and quality	+?
SA 12: Flood risk	+
SA 13: Air quality	+?
SA 14: Landscape	+
SA 15: Soils and minerals resources	+?

4.113 Policy 2 sets out a framework for all new development within the broad location for the Garden Community. This framework sets out criteria for design, practical requirements and impacts and compatibility. As such, minor positive effects are expected in relation to SA objectives 1: safety and community cohesion and 3: health as the policy aims to reduce the potential for crime and anti-social behaviour through the creation of safe spaces that create active places with natural surveillance and good design which is also likely to indirectly

improve the health and wellbeing of the community. In addition, all new development must prioritise walking, cycling and public transport which could encourage more active travel and promote higher levels of physical exercise. of the priority to be given to sustainable transport modes is also likely to result in minor positive effects in relation to SA objectives 7: sustainable travel and 8: services and infrastructure.

4.114 Minor positive effects are also expected in relation to SA objectives 6: biodiversity and geological diversity and 9: historic environment and townscape as this policy requires new development to maintain and enhance the local ecology and historic environment. However, this effect is uncertain until the design and layout is confirmed as there are multiple Local Wildlife Sites, patches of ancient woodland and heritage assets including a Registered Park and Garden within the broad location for the Garden Community that could be adversely affected. Additionally, the new development must integrate sustainable drainage systems which could enhance the local biodiversity, reduce flood risk and build the area's resilience to climate change. As such, minor positive effects are expected in relation to SA objective 12: flood risk.

4.115 The policy states that the new development must demonstrate how it will minimise greenhouse gas emissions and reduce its contribution to climate change through specific mitigation noted in other policies within the plan. The development must also minimise adverse effects on air, land and water quality. As such, a minor positive effect with uncertainty is expected in relation to SA objectives 10: energy efficiency and climate change, 11: water resources and quality, 13: air quality and 15: soils and mineral resources. However, the effects of Policy 2 alone are uncertain as they will also depend on the successful implementation of other, more specific policies in the Plan (e.g. Policy 3: Nature; Policy 8: Sustainable infrastructure) if some of the potential negative effects of development are to be avoided.

4.116 Minor positive effects are expected in relation to SA objective 14: landscape as the development must respect and enhance the local landscape character, views, and locally important features.

Reasonable alternatives

4.117 The Councils considered the following alternatives to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan and national policy.

4.118 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the DPD policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

Policy 3: Nature

4.119 Policy 3 aims to protect existing green-blue infrastructure and enhance the green-blue infrastructure network for the benefit of people and wildlife. It also seeks to protect and enhance existing historic assets as well as natural assets incorporating these as part of a well-connected green-blue infrastructure network to contribute to the distinctive character of the Garden Community. The likely sustainability effects of Policy 3 are set out in Table 4.6 and described below the table.

Table 4.6: Sustainability effects of Policy 3: Nature

SA Objective	Policy 3
SA 1: Safety and community cohesion	+
SA 2: Housing	-
SA 3: Health	+
SA 4: Vitality and viability of centres	0

SA Objective	Policy 3
SA 5: Economy	-
SA 6: Biodiversity and geological diversity	++
SA 7: Sustainable travel	+
SA 8: Services and infrastructure	+
SA 9: Historic environment and townscape	+
SA 10: Energy efficiency and climate change	+
SA 11: Water resources and quality	+
SA 12: Flood risk	+
SA 13: Air quality	+
SA 14: Landscape	++
SA 15: Soils and minerals resources	+

4.120 Policy 3 supports the provision of open and recreational space at the Garden Community. This includes two new Country Parks one along the Salary Brook corridor and the other connecting Wivenhoe Park and the University of Essex, natural play areas and community gardens. It is expected that the delivery of these features will support access to areas where residents can benefit from increased informal interactions between each other and help to support increased social cohesion. A minor positive effect is therefore expected in relation to SA objective 1: safety and community cohesion. Social inclusion is also supported through the policy given that there is a requirement relating to the provision for people with special educational needs and disabilities regarding allotments. Furthermore, the SuDS features are required to be designed to specifically consider the safety of young children, the elderly and those with reduced mobility.

4.121 Given the protection the policy sets out for specific areas of open space which are to remain undeveloped, certain areas will be identified as not suitable

for development. The policy also seeks to protect assets relating to biodiversity, heritage and landscape meaning that associated areas (for example areas of functionally linked habitats or those which contribute to the setting of the historic environment or landscapes of value) may also be deemed to be unsuitable for development. Minor negative effects are therefore expected for the policy in relation to SA objectives SA objective 2: housing and 5: economy.

4.122 The policy is expected to have a minor positive effect in relation to SA objective 3: health. While the policy does not support the provision of new or protect existing healthcare facilities at the Garden Community, it aims to protect and create spaces for recreation and leisure which might be used by residents as part of healthier lifestyles. Green-blue infrastructure incorporated at the site is required to meet the standards in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or updates to the strategy. This evidence-based approach is likely to help ensure residents have access to an appropriate amount and quality of open space. Furthermore, the multi-functional green-blue infrastructure network delivered within the site will encourage active travel, particularly as the Green-Blue Infrastructure Strategy aims to be co-ordinated with active travel networks. This network is to link to PROWs in the surrounding area which is likely to help encourage the uptake of trips by active travel within and beyond the Garden Community.

4.123 Policy 3 directly seeks to limit the potential for biodiversity assets to be adversely affected as the Garden Community is constructed and occupied. Measures to support the incorporation of trees, features that will support important species and natural habitats in line with Local Nature Recovery Strategies are required. The green-blue infrastructure network incorporated at the site will have benefits in relation to habitat provision and connectivity in the area and also will act as Suitable Accessible Natural Greenspace to help limit recreational trips to the sensitive Essex coast. A significant positive effect is therefore expected in relation to SA objective 6: biodiversity and geological diversity. The policy furthermore requires that development achieves a minimum of 10% measurable biodiversity net gain on-site.

4.124 Given that the policy requires the provision of walking and cycling infrastructure via green networks, minor positive effects are also expected in relation to SA objectives 7: sustainable travel, 8: services and infrastructure, 10: energy efficiency and climate change and 13: air quality. This includes links to the existing Colchester Orbital route. It is expected that this type of provision will help to limit journeys made by car and air pollution associated with this type of transport. The environmental mitigation to be provided in relation to the A120-A133 Link Road application will help to limit the potential for air quality issues to arise at this new route. The areas of green infrastructure provided at the site will be coordinated with active travel networks, and will also help to support carbon sequestration, as well as supporting the area's adaptation to the effects of climate change. This is likely to include increased resilience to changing flood risk and the increased average temperatures associated with climate change. Measures of benefit relating to these issues include the incorporation of SuDS incorporated as part of the green-blue infrastructure network and tree planting to support shading.

4.125 Minor positive effects are also expected for the policy in relation to SA objectives 11: water resources and quality and 12: flood risk. This reflects the benefits relating to the incorporation of SuDS. The positive effects also reflect the requirement in the policy to incorporate ditch habitat, reedbeds and pond networks as part of SuDS which will support the successful functioning of the water environment in the area. The policy also encourages rainwater reuse and use of permeable surfaces wherever possible.

4.126 Positive effects are also expected for the policy in relation to SA objectives 9: historic environment and townscape and 14: landscape. The policy directly aims to conserve and enhance heritage assets and landscape character most notably in relation to the natural environment. High quality design is to be incorporated at the site in relation to numerous elements of the site including public realm, tree planting and SuDS. It is expected that the protection of existing open spaces and green-blue infrastructure will help to preserve and potentially enhance the setting of the historic environment at the Garden Community as development is delivered. Given that the policy is explicitly supportive of the protection of natural features that will contribute to landscape character in the area, the positive effect expected in relation to SA objective 14

is expected to be significant. The policy specifically requires that a Green-Blue Infrastructure Strategy is prepared for the site to show how the green links at the site reflect the landscape setting, and that planning proposals must be supported with appropriate landscape and visual impact assessments.

4.127 The policy does not directly support the protection of higher quality agricultural soils or mineral resources at the Garden Community. However, the maintenance of a substantial area of the site as undeveloped open space will mean that there may be potential to make use of these resources within the site boundaries as part of garden Community's phased development. Policy 3 is supportive of the incorporation of allotments, orchards, edible walkways and community gardens at the Garden Community which will allow for appropriate use of the higher value soils present within the site. A minor positive effect is therefore expected for the policy in relation to SA objective 15: soils and minerals resources.

Reasonable alternatives

4.128 The Councils considered the following alternative to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan, which are summarised at the beginning of this chapter, and national policy.
- Alternative 2: A more prescriptive policy, which lists exactly what biodiversity mitigation and net gain and SuDS requirements are required and where.

4.129 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the DPD policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

4.130 Alternative 2 would provide more certainty for developers in terms of what is expected to be provided on site to help limit adverse impacts relating to

biodiversity assets in the Garden Community area. However, this approach would also be less flexible in terms of responding to changes in the natural environment over the lifetime of the Garden Community and changes in regard to biodiversity net gain, protected species, priority habitats and SuDS features. Therefore, while this approach could strengthen the significant positive effect expected in relation to SA objective 6: biodiversity and geological diversity it could also introduce an uncertain minor negative effect. Given that this approach would also affect SuDS provision and the incorporation of green-blue infrastructure which will also affect local flood risk, it could also help to strengthen the minor positive effect expected in relation to SA objective 12: flood risk. As this change to the effect relating to SA objective 6, an uncertain minor negative effect is also expected to be introduced in relation to SA objective considering the reduced flexibility to respond to local changing circumstances.

4.131 The consultation questions included in the draft DPD also highlighted the potential for a lower or higher biodiversity net gain and tree canopy cover target to be included in the document. If a lower target for both targets were adopted, it may be that schemes which otherwise might not be considered viable may become so in the Garden Community. This could have benefits in relation to the rate at development is delivered at the Garden Community, limiting the potential for the minor negative effect expected in relation to SA objective 2: housing and 5: economy.

4.132 However, this approach is also likely to limit the potential for the significant positive effect in relation to SA objective 6: biodiversity and geological diversity. Requiring a lower level of biodiversity net gain and tree canopy cover is likely to reduce the proportion of the Garden Community maintained as undeveloped areas of open space (most notably those which can be considered 'wild') which contribute to the setting of the area, allow for physical recreation and support the safe infiltration of surface water. This approach would also include reduced support for tree planting which otherwise is likely to support carbon sequestration. It may be that this approach therefore limits the potential for minor positive effects relating to SA objectives 3: health, 9: historic environment and townscape, 10: energy efficiency and climate change, 12: flood risk and 14: landscape.

Policy 4: Buildings, places and character

4.133 Policy 4 sets out the Councils’ expectation for the Garden Community to be unique and distinctive in its character and appearance, and for the new homes to meet high standards that will meet a variety of different needs and demands for people and families over the courses of their lives. Policy 4 is divided into 10 parts which identify the Councils’ expectations around housing mix, density, space standards, self-build and custom-built homes, specialist housing, student accommodation, accommodation for Gypsies and Travellers, and the information to be provided as part of planning applications. The likely sustainability effects of Policy 4 are set out in Table 4.7 and described below the table.

Table 4.7: Sustainability effects of Policy 4: Buildings, Places and Character

SA Objective	Policy 4 Effect
SA 1: Safety and community cohesion	+
SA 2: Housing	++
SA 3: Health	+
SA 4: Vitality and viability of centres	+
SA 5: Economy	+
SA 6: Biodiversity and geological diversity	+?
SA 7: Sustainable travel	+
SA 8: Services and infrastructure	+
SA 9: Historic environment and townscape	+?

SA Objective	Policy 4 Effect
SA 10: Energy efficiency and climate change	0
SA 11: Water resources and quality	+?
SA 12: Flood risk	+?
SA 13: Air quality	0
SA 14: Landscape	+?
SA 15: Soils and minerals resources	+/-

4.134 Minor positive effects are identified in relation to SA objectives 1: safety and community cohesion and 3: health as Policy 4 will adopt a landscape-led approach to design and will follow the NHS’s Healthy New Towns principles and Sport England’s Active Design principles which encourage active travel through safe and integrated walking and cycling routes and the provision of multifunctional spaces for sport, physical activities and social gatherings.

4.135 Policy 4 supports the provision of a mix of dwelling types, sizes and tenures, including affordable housing (at least 30% of all new homes in the Garden Community will be affordable housing, whilst 10% of all new homes will be provided for ‘affordable home ownership’), student accommodation, specialist housing for older and disabled people, and accommodation for Gypsies and Travellers. The policy requires housing development in the Garden Community to be designed to ensure positive integration between affordable housing and housing sold on the open market. All new homes and gardens will be required, as a minimum, to meet and where possible to exceed the standards set out in the Government’s ‘Technical Housing Standards’, Design Codes, and the Building Regulations Part M4(2) and (3) ‘Adaptable and Accessible Standards’ and ‘Wheelchair-Users’. Overall, a significant positive effect is expected for SA objective 2: housing.

4.136 Policy 4 requires the density of new housing in the Garden Community (ranging across the site 30-100 dwellings per hectare) to be higher around centres of activity (including the mixed-use neighbourhoods), transport corridors

and Rapid Transit System stops and lower in more sensitive locations. Therefore, minor positive effects are expected for SA objectives 4: vitality and viability of centres, 7: sustainable travel, and 8: services and infrastructure.

4.137 A minor positive effect is expected for SA objective 5: economy as the policy requires housing to be designed to facilitate home working by including innovative approaches to home working which will support flexible working and a mix of employment opportunities.

4.138 A minor positive effect is expected for SA objective 9: historic environment and townscape as Policy 4 supports the creation of a Garden Community which will be a unique place with distinctive character that takes a positive and innovative approach to architecture, urban design, landmarks and public realm provision. This includes a requirement for planning applications to produce a mitigation strategy to demonstrate the measures that can minimise harm and maximise the potential to enhance the heritage significance of several heritage assets in the area. It also requires an archaeological assessment of proposals in the vicinity of the Round Barrows. This positive effect is reinforced, and minor positive effects are identified for SA objectives 6: biodiversity and geological diversity, 11: water resources and quality, 12: flood risk, and 14: landscape, as the policy also requires the density of housing in the Garden Community to consider several criteria including impacts on designated and non-designated heritage and environmental assets, including their settings; and the need for an appropriate transition between built development and sensitive areas such as the open countryside and the Crockleford Heath Area of Special Character. Furthermore, a comprehensive landscape and visual impact assessment of any detailed phased development proposals is required by Policy 4 which will help to ensure proposals minimise their impact on the existing landscape character and sensitive receptors in the surrounding settlements and countryside. However, these positive effects are uncertain until the design and layout of the Garden Community is confirmed as there are multiple Sites of Special Scientific Interest (SSSIs), Local Wildlife Sites (LWSs), Areas of Special Character, areas of ancient woodland, hedgerows, grasslands, wetlands and heritage assets within or in close proximity to the Garden Community that could be adversely affected. The minor positive effects identified in relation to the historic environment, biodiversity, flooding, water

quality, and landscape are also reinforced as the policy seeks to direct development away from sensitive ecological, landscape and heritage locations.

4.139 Negligible effects are identified for SA objectives 10: energy efficiency and climate change and 13: air quality.

4.140 A minor positive effect is mixed with a minor negative effect for SA objective 15: soils and minerals resources as the policy seeks to deliver appropriate densities of development which will limit the need for development of greenfield land, however, the scale of development proposed in the Garden Community will result in the loss of best and most versatile agricultural land.

Reasonable alternatives

4.141 The Councils considered the following alternatives to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan and national policy.
- Alternative 2: A more detailed and prescriptive approach including a detailed Masterplan and Design Code and very detailed requirements and standards.

4.142 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the DPD policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

4.143 Alternative 2 is likely to strengthen the positive effects and remove the uncertainty identified in relation to the potential impacts on SA objectives 6: biodiversity and geological diversity, 9: historic environment and townscape, 11: water resources and quality, 12: flood risk, and 14: landscapes. A positive effect would be expected for SA objective 10: energy efficiency and climate change as it is likely that the design code would include a requirement to utilise renewable

energy to generate electricity for the Garden Community and to incorporate passive design principles to optimise site layout, building form and orientation to minimise energy consumption.

Policy 5: Economic activity and employment

4.144 Policy 5 sets out the approach to maximising the economic potential of the Garden Community and how that will be achieved. It aims to create a diverse range of jobs and as many job opportunities as possible that are within a commutable distance with an overall aim of creating at least one job per new household. The likely sustainability effects of Policy 5 are set out in Table 4.8 and described below the table.

Table 4.8: Sustainability effects of Policy 5: Economic Activity and Employment

SA Objective	Policy 5 Effect
SA 1: Safety and community cohesion	0
SA 2: Housing	+
SA 3: Health	+
SA 4: Vitality and viability of centres	++
SA 5: Economy	++
SA 6: Biodiversity and geological diversity	-?
SA 7: Sustainable travel	++
SA 8: Services and infrastructure	++
SA 9: Historic environment and townscape	-?

SA Objective	Policy 5 Effect
SA 10: Energy efficiency and climate change	0
SA 11: Water resources and quality	-?
SA 12: Flood risk	-?
SA 13: Air quality	+/-?
SA 14: Landscape	-?
SA 15: Soils and minerals resources	-?

4.145 Significant positive effects are expected in relation to SA objectives 5: economy and 8: services and infrastructure. Policy 5 aims to create a wide range of opportunities for employment, education and training with the overall aim of creating one easily commutable job per household. Furthermore, all development proposals must demonstrate how they will maximise the opportunities for local people to access training and employment in the construction of the Garden Community, this includes requiring development proposals to be accompanied by an Employment and Skills Plan as well as an Economic and Employment Strategy. Additionally, a partnership between the Councils, University of Essex, the Colchester Institute and other local educational establishments and developers will be formed to increase capacity and improve facilities to deliver training in 'growth sectors'.

4.146 Significant positive effects are also expected in relation to SA objective 7: sustainable travel as a Rapid Transit System will be created to enable a rapid and easy commute for residents to and from all neighbourhoods within the Garden Community to key employment areas outside of the Community. As such, this is likely to encourage residents to use public transport when travelling. Sustainable travel behaviour will also be supported by the policy's goal of creating employment opportunities within or close to new homes, the creation of neighbourhood centres, and construction of new homes with the highest standard of broadband access.

4.147 Significant positive effects are also expected in relation to SA objective 4: vitality and viability of centres as this policy supports the creation of new centres to provide a range of retail and community spaces. Furthermore, some of the new centres to be delivered will incorporate health facilities and employment land. This range of provision is likely to create resilient local centres. Furthermore, minor positive effects are expected in relation to SA objective 3: health. This is because the creation of local centres with a wide range of amenities could encourage social interaction and help to ensure access to health facilities.

4.148 Minor positive effects are expected in relation to SA objective 2: housing because this policy supports the construction of new homes that are adaptable and flexible to home working and have the highest standard of broadband access. This will ensure futureproof new homes to support homeworking.

4.149 As this policy aims to develop new centres and a Rapid Transit System and expand the University of Essex and the Knowledge Gateway, there is the potential for negative effects on local ecological and historic assets and the landscape and for loss of high-quality agricultural land. Additionally, the increase in impermeable built surfaces could increase surface water flood risk. The new development will also bring with it more residents and workers, with potential for transport-related air pollution and water pollution from contaminated surface runoff or from combined sewer overflows. As such, minor negative effects are identified in relation to SA objectives 6: biodiversity and geological diversity, 9: historic environment and townscape, 11: water resources and quality, 12: flood risk, 13: air quality, 14: landscape, and 15: soils and mineral resources. However, these effects are uncertain until the design and layout is confirmed as, for example there are multiple Local Wildlife Sites, patches of ancient woodland and heritage assets including a Registered Park and Garden within the broad location for the Garden Community which could be adversely affected. Minor positive effects are also expected in relation to SA objective 13: air quality as the creation of the Rapid Transit System is likely to reduce air pollution and traffic congestion.

Reasonable alternatives

4.150 The Councils considered the following alternatives to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan and national policy.

4.151 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the DPD policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

Policy 6: Community and social infrastructure

4.152 Policy 6 sets out how the Garden Community will deliver a range of local community services and facilities, including opportunities for joint provision and co-location to provide services which best meet people’s needs, are accessible to all and are innovative. The likely sustainability effects of Policy 6 are set out in Table 4.9 below and described below the table.

Table 4.9: Sustainability effects of Policy 6: Community and Social Infrastructure

SA Objective	Policy 6 Effect
SA 1: Safety and community cohesion	++
SA 2: Housing	0
SA 3: Health	++
SA 4: Vitality and viability of centres	++

SA Objective	Policy 6 Effect
SA 5: Economy	+
SA 6: Biodiversity and geological diversity	+?
SA 7: Sustainable travel	++
SA 8: Services and infrastructure	++
SA 9: Historic environment and townscape	+?
SA 10: Energy efficiency and climate change	+?
SA 11: Water resources and quality	0
SA 12: Flood risk	0
SA 13: Air quality	+
SA 14: Landscape	+?
SA 15: Soils and minerals resources	0

4.153 Policy 6 aims to deliver local community services and facilities that meet the Garden Community’s needs, are innovative, multipurpose, and accessible to all. This policy seeks to create neighbourhoods with local centres that include a diverse range of uses, including community and healthcare space in addition to an inclusive public realm that is safe and connects the community with the natural environment. In addition, proposals are required to be accompanied by a Health Strategy that sets out what health and wellbeing services will be provided. Additionally, proposals must include a new Health Centre, flexible space for health provision and enhancements to existing facilities, including those in locally accessible locations. Therefore, significant positive effects are expected in relation to SA objective 1: safety and community cohesion and 3: health because it is likely that services and facilities will be aimed at all types of groups, include cultural infrastructure and access to community facilities will be improved directly benefiting the health and wellbeing of the community. Positive effects on health will be reinforced by the policy requirements for education facilities, high quality open space, safe places for active play, flexible space to

enable activities to support the wider determinants of health and the community and for these and other community facilities to be accessible by walking and cycling. Significant positive effects are also expected in relation to SA objective 4: vitality and viability of centres as the policy aims to create neighbourhoods with local centres that include a diverse range of uses including retail and community space. New local centres must create a sense of place and improve the range of employment opportunities within the area. As such, a minor positive effect is expected in relation to SA objective 5: economy.

4.154 Minor positive effects are expected in relation to SA objective 6: biodiversity and geological diversity as the creation of high-quality open space could create additional habitats for local wildlife. The requirement for all schools to be well connected to the natural environment will help to educate young people in its value, supporting its long-term stewardship. Additionally, the policy seeks to create high quality landscape and public realm design and open space, including requiring sports facilities to be well integrated into the built environment and well designed in terms of their landscape settings, which could have minor positive effects on SA objectives 9: historic environment and townscape and 14: landscape. However, all of these effects are uncertain until the design and layout is confirmed as there are multiple Local Wildlife Sites, patches of ancient woodland and heritage assets including a Registered Park and Garden within the broad location for the Garden Community which could be adversely affected.

4.155 One of the core principles behind the Garden Community is that it will be planned around a network of traffic-free walking and cycling routes with public transport options dispersed throughout. As such, the neighbourhoods will be accessible by a comprehensive and integrated sustainable travel network which will encourage active travel and improve the availability of sustainable transport modes. Furthermore, access to services and facilities will be improved and schools, early year and childcare facilities will be provided and centrally located. As such, significant positive effects are expected in relation to SA objectives 7: sustainable travel and 8: services and infrastructure.

4.156 The supporting text states that there is an expectation that the new schools will be carbon positive; as such minor positive effects with uncertainty are expected in relation to SA objective 10: energy efficiency and climate change. This is because it is likely renewable energy sources will be used for the generation of energy and offsetting measures will be taken to mitigate any greenhouse gas emissions to become carbon positive. Creating carbon positive schools as well as a cohesive masterplanned Garden Community based around accessible walking, cycling and public transport options is likely to reduce air pollution and traffic congestion. Therefore, minor positive effects are also expected in relation to SA objective 13: air quality.

Reasonable alternatives

4.157 The Councils considered the following alternatives to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan and national policy.

4.158 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the DPD policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

Policy 7: Movement and connections

4.159 Policy 7 sets out the policy expectations in relation to movement and connections in the Garden Community. 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 20-minute short 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, and enables new ways of working and service delivery that supports remote

working and digital solutions. The likely sustainability effects of Policy 7 are set out in Table 4.10 below and described below the table.

Table 4.10: Sustainability effects of Policy 7: Movement and Connections

SA Objective	Policy 7 Effect
SA 1: Safety and community cohesion	+
SA 2: Housing	0
SA 3: Health	++
SA 4: Vitality and viability of centres	+
SA 5: Economy	+
SA 6: Biodiversity and geological diversity	+?
SA 7: Sustainable travel	++/-
SA 8: Services and infrastructure	++
SA 9: Historic environment and townscape	+?
SA 10: Energy efficiency and climate change	+
SA 11: Water resources and quality	+?
SA 12: Flood risk	+
SA 13: Air quality	++/-
SA 14: Landscape	+?
SA 15: Soils and minerals resources	-

4.160 A minor positive effect is expected for SA objective 1: safety and community cohesion as Policy 7 requires all active travel routes and transport

infrastructure hubs to be safe and accessible to all, with convenient, direct, inclusive routes that are well-lit with natural surveillance.

4.161 A negligible effect is identified for SA objective 2: housing.

4.162 A significant positive effect is identified for SA objective 3: health as Policy 7 strongly supports the delivery of active travel routes throughout the Garden Community that are accessible for all abilities which will support healthy and active lifestyles. In addition, proposals are required to have regard to Active Design principles and the Building for a Healthy Life process when designing the public realm and streets. Each neighbourhood in the Garden Community will have a range of amenities, facilities and services, including employment opportunities, all accessible by active travel and sustainable transport routes, including the requirement that all proposals will need to demonstrate how they link to the Rapid Transit System to each centre and the provision of mobility and micro-mobility hubs. This will promote accessibility to services, and will support the vitality and viability of the neighbourhoods and the local economy, resulting in a significant positive effect for SA objective 8: services and infrastructure and minor positive effects for SA objectives 4: vitality and viability of centres and 5: economy. The positive effect for SA objective 5: economy is reinforced by the fact that the Garden Community will provide sustainable transport routes to employment centres beyond the Garden Community including to Colchester and London.

4.163 Policy 7 requires all active travel routes and transport infrastructure hubs to be designed as green corridors incorporating street trees, linear SuDS features, wildlife verges and other green-blue infrastructure. It also requires streets and public realms to be attractive and safe spaces, created around a modal or user hierarchy with pedestrians at the top of the hierarchy as well as design these spaces to limit and manage vehicle speeds and street parking. Therefore, minor positive effects are expected for SA objectives 6: biodiversity and geological diversity, 9: historic environment and townscape, 11: water resources and quality, 12: flood risk, and 14: landscapes. However, these positive effects are uncertain until the design and layout of the Garden Community is confirmed as there are multiple Sites of Special Scientific Interest

(SSSIs), Local Wildlife Sites (LWSs), Areas of Special Character, areas of ancient woodland, hedgerows, grasslands, wetlands and heritage assets within or in close proximity to the Garden Community that could be adversely affected by the scale of development proposed, including transport corridors, in the Garden Community.

4.164 Policy 7 requires the Garden Community to be designed with active travel and sustainable transport infrastructure, including a Rapid Transit System and Park and Choose facilities, at its core. This includes creating a network of safe and accessible walking, cycling and public transport routes with connections to key destinations within and beyond the Garden Community including the University of Essex, Colchester, and London. Each neighbourhood in the Garden Community will have a range of amenities, facilities, and services all accessible by active travel modes (all homes will be within 400m of a traffic-free route and the policy's supporting text states that all homes and employment centres will be within 400m of a mobility hub) which reduce the need to travel by private car to access these services further afield. The Garden Community will also be designed to integrate with the A120/A133 Link Road and deliver parking facilities although the development of the Link Road will focus on measures which maintain and promote walking, cycling and horse-riding connectivity throughout the site. Overall, mixed effects (significant positive / minor negative) are expected for SA objectives 7: sustainable travel and 13: air quality as the Garden Community will deliver a range of services and facilities in each neighbourhood which reduces the need to travel further afield to access these services and will prioritise sustainable modes of travel as the main mode of choice for travel around the Garden Community. This will also help to reduce private vehicle traffic and improve air quality along key transport routes. Minor negative effects cannot be ruled out for these SA objectives as private car travel may be encouraged with the delivery of connections to the A120/A133 Link Road and parking facilities.

4.165 Policy 7 supports the incorporation of rapid electric vehicle charging points or similar technology at any taxi ranks located at sites such as centres or Park and Choose sites. Additionally, proposals must help achieve the decarbonisation of transport by 2050 which will have a positive effect on SA objective 10: energy efficiency and climate change. A minor negative effect is

identified for SA objective 15: soils and minerals resources as the scale of development proposed in the Garden Community, including transport routes, will result in the loss of best and most versatile agricultural land.

Reasonable alternatives

4.166 The Councils considered the following alternatives to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan and national policy.
- Alternative 2: A less comprehensive policy but with further detail provided in design codes.
- Alternative 3: Include the Garden Community Parking Standards in Policy 7: Movement and Connections (this was raised as a consultation question).

4.167 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the TCBCG Plan policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

4.168 Alternative 2 is likely to result in more uncertain and negligible effects being identified as the policy would not comprehensively detail the requirements for movement and connectivity within the Garden Community.

4.169 Through Alternative 3, the addition of criteria relating to parking standards in Policy 7 would provide more certainty as to what will be required to be delivered in terms of parking. This additional detail could result in strengthening of the adverse effects identified as part of the mixed effects (significant positive / minor negative) in relation to SA objectives 7: sustainable travel and 13: air quality given that private car travel may be encouraged with the delivery of connections to the A120/A133 Link Road and parking facilities. The provision of increased parking facilities at the Garden Community could also strengthen the

minor positive effect recorded in relation to SA objective 2: safety and community cohesion by supporting access for groups who might otherwise not be able to access certain services and facilities given their increased potential to experience mobility issues. This includes groups such as older people and people with disabilities.

Policy 8: Sustainable infrastructure

4.170 Policy 8 sets out infrastructure requirements for the Garden Community that are intended to ensure that it will be an exemplar development in relation to carbon emissions, energy efficiency, renewable energy generation, water efficiency, sustainable materials use and waste management, digital connectivity, and mineral resource preservation. The likely sustainability effects of Policy 8 are set out in Table 4.11 and described below the table.

Table 4.11: Sustainability effects of Policy 8: Sustainable infrastructure

SA Objective	Policy 8 Effect
SA 1: Safety and community cohesion	+
SA 2: Housing	0
SA 3: Health	+
SA 4: Vitality and viability of centres	0
SA 5: Economy	0
SA 6: Biodiversity and geological diversity	+
SA 7: Sustainable travel	0
SA 8: Services and infrastructure	+
SA 9: Historic environment and townscape	0

SA Objective	Policy 8 Effect
SA 10: Energy efficiency and climate change	++
SA 11: Water resources and quality	++
SA 12: Flood risk	+
SA 13: Air quality	+
SA 14: Landscape	0
SA 15: Soils and minerals resources	+

4.171 Policy 8 supports development of a community/district energy network and/or smart local energy systems. It also requires the use of socially responsible materials in construction. These measures are expected to help foster community cohesion. It is also notable that the overall goal of a development that is net zero carbon and an exemplar of sustainability appears to be supported by the engagement feedback summarised in the plan and could act as a focus for community cohesion. As such, minor positive effects are expected in relation to SA objective 1: safety and community cohesion. This community energy network and various policy measures designed to deliver well designed, sustainable housing, including energy efficient buildings whilst avoiding overheating should help to provide warm, comfortable homes for residents that are affordable to heat, with minor positive effects in relation to SA objectives 2: housing and 3: health.

4.172 The policy requirement for the new community to be served by ultrafast broadband and enhanced mobile phone network capacity and improvements will facilitate homeworking for residents and efficiency for businesses in the Garden Community. The requirement for proposals to be informed by a Minerals Resource Assessment will help to avoid sterilisation of mineral resources. Together, these are considered to have minor positive effects in relation to SA objective 5: economy.

4.173 SA objective 8: services and infrastructure is mainly concerned with the provision of the social infrastructure (e.g. schools, GPs, shopping, leisure) and

utilities necessary to support development rather than the types provided for by this policy, therefore only minor positive effects are identified.

4.174 Significant positive effects are expected from this policy in relation to SA objective 10: energy efficiency and climate change. Energy efficiency and climate change mitigation will be achieved via requirements for net zero carbon buildings, principles of the energy hierarchy in construction and operation, energy efficient building design and use of materials with low embodied carbon, generation of energy requirements from renewable sources, waste minimisation and a circular economy approach, and an Energy and Carbon Reduction Strategy to accompany proposals. These measures are also expected to have minor positive effects in relation to SA objective 13: air quality, by reducing the need for energy generation by fossil fuel combustion. Additionally, multifunctional green-blue infrastructure will be delivered across the Garden Community which has positive effects on climate change adaptation through flood risk management and reducing urban heat island effect and overheating. Further to this, proposals must provide a diverse range of plant species that are resilient to climate change which would provide additional habitats for local wildlife. As such, minor positive effects are expected in relation to SA objectives 6: biodiversity and geological diversity and 12: flood risk. .

4.175 The policy sets out that all buildings must include water efficiency measures and seek to achieve water neutrality, with proposals required to submit a water efficiency calculator report. Furthermore, water conservation measures such as the re-use of 'greywater' and rainwater 'capture and re-use' should be utilised. Therefore, significant positive effects are also expected from this policy in relation to SA objective 11: water resources and quality.

4.176 The requirement for proposals to be informed by a Minerals Resource Assessment will help to avoid sterilisation of mineral resources, resulting in minor positive effects in relation to SA objective 15: Soils and minerals resources. Efficient use of land via appropriate development density and avoidance of high quality agricultural land are not covered by this policy.

Reasonable alternatives

4.177 The Councils considered the following alternative to this policy:

- Alternative 1: No policy in the Plan and reliance on the requirements of the Section 1 Plan, which are summarised at the beginning of this chapter, and national policy.

4.178 The NPPF and adopted policies in the Section 1 Plan form part of the future baseline against which the TCBCG Plan policies have been assessed. Alternative 1 does not, therefore, constitute a reasonable alternative for the purposes of the SA and has not been appraised.

Policy 9: Infrastructure delivery and impact mitigation

4.179 Policy 9 requires proposals to demonstrate that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered in a timely and, where appropriate, phased manner by the proposal. Where new or improved infrastructure is required, the policy sets out the mechanisms by which it should be provided. The likely sustainability effects of Policy 9 are set out in Table 4.12 and described below the table.

Table 4.12: Sustainability effects of Policy 9: Infrastructure delivery and impact mitigation

SA Objective	Policy 9 Effect
SA 1: Safety and community cohesion	+
SA 2: Housing	+

SA Objective	Policy 9 Effect
SA 3: Health	+
SA 4: Vitality and viability of centres	+
SA 5: Economy	+
SA 6: Biodiversity and geological diversity	+
SA 7: Sustainable travel	+
SA 8: Services and infrastructure	+
SA 9: Historic environment and townscape	+
SA 10: Energy efficiency and climate change	+
SA 11: Water resources and quality	+
SA 12: Flood risk	+
SA 13: Air quality	+
SA 14: Landscape	+
SA 15: Soils and minerals resources	+

4.180 Policy 9 does not relate to any particular types of infrastructure, instead it states that the widest reasonable definition of infrastructure will be applied. The policy defines processes and mechanisms that should ensure that all types of infrastructure that are necessary for sustainable development are provided, taking account of the cumulative effects of development on infrastructure capacity and the need for development to remain financially viable. The requirement for infrastructure to be provided in a timely and, where appropriate, phased manner should help to ensure that sustainable behaviours, for example use of public or active travel modes, can be followed as soon as new homes are occupied, helping to establish these for the long term. Taken together, these policy elements are expected to support and increase the certainty of the positive sustainable effects identified for other policies, particularly policy 6:

community and social infrastructure and policy 8: sustainable infrastructure. Overall, minor positive effects are expected across all SA objectives.

Reasonable alternatives

4.181 No reasonable alternatives were identified for this policy.

Chapter 5

Cumulative Effects

5.1 The preceding chapter appraises the sustainability effects of each policy within the Tendring Colchester Borders Garden Community DPD on its own merits. This chapter brings together the effects identified for these separate elements to identify cumulative and synergistic effects of the Plan as a whole.

5.2 In addition, consideration is given to any effects that may arise in combination with planned strategic growth in surrounding areas and/or other strategic development projects.

Table 5.1: Summary of SA effects for policies in the Tendring Colchester Borders Garden Community Development Plan Document

SA Objective	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15
Key Vision Theme Nature	+	-	+	0	-	+	+	0	+	+	+	+	+	+	0
Key Vision Theme Movement and Connections	+	0	+	+	0	0	+	+	0	+	0	0	+	0	0
Key Vision Theme Community and Social Infrastructure	+	0	+	0	0	0	+	+	0	+	0	0	+	0	0
Key Vision Theme Buildings, places and character	+	+	0	0	+	0	0	0	0	+	0	0	0	+	0
Key Vision Theme Sustainable infrastructure	0	+	+	0	0	+	+	0	0	+	0	+	+	+	0
1: Land Uses and Spatial Approach	++	++	++/-	++	++	--/+	++/-	++	+/-	++	0	+/-	++/-	++/-	--
Requirements for All New Development	+	0	+	0	0	+?	+	+	+?	+?	+?	+	+?	+	+?
Nature	+	-	+	0	-	++	+	+	+	+	+	+	+	++	+
4: Buildings, Places and Character	+	++	+	+	+	+?	+	+	+?	0	+?	+?	0	+?	+/-
5: Economic Activity and Employment	0	+	+	++	++	-?	++	++	-?	0	-?	-?	+/-?	-?	-?
6: Community and Social Infrastructure	++	0	++	++	+	+?	++	++	+?	+?	0	0	+	+?	0
7: Movement and Connections	+	0	++	+	+	+?	++/-	++	+?	+	+?	+?	++/-	+?	-
8: Sustainable Infrastructure	+	0	+	0	0	+	0	+	0	++	++	+	+	0	+
9: Infrastructure Delivery and Impact Mitigation	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+

Table 5.2: Summary of Likely Cumulative Effects for the DPD

SA Objective	Cumulative Effects for the DPD
1. Safety and community cohesion	++
2. Housing	++
3. Health	++
4. Vitality and viability of centres	++
5. Economy	++
6. Biodiversity and geological diversity	+/-
7. Sustainable travel	++/-
8. Services and infrastructure	++
9. Historic environment and townscape	-?
10. Energy efficiency and climate change	++
11. Water resources and quality	++?
12. Flood risk	+
13. Air quality	++/-
14. Landscape	+
15. Soils and minerals resources	--?

SA Objective 1: To create safe environments which improve quality of life, community cohesion

5.3 The DPD has a strong focus on creating three 'neighbourhoods' each to be served by separate but interconnected 'neighbourhood centres' within the Garden Community that aim to reduce the potential for crime and anti-social behaviour through the creation of safe spaces and good design thereby improving community cohesion particularly via Policies 1: Land Uses and Spatial Approach and 6: Community and Social Infrastructure. As such, cumulative significant positive effects (++) are expected for this SA objective.

SA Objective 2: To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford

5.4 The DPD provides for 6,500 to 8,000 new homes to be delivered in the Garden Community. Policy 1: Land Uses and Spatial Approach supports the delivery of a wide range of homes varying in size, type, tenure and density. In addition, the inclusion of a new site for the accommodation of gypsies and travellers within the Garden Community is to be planned to help meet the accommodation needs of this community. Policy 4: Buildings, Places and Character supports the provision of affordable housing, student accommodation and specialist housing for older and disable people. As such, cumulative significant positive effects (++) are expected for this SA objective.

SA Objective 3: To improve health/reduce health inequalities

5.5 In providing a substantial new number of homes and jobs, the DPD will contribute to improving human health and wellbeing by helping to ensure that everyone has access to suitable housing and employment. In addition, the DPD strongly supports active travel, particularly through Policy 7: Movement and Connections which will help deliver active travel routes throughout the Garden Community that are accessible for all abilities, thereby supporting healthy and active lifestyles.

5.6 Physical, mental and social wellbeing will also benefit from the provision of local services, facilities and infrastructure and open space, particularly those that encourage community cohesion and recreation, such as Policies 1: Land Uses and Spatial Approach and 6: Community and Social Infrastructure.

5.7 However, Policy 1 is also expected to have minor negative effects given the potential for the health implications of delivering development close to the A roads at the northern and southern boundaries of the site and close to the new link road between these. These effects are likely to be mitigated through Section 1 Local Plan policy SP 9: Tendring/Colchester Borders Garden Community as a network of multi-functional green infrastructure will be provided which could act as a barrier to any air and noise pollution. It is noted that while the Masterplan Design Final Report specifies landscape buffers between development and these major roads, this is not an explicit requirement in the DPD policies or key diagram. Details of such features would be developed up in more precise detail through the future Strategic and Neighbourhood Masterplans for the site and the subsequent planning applications.

5.8 Overall, cumulative significant positive effects (++) are expected for this SA objective.

SA Objective 4: To ensure and improve the vitality and viability of centres

5.9 Through Policy 1: Land Uses and Spatial Approach, the delivery of the Garden Community aims to achieve three distinct but interconnected neighbourhoods, each to be served by separate but interconnected 'neighbourhood centres'. Policy 4: Buildings Places and Character requires higher housing density in locations with good accessibility to facilities, which should help to ensure a critical mass of residents accessing the service centres. Furthermore, through Policies 5: Economic Activity and Employment and 6: Community and Social Infrastructure the new centres are to provide a range of employment, retail, community and health spaces. This range of provision is likely to create resilient local centres. Overall, cumulative significant positive effects (++) are expected in relation to this SA objective.

SA Objective 5: To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways

5.10 The DPD requires the delivery of employment land within the site principally at a new business park and through the expansion of the University of Essex. Additionally, via Policy 1: Land Uses and Spatial Approach new centres will incorporate the allocation of employment land within each neighbourhood. Policy 5: Economic Activity and Employment also states that all development proposals must also demonstrate how they will increase capacity

and improve facilities to deliver training in 'growth sectors' of the Garden Community. Overall, cumulative significant positive effects (++) are expected in relation to this SA objective.

SA Objective 6: To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity

5.11 The DPD promotes the protection and enhancement of biodiversity through the provision of green-blue infrastructure, tree planting and biodiversity net gain targets via Policy 3: Nature. Also, Policy 6: Community and Social Infrastructure promotes the creation of high-quality open space which could create additional habitats for local wildlife. Nevertheless, the development of the Garden Community set out in Policy 1: Land Uses and Spatial Approach, could result in habitat loss, fragmentation and disturbance as the site contains several areas of ancient woodland, Salary Brook Local Nature Reserve and a number of Local Wildlife Sites to the west. It is expected that a development of this sizeable scale would result in some level of adverse effect in relation to biodiversity regardless of the mitigation provided, given the associated level of greenfield land take, construction and human activities (including travel to and from the site) as the site is occupied. However, significant areas of the site are to be maintained as an undeveloped strategic green gap and two new country parks are to be delivered at the Garden Community.

5.12 The potential negative effects from Policy 1 are likely to be mitigated through Section 1 Local Plan policies SP 7: Place Shaping Principles and SP 9: Tendring/Colchester Borders Garden Community as they state development must incorporate biodiversity creation and enhancement measures. Additionally, the new country park will provide new habitat and buffer Salary Brook Local Nature Reserve from development. Also, contributions will be

secured towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

5.13 The HRA Screening Report [See reference 29] considered potential effects of the Garden Community relating to European Sites. The screening report was unable to rule out all potential significant effects relating to:

- impact on features (protected species) outside European Sites (in relation to Stour and Orwell Estuaries SPA and Ramsar site, Colne Estuary SPA and Ramsar site and Abberton Reservoir SPA);
- recreational disturbance (in relation to Stour and Orwell Estuaries SPA and Ramsar site, Colne Estuary SPA and Ramsar site, Hamford Water SPA, SAC and Ramsar site, Essex Estuaries SAC, Blackwater Estuary SPA and Ramsar site and Dengie SPA and Ramsar site);
- and water quantity and quality (in relation to Colne Estuary SPA and Ramsar site).

5.14 This iteration of the plan has been subject to Appropriate Assessment to consider mitigation of the potential significant effects that could not be ruled out. Given that adverse effects relating to these sites could not be ruled out through the HRA work undertaken to date, an element of uncertainty is attached to the effects identified in relation to this SA objective. To limit the potential for adverse effects relating to European sites, it is recommended that the submission DPD reflects the findings of the HRA and subsequent iterations of that report. The uncertainty recorded in relation to this SA objective also reflects the unknown nature of whether compensatory measures will be successful and the difficulties of monitoring the success of these measures in the long term.

5.15 Overall, cumulative uncertain mixed minor positive and minor negative effects (+/-) are expected in relation to this SA objective.

SA Objective 7: To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion

5.16 The DPD has a strong focus on reducing the need to travel through creation of neighbourhoods with high accessibility to local services and facilities – within a 20-minute walk time or with high accessibility by cycling or public transport. Each neighbourhood centre will also contain a range of employment land and houses will be designed to facilitate home working and live-work arrangements. The Plan also has a strong focus on promoting sustainable modes of transport, including walking and cycling connectivity and the creation of a Rapid Transit System particularly via Policies 1: Land Uses and Spatial Approach, 5: Economic Activity and Employment, 6: Community and Social Infrastructure and 7: Movement and Connections. Despite all of these policy measures, the delivery of development of such a large scale at the site will undoubtedly result in an increased number of journeys within and beyond the site as homes and businesses are occupied, and some of these journeys will be by private car.

5.17 Overall, cumulative significant positive effects and minor negative (++/-) are expected for this SA objective.

SA Objective 8: To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development

5.18 The DPD aims to create new centres in the Garden Community each with a range of amenities, facilities and services, including employment opportunities, all accessible by active travel and sustainable transport routes which will promote accessibility to services. This is likely to be achieved through Policies 1: Land Uses and Spatial Approach, 5: Economic Activity and Employment, 6: Community and Social Infrastructure and 7: Movement and Connections. Overall, cumulative significant positive effects (++) are expected for this SA objective.

SA Objective 9: To conserve and enhance historic and cultural heritage and assets and townscape character

5.19 The DPD requires development to follow an appropriate approach to architecture, design, character, development density and public space, to achieve a distinctive sense of place. The approach to development is also required to consider the proximity of heritage assets via particularly Policies 1: Land Uses and Spatial Approach and 2: Requirements for All New Development. In addition, Policy 4: Buildings, Places and Character requires development densities to reflect the heritage value of Wivenhoe Park

Registered Park and Garden. Therefore, the policy requirements in the DPD will require the delivery of new development to maintain and enhance the local historic environment. However, location of Garden Community means there is potential for impacts upon a number of designated heritage assets. The scale of development at the Garden Community has the potential to adversely affect the settings of the local heritage assets and these effects will prove difficult to fully mitigate. It is expected that the requirements of the DPD policies outlined above and Section 1 Local Plan policies SP 7: Place Shaping Principles and SP 9: Tendring/Colchester Borders Garden Community will help limit the magnitude of any effects.

5.20 Overall, cumulative minor negative effects (-?) are expected for this SA objective, with uncertainty relating to how successfully the design and layout mitigate potential negative effects.

SA Objective 10: To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation

5.21 Policy 1: Land Uses and Spatial Approach requires that the development of the Garden Community achieves a minimisation of greenhouse gas emissions through resource efficiency, minimisation of waste, reduction in embodied carbon and the prioritisation of renewable energy. The policy also requires that proposals mitigate and improve resilience to the effects of climate change. Furthermore, Policy 8: Sustainable Infrastructure requires net zero carbon buildings, energy efficient building design and use of materials with low embodied carbon, generation of energy requirements from renewable sources, and a carbon reduction strategy to accompany proposals. As such, cumulative significant positive (++) effects are expected for this SA objective.

SA Objective 11: To improve water quality and address water scarcity and sewerage capacity

5.22 Policy 8: Sustainable Infrastructure sets out that all buildings must include water efficiency measures and seek to achieve water neutrality. Furthermore, water conservation measures such as the re-use of 'greywater' and rainwater 'capture and re-use' should be utilised. However, the scale of new built development proposed by the DPD could pollute water through contaminated surface runoff or from combined sewer overflow during periods of high rainfall. The Stage 2 IWMS report has been commissioned to inform further stages of masterplanning for the site and the SA for the submission plan. Mitigation is provided by DPD policy 3: Nature and Section 1 Local Plan policy SP 9: Tendring/Colchester Borders Garden Community which provide for creation of a network of multi-functional green-blue infrastructure and SuDS which could act as a filtration system. In addition, Policy 9: Infrastructure Delivery and Impact Mitigation requires that proposals for the Garden Community demonstrate that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered in a timely and, where appropriate, phased manner by the proposal.

5.23 As such, cumulative significant positive (++) effects are expected for this SA objective, with uncertainty relating to the specific measures that will be delivered to protect water quality.

SA Objective 12: To reduce the risk of fluvial, coastal and surface water flooding

5.24 The Garden Community site contains a small number of areas of higher fluvial flood risk (including areas of flood zone 3) along Salary Brook to the west, although Policy 1: Land Use and Spatial Approach provides for two new Country Parks and protection of an area of Ancient Woodland in this watercourse corridor thereby helping to mitigate any flood risk. Additionally, Policy 2: Requirements for All New Development sets out that new development must integrate sustainable drainage systems which could reduce flood risk and build the area's resilience to climate change.

5.25 Mitigation measures set out through Section 1 Local Plan policies SP 7: Place Shaping Principles and SP 9: Tendring/Colchester Borders Garden Community could further reduce any flood risk on site. Overall, cumulative minor positive (+) effects are expected for this SA objective.

SA Objective 13: To improve air quality

5.26 The DPD has a strong focus on reducing the need to travel through creation of neighbourhoods with high accessibility to local services and facilities – within a 20-minute walk time or with high accessibility by cycling or public transport. Each centre will also contain a range of employment land and houses will be designed to facilitate home working and live-work arrangements. For journeys that are required, use of private vehicles will be reduced by the creation of a rapid transit network and promoting sustainable modes of transport, including walking and cycling connectivity, via Policies 1: Land Uses and Spatial Approach and 7: Movement and Connections. Despite all of these policy measures, the delivery of development of such a large scale at the site will undoubtedly result in an increased number of journeys within and beyond

the site as homes and businesses are occupied, and some of these journeys will be by private car. The HRA work undertaken for the DPD [See reference 30] screened out significant adverse effects relating to air quality, however, the potential effects addressed through this work relate only to European sites. Further background reporting to air quality is to be undertaken to support the next iteration of the HRA, the findings of which will also be reflected in the updated version of this SA.

5.27 Overall, cumulative significant positive effects and minor negative (++) are expected for this SA objective.

SA Objective 14: To conserve and enhance the quality of landscapes

5.28 The DPD seeks to deliver a Garden Community that achieves a distinctive sense of place through high quality landscape and public realm design via Policies 1: Land Uses and Spatial Approach, 3: Nature and 6: Community and Social Infrastructure. Policy 2: Requirements for All New Developments also highlights that the development must respect and enhance the local landscape and views. However, the development of this large area of greenfield land, which presently forms part of the countryside to the east of the settlement of Colchester, will undoubtedly result in major change to the local landscape and character. While the scale of development at the Garden Community has the potential to adversely affect the local landscape, the requirements of Policy 1 of the DPD and Section 1 Local Plan policy SP 7: Place Shaping Principles will help mitigate the magnitude of any effects. Overall, cumulative minor positive (+) effects are expected for this SA objective.

SA Objective 15: To safeguard and enhance the quality of soil and mineral deposits

5.29 The majority of the Garden Community site falls within a mineral safeguarding area for sand and gravel, is mostly greenfield land and much of the site comprises land which is of high agricultural value. While Policy 1: Land Uses and Spatial Approach will maintain large areas of the Garden Community as undeveloped, its development would still involve the loss of large areas of greenfield land and higher value agricultural soils to development. Overall, cumulative significant negative (---) effects are expected for this SA objective, with uncertainty relating to whether it will be possible to extract mineral deposits prior to development.

In-combination effects

5.30 The Tendring Colchester Borders Garden Community will not be delivered in isolation from development proposals covering the surrounding area. The effect of delivering new development will often be transmitted across administrative boundaries. As such it is important to consider the in-combination effects of delivering additional new residential development in Tendring District and Colchester Borough.

5.31 The following larger scale residential developments in the vicinity of the Garden Community site in Tendring District and Colchester Borough have been identified due to the potential effects as a result of delivering these sites in-combination with the Garden Community.

Permissions within the vicinity of the Garden Community

5.32 There are a number of planning permissions for student accommodation within the eastern part of Colchester Town and at the University of Essex campus. The University of Essex is situated to the south of the Garden Community along the A133. A total of 548 student accommodation units are to be built at the University of Essex campus between now and 2025/26. Development at the Colchester Centre includes the redevelopment of the site to provide 114 dwellings to be delivered between 2024 and 2027. The site is situated to the east of the Garden Community towards Colchester Town. A total of 109 dwellings are proposed at Land East of Hythe Quay. The site is situated to the east of the Garden Community towards Colchester Town. The site is expected to be delivered between 2024 to 2026, however it is unclear at this time when development will commence. As such, the three developments could result in a total of 771 dwellings across Colchester Town and the University of Essex campus.

5.33 Given the significant number of dwellings proposed at the University of Essex and in Colchester, there is likely to be increased movement along the A133, increased pedestrian movement within Colchester Town and use of public transport, in particular at Hythe and Colchester Town train stations. This could increase traffic congestion along the A133 and impact on the health and wellbeing of people along the road as well as increase pressure on existing services and facilities. As such, minor negative in-combination effects with regards to SA objectives 3: health, 7: sustainable travel, 8: services and infrastructure and 13: air quality are expected. However, these effects are mitigated by the fact that the Garden Community will provide residents with various services and facilities, an active travel network and a rapid transit route on site, reducing the impact on existing services and facilities. Therefore, the effects are unlikely to be significant.

5.34 A total of 145 dwellings are being constructed at land to the south of Bromley Road, Ardleigh, Colchester. The permitted site is located on the

eastern edge of Colchester, adjacent to the Garden Community. The site is likely to be fully constructed by 2025. As the site is adjacent to the Garden Community it has the benefits of being in close proximity to the employment opportunities, services, facilities and sustainable transport links that will be created within the Garden Community. Therefore, there are likely to be minor positive in-combination effects with the delivery of the Garden Community in relation to SA objectives 2: housing, 3: health, 5: economy and 7: sustainable travel. However, there is potential for minor negative in combination effects in relation to SA objective 6: biodiversity and geological diversity as the site is in close proximity to Salary Brook Local Nature Reserve and as such could increase recreational pressure on the site.

5.35 Elmstead Market is a settlement situated to the east of the Garden Community. Elmstead Market is connected to Colchester by the A133 which passes through the southern portion of the Garden Community. Additionally, as part of the Garden Community development there will be active travel connections to Elmstead Market allowing movement between the Garden Community and Elmstead Market.

5.36 Within Elmstead Market, five sites have planning permission for residential development. The sites are all relatively small but together equate to a total of 293 dwellings with 249 dwellings still to be constructed. These permitted sites are situated in close proximity to the Garden Community on the edges of Elmstead Market. The remaining 249 dwellings to be delivered are expected to be constructed in 2026. The development of the Garden Community and these residential sites at Elmstead Market will reduce the settlement gap between Elmstead Market and Colchester resulting in potential coalescence issues. As Elmstead Market has limited services and facilities, the Garden Community provides an opportunity to increase access to employment opportunities and services and facilities. Additionally, the development of the Garden Community will improve the active travel network which could provide positive effects on the health and wellbeing for the wider community. As such, minor positive in-combination effects for SA objectives 3: health, 5: economy and 7: sustainable travel are expected. However, it is also likely to lead to increased traffic and worsened air quality through the use of the private car especially along the

A133. As such, minor negative in-combination effects are also expected in relation to SA objective 13: air quality.

Local Plan allocations within the vicinity of the Garden Community

5.37 The following site allocations for large scale residential development in the vicinity of the Garden Community have been made through Colchester's adopted Section 2 Local Plan:

- Land west of Hawkins Road, Colchester
- King Edward Quay, Hythe, Colchester
- Scrapyard site, Hythe Quay, Colchester
- Broadfields, Wivenhoe

5.38 Three of the site allocations are located to the south west of the Garden Community within Colchester Town. The Broadfields site is located to the south of the Garden Community in the settlement of Wivenhoe. These larger Local Plan allocations within Colchester equate to a total of 400 dwellings to be delivered between 2027 to 2031. The Broadfields site allocation in Wivenhoe will deliver an additional 120 dwellings between 2027 and 2031. The largest site allocation is at the Scrapyard site, Hythe Quay, Colchester for 200 dwellings. If the Local Plan allocations come forward, they will likely result in minor negative in-combination effects due to the generation of additional traffic, air pollution and pressure on resources, such as water. Additionally, the Local Plan allocation at Broadfields, Wivenhoe could result in increased traffic on the A133 which passes through the southern portion of the Garden Community and provides a connection to the Garden Community. As such, minor negative in-combination effects are expected in relation to SA objectives 3: health, 7: sustainable travel, 11: water resources and quality and 13: air quality.

5.39 There are no site allocations proposed within the Tendring's adopted Section 2 Local Plan that are within close proximity to the Garden Community.

5.40 Overall, although the sites in Colchester and Tendring will likely increase traffic congestion on the existing road network, the Garden Community will also provide the area with additional services and facilities and will improve the active travel network within the area. As such, there are considered to be no significant, additional effects beyond those recorded in the policy assessments and cumulative effects assessment.

Chapter 6

Monitoring

6.1 The SEA Regulations require that:

“The responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action” (Regulation 17), and that the environmental report should provide information on “a description of the measures envisaged concerning monitoring” (Schedule 2).

6.2 Monitoring proposals should be designed to provide information that can be used to highlight specific issues and significant effects, and which could help decision-making.

6.3 Monitoring should be focused on the significant sustainability effects that may give rise to irreversible damage (with a view to identifying trends before such damage is caused) and on the significant effects where there is uncertainty in the SA and where monitoring would enable preventative or mitigation measures to be taken.

6.4 Because of the early stage of the DPD, monitoring measures have been proposed in this SA Report in relation to all of the SA objectives in the SA framework. As the DPD is progressed further and the likely significant effects are identified with more certainty, it may be appropriate to narrow down the monitoring framework to focus on a smaller number of the SA objectives. This will be addressed in the next iteration of the SA Report.

6.5 The monitoring framework and indicators proposed in SA Report for the Section 1 Local Plan provide the starting point for the monitoring framework for the DPD. Further refinement will likely be necessary as the final DPD is produced, including consideration of any monitoring framework proposed for the DPD itself. The data used for monitoring in many cases will be provided by outside bodies. Information collected by other organisations (e.g. the Environment Agency) can also be used as a source of indicators.

Proposed indicators for monitoring the effects of implementing the Plan

SA 1: To create safe environments which improve quality of life, community cohesion

Proposed monitoring indicators

- All crime – number of crimes per 1000 residents per annum.
- Number of new community facilities granted planning permission.
- Number of new cultural facilities granted planning permission, including places of worship.
- Increase in areas of public open space

SA 2: To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford

Proposed monitoring indicators

- The number of net additional dwellings.
- Affordable housing completions.
- Number of zero-carbon homes completed.
- Number of additional Gypsy and Traveller pitches.
- Number of starter homes completed.
- Number of homes for older people completed.

SA 3: To improve health/reduce health inequalities

Proposed monitoring indicators

- Percentage of new residential development within 30mins of public transport time of a GP or hospital.
- Percentage of new residential development that adheres to Natural England's Accessible Natural Greenspace Standards.
- Percentage of new residential development within walking and cycling distance to schools.
- Percentage of new residential development within walking and cycling distance to sport and recreation facilities.

- Loss/gain of nature/open space/green infrastructure network access (quality and/or extent).
- including formal or informal footpaths.
- Percentage of new residential development within walking and cycling distance to accessible open space.
- Hectares of accessible open space per 1,000 population.

SA 4: To ensure and improve the vitality & viability of centres

Proposed monitoring indicators

- Amount of completed retail, office and leisure development delivered (and in centres).
- Amount of completed retail, office and leisure developments.
- Amount of flexible space created.

SA 5: To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways

Proposed monitoring indicators

- Amount of floor space developed for employment, sqm.
- Number of developments approved associated with sectors identified in the Economic and Employment Study.

- Level 2 qualifications by working age residents.
- Level 4 qualifications and above by working age residents.
- Employment status of residents.
- Average gross weekly earnings.
- Standard Occupational Classification.

SA 6: To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity

Proposed monitoring indicators

- Impacts (direct and indirect) on designated sites.
- Amount of development in designated areas.
- Condition of SSSIs (per Natural England assessments).
- Area of land provided for biodiversity enhancement/ net gain.
- Overall percentage of biodiversity net gain achieved, as calculated by the latest Defra metric.
- Contributions collected as part of the Essex Coast RAMS.

SA 7: To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion

Proposed monitoring indicators

- Percentage of journeys to work by walking and cycling and percentage of journeys to work by public transport.
- Percentage of journeys made by using car clubs.

SA 8: To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development

Proposed monitoring indicators

- Percentage of new development within 20 minutes of community facilities (as defined by each authority).
- Percentage of new residential development within 20 minutes of public transport time of a GP, hospital, primary and secondary school, employment and a major retail centre.
- Additional capacity of local schools / incidents of new school applications.
- Increase in areas of public open space.
- Key infrastructure projects delivered.

SA 9: To conserve and enhance historic and cultural heritage and assets and townscape character

Proposed monitoring indicators

- Number of Listed Buildings, Scheduled Monuments, Conservation Areas, Registered Parks and Gardens (and percentage at risk).
- Area of highly sensitive historic landscape characterisation type(s) which have been altered and their character eroded.
- Number of major development projects that enhance or detract from the significance of heritage assets or historic landscape character.
- Percentage of planning applications where archaeological investigations were required prior to approval or mitigation strategies developed or implemented.
- Recorded loss of Listed Buildings by demolition, Scheduled Monuments or nationally important archaeological sites and assets on the Colchester Local List.

SA 10: To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation

Proposed monitoring indicators

- Total CO₂ emissions.
- Renewable energy capacity installed by type.

- Number of zero carbon homes delivered.
- Percentage of household waste recycled and composted.

SA 11: To improve water quality and address water scarcity and sewerage capacity

Proposed monitoring indicators

- Quality of rivers (number achieving ecological good status).
- Number of planning permissions granted contrary to the advice of the Environment Agency.
- Number of SuDS schemes approved.
- Percentage of homes that meet the optional Part G of the Building Regulations.

SA 12: To reduce the risk of fluvial, coastal and surface water flooding

Proposed monitoring indicators

- Number of planning permissions granted contrary to the advice of the Environment Agency on flood defence grounds.
- Number of SuDS schemes approved.

SA 13: To improve air quality

Proposed monitoring indicators

- Number of Air Quality Management Areas.
- Air pollution data (nitrogen dioxide concentrations).

SA 14: To conserve and enhance the quality of landscapes

Proposed monitoring indicators

- Number of proposals permitted contrary to a desire to restrict coalescence.

SA 15: To safeguard and enhance the quality of soil and mineral deposits

Proposed monitoring indicators

- Percentage of new development on best and most versatile (BMV) agricultural land (Grades 1, 2, 3a ALC) and hectares of ALC lost to development.
- Number and area of developments proposed within MSAs.
- Amounts of household, construction and demolition and commercial and industrial waste produced.
- Percentage increase in waste recycled.
- Amount of mineral extracted prior to development.

- Area of contaminated land brought back into beneficial use.

Chapter 7

Conclusions and Next Steps

7.1 This document has considered the sustainability implications of the policies presented in the Reg 19 DPD for the Tendring Colchester Borders Garden Community. Alongside these, reasonable alternative policy options have been appraised, including spatial options for the Garden Community.

7.2 The broad area of the Garden Community lies to the east of the settlement of Colchester and is presently undeveloped. The illustrative masterplan currently allows for separation between Colchester and the villages of Elmstead Market and Wivenhoe. Regardless of the contribution it makes in terms of preventing coalescence between nearby settlements, the site has landscape value in its own right, having been assessed as having high to moderate landscape value. There are also a number of listed buildings towards Crockleford Heath and Grade II Listed Allen's Farmhouse within the site boundaries and Wivenhoe Registered Park lies in close proximity to the site boundary to the south west. The site also contains several areas of ancient woodland, Salary Brook Local Nature Reserve and a number of Local Wildlife Sites to the west. Furthermore, much of the soil within the site comprises grade 1 agricultural land (excellent quality) with areas of grade 2 (very good) and 3 (good to moderate) interspersed, demonstrating its value for agricultural use.

7.3 The purpose of the DPD is to guide the development of the Garden Community at the site for the next 30 to 40 years. The DPD is drafted along five key vision themes. In line with these themes, the Garden Community is to support the maintenance of the outdoor natural environment, incorporating green-blue infrastructure to benefit its residents and wildlife. The site will be developed to reduce the need to travel and support a large proportion of journeys to be made by sustainable modes, with community spaces and other social infrastructure to meet local needs, incorporated from its outset. Development at the site will meet the needs of all sections of the community and the design and architecture of development will complement the

surrounding landscape. The design and layout of the Garden Community is also intended to limit its contribution to climate change.

7.4 The significant quantum of new homes provided by the DPD will contribute to the housing need for Colchester Borough and Tendring District. The layout of the site would provide residents with good access to services and facilities and jobs across three new 'neighbourhoods' and their distinct but interconnected centres as well as to the new employment land delivered at the north east and south of the site. There is also potential for increased linkages between the site and the university campus to the south, which could foster economic growth and the potential for residents to make use of the further learning facilities at this location. The green links incorporated at the site and rapid transit network are likely to support a significant proportion of residents making use of more sustainable transport options. This is particularly the case given that the development is designed to provide access to essential services and facilities within a 20-minute walk or with high accessibility by cycling or public transport.

7.5 However, the development set out in the DPD also has the potential for adverse impacts, principally in relation to environmental quality. The level of development provided could result in detrimental impacts on local habitats and biodiversity sites. There is also potential for harm to local landscape character, the settings of surrounding settlements and to heritage assets. Furthermore, regardless of the potential for a high level of uptake of sustainable modes of transport, the development of a large number of new homes and the occupation of new businesses supported through the DPD has the potential to result in negative effects in terms of traffic congestion, climate change and air quality.

7.6 The DPD includes an overarching approach to land uses and spatial layout of development at the site as well as a number of topic based policies. It is expected that these policies will help to mitigate the potential for many of the adverse effects described above. These include a requirement for development to be delivered in line with the Strategic Masterplan for the site which will limit development within the strategic green gap and the Crockleford Heath Area of Special Character, thereby helping to preserve local character, the separation of local settlements and the setting of heritage assets within and close to the site.

The DPD policies also allocate much of the west of the site as a new country park, which will limit harm to Salary Brook SSSI and the woodland and other associated habitats towards this part of the site. A second country park to the south of the A133 connecting with Wivenhoe Nature Park will also be allocated which links to existing woodland and responds sensitively to the Wivenhoe Registered Park and Garden. These measures will be supported by provision of a comprehensive network of green-blue infrastructure that will link to surrounding areas, as well as providing biodiversity net gain. Of particular importance is the requirement for the site to incorporate supporting infrastructure from the beginning, helping to ensure that sustainable habits in relation to travel, recycling and so on are established from the outset. The potential for reducing travel by car at the site will be further supported by the DPD's requirement that net zero carbon transport is achieved by 2050. The plan also requires that new buildings be net zero carbon.

7.7 In considering the total effects of all of the DPD's policies, the SA found that the DPD is likely to have significant positive effects in relation to SA objective 1: safety and community cohesion, SA objective 2: housing, SA objective 3: health, SA objective 4: vitality and viability of centres, SA objective 5: economy, SA objective 7: sustainable travel, SA objective 8: services and infrastructure, SA objective 10: energy efficiency and climate change, SA objective 11: water resources and quality and SA objective 13: air quality. Overall significant negative effects from the DPD were identified for SA objective 15: soils and mineral resources. The negative effect identified in relation to SA objective 15 is uncertain dependent on whether it is possible to extract mineral deposits prior to development.

7.8 In summary, the DPD seeks to accommodate large scale growth to meet the local housing need in a manner that will support good access to services and facilities. It will also help achieve a high level of sustainability in terms of building standards, promotion of sustainable travel and incorporation of greenspace to promote benefits relating to biodiversity as well as local character and resident's health and wellbeing. The development will face challenges, most notably with regards to impacts on the local environment in terms of landscape, wildlife and historic value. Adverse effects relating to loss of higher value soils are likely to prove particularly difficult to avoid given the

location of the site and the requirement for land take for development and infrastructure provision. Nevertheless, once the policy safeguards in the DPD are taken into account, the magnitude of such negative effects is likely to be reduced. Taken as a whole, therefore, the DPD sets out a positive plan for the achievement of the Garden Community. The policies of the plan set a high standard which development will be required to meet, and it is considered consistent with the principles of sustainable development.

Next steps

7.9 As noted above, the findings of the Integrated Water Management Strategy (IWMS) Stage and HRA Appropriate Assessment are not yet included within this SA report. Once their findings are finalised, an updated version of this SA report will be produced to accompany consultation on the Reg 19 DPD. Consultation is currently expected to commence in June 2023.

LUC

February 2023

Appendix A

Consultation Comments on the SA

Consultation responses to the 2021 SA Scoping letter

A.1 The decision was made to use the SA framework from the SA of the Section 1 Local Plan to undertake the appraisal work for the DPD, after reviewing the supporting appraisal questions (the SA assessment criteria) to ensure that they were appropriate for appraisal of the DPD and reasonable alternatives. Consultation on this decision was undertaken in October 2021 via a focussed Scoping letter sent to the three statutory consultees – Natural England, Historic England and the Environment Agency.

A.2 The consultation responses to the October 2021 focussed Scoping letter are summarised below, along with notes on how the responses have been taken into account in the SA process.

Natural England response

A.3 “Natural England agree that that the approach taken to the SA needs to be transparent and consistent, ensuring that the appraisal questions are appropriate to the scope and level of detail required. However, until such a time as draft questions are proposed and available to view, we cannot comment further on the scope or level of detail, therefore, we do not have any detailed comments to make at this stage...once the SA regulation 18 draft report has been produced, Natural England would welcome the opportunity to comment further on the appraisal questions in conjunction with reviewing the updated

Appendix A Consultation Comments on the SA

information on the environmental baseline and key sustainability issues in the updated SA scoping report.”

- LUC response: the amended supporting appraisal questions were included in the SA Report of the Draft DPD at Regulation 18 stage and consultees were invited to comment on these as well as on the appraisal findings for the draft DPD.

A.4 In “earlier correspondence on 22nd January 2018 (ref: 231956c) where we made some recommendations for the draft SA monitoring indicators. We suggest that it may be useful to review these comments and consider whether the advice given on indicators may be applicable to the SA currently under development”.

- LUC response: regard was had to earlier advice on monitoring indicators in proposing the indicators set out in **5.40**.

Historic England response

A.5 “While we support the overall approach set out in your letter dated 19th October 2021, it is difficult to comment any further without seeing the revised appraisal questions which I understand LUC will produce in due course. We therefore look forward to receiving subsequent consultations on this matter in due course.”

- LUC response: the amended supporting appraisal questions were included in the SA Report of the Draft DPD at Regulation 18 stage and consultees were invited to comment on these as well as on the appraisal findings for the draft DPD.

Environment Agency response

A.6 No response was received from the Environment Agency.

Consultation responses on the 2021 SA Report for the Draft DPD

Wivenhoe Town Council

A.7 States that the SA makes a convincing argument that there shouldn't be any development south of the A133, as it would not be sustainable. Highlights the following text from the SA: "Of the four options considered for the spatial layout of the Garden Community, the preferred option (option 3) on which Policy 1 is based was found to perform more sustainably than the three alternatives. This reflects the higher proportion of the site that would remain undeveloped, with increased benefits in terms of preserving local landscape character, the setting of nearby settlements and heritage assets and greenspace for habitat provision and connectivity. This approach was also found to perform more favourably in terms of limiting the need to travel by car, given the higher density and more compact form of development that would result. This approach is considered mostly likely to provide residents with easy access to a range of services and facilities within the Garden Community at the new centres. Option 3 would also limit the potential for a portion of residents to be located to the south of the A133 (as would result through options 1 and 2) where they would experience a degree of severance from the rest of the Garden Community. While option 3a would also provide some new development to the south of the A133, this land would allow for the expansion of the university. Therefore, the issue of severance resulting from the A133 is less of an issue through this option given the level of integration that would be achieved with the existing university area and services and facilities at this location."

- LUC response: Comment noted.

Natural England

A.8 States that the quantum of space allocated to the country park and incorporation of areas of green infrastructure differ significantly between the masterplan and Key Diagrams. It appears as though the Sustainability Appraisal is based upon the options shown in the Key Diagrams.

- LUC response: The appraisal of the four spatial distribution options in the SA of the Draft DPD was based on the level of detail presented in the Masterplan Design Options Report. The appraisal of Policy 1 was based on the Council's preferred approach for the spatial layout of the site, as described in the policy text and accompanying key diagram, while also considering the mitigation that might be achieved through the requirements of the policy. The spatial layout described by Policy 1 represents an evolution of the preferred approach, option 3, approach A: maximum landscape, as presented in the Masterplan Design Options Report. Further to this, it should be noted that the Strategic Framework Masterplan Report provides further detail than the Key Diagram because it shows all of the greenspace on site compared to the Key Diagram which acts as a policies map.

A.9 States that the potential cumulative impacts of the Bellway Homes committed development in conjunction with the preferred options should be considered within the SA.

- LUC response: The cumulative effects presented in the SA of the Reg 19 DPD now consider the potential for combined effects with developments in the surrounding area. This includes the potential for the development at the Bellway Homes site to have cumulative effects with those of the DPD.

A.10 Notes the potential confusion with the naming of the options appraised in the SA – “Option 3a’ appears to correspond to ‘Option 3, Approach B’ key diagram, rather than the ‘Approach A’ key diagram. Assuming this is correct, for clarity, the SA should in future revisions refer to Option 3 as 'Option 3, Approach A' and to Option 3a as 'Option 3, Approach B' to make it clear which Key Diagram each of the options assessed within the SA is based on.”

Appendix A Consultation Comments on the SA

- LUC response: To better align with the text in the DPD document and to avoid confusion, the SA Report for the Reg 19 DPD now refers to Option 3 as 'Option 3, Approach A' and to Option 3a (as presented in the SA Report for the Draft DPD) as 'Option 3, Approach B'.

A.11 States that in relation to the findings for SA Objective 6: biodiversity an overall, cumulative uncertain mixed minor positive and minor negative effects have been recorded and provides an overview of the HRA findings. The HRA has been unable to rule out all potential significant effects.

A.12 States that in relation to the findings for SA objective 11: water a significant positive effect has been recorded overall. However, it should be noted that the HRA cannot at this stage rule out likely significant effects arising from changes in water quality to Colne Estuary SPA and Ramsar, and therefore Appropriate Assessment is required to understand the potential for changes in water quality arising from waste water. It is a Local Plan policy requirement (SP9 paragraph F.17) that provision of improvements to waste water treatment including an upgrade to the Colchester Waste Water Treatment Plan and offsite drainage improvements aligned with the phasing of the development will be necessary. Our understanding is that a Stage 2 Integrated Water Management Strategy is being prepared to provide evidence to support the DPD and HRA and to ensure additional capacity is available ahead of occupation of dwellings. The SA will require updating to take into account the findings of the HRA Appropriate Assessment with regards to water quality and the Integrated Water Management Strategy.

A.13 States that in relation to the findings for SA objective 13: air quality a significant positive effect has been recorded overall. However, with regards to maintaining air quality at sensitive, designated ecological receptor sites it is stated that the HRA Screening report was unable to rule out likely significant effects arising from cumulative impacts for air quality. The SA will require updating to take into account the findings of the HRA Appropriate Assessment with regards to air quality.

- LUC response: The SA of the DPD at Reg 19 stage will reflect the findings of the Appropriate Assessment, once received. The findings will be used to

Appendix A Consultation Comments on the SA

inform the assessment relating to SA objectives 6, 11 and 13. However, given that the findings for SA objectives 11 and 13 are concerned with water and air quality beyond simply issues of biodiversity, the findings of the AA (which focus only on the potential impacts on European biodiversity designations) form only part of the assessments relevant to these SA objectives. The findings of the Integrated Water Management Strategy have also informed the effects recorded in relation to SA objective 11.

A.14 States that overall, the SA found significant negative effects from the DPD were identified for SA objective 15: soils and mineral resources. The negative effect identified in relation to SA objective 15 is uncertain dependent on whether it is possible to extract mineral deposits prior to development. Since the majority of the Garden Community site falls on greenfield land and much of the site comprises land which is of high agricultural value, it is inevitable that there will be some degree of BMV loss. It is clear that Option 3, Approach A will result in the least loss of BMV.

- Comment noted. In relation to the appraisal of the DPD in relation to SA objective 15: soils and mineral resources, the findings are unchanged as there is still uncertainty around safeguarding minerals prior to development and that a high level of greenfield land will be lost to development and this will include some higher value soils.

Martine Ward

A.15 States that SA Appraisal is a legal requirement of the planning system which has helped the Councils to ensure that the social, economic and environmental impacts of the policies it has chosen have been identified and properly considered. However, queries how the process benefits existing residents.

- LUC response: Residents have been given the opportunity to influence the outputs of the SA as part of the consultation process held on the Draft DPD. All representations received on the SA have been summarised, with responses to these representations provided. Where appropriate updates

to the SA approach and findings have been reflected in this iteration of the SA. Furthermore, by identifying the likely sustainability effects of the various plan options under consideration by the Councils, the SA has helped to identify opportunities to avoid or reduce negative effects and improve positive effects on existing residents.

East Suffolk & North Essex NHS Foundation Trust

A.16 Suggests a number of minor changes to the appraisal questions included as part of the SA framework. These are:

- Updating the appraisal questions for SA objective 3 to include - will it ensure access to and prevent overburdening of health facilities, including primary, acute and emergency services, including through the provision of new on and off-site infrastructure of this type?
- Updating the appraisal questions for SA objective 8 to include - Will it ensure access to and necessary increases in capacity to acute healthcare services?

A.17 LUC response: The suggested changes to the appraisal questions for SA objectives 3 and 8 have been incorporated in the SA framework, as reported in this SA Report.

A.18 Suggests that additional indicators should be included in the SA monitoring framework. These are the availability of bed spaces at hospitals and the length of waiting time for patient appointments.

- LUC response: The SA framework has included indicators that are reasonable for the Councils to monitor.

A.19 States that the SA should consult with the appropriate health authorities to include suitable healthcare activity baseline evidence and indicators.

Appendix A Consultation Comments on the SA

- LUC response: The updated baseline for the SA Report is presented in Appendix C of this report. Further to this, stakeholders have been given the opportunity to provide representations on the SA at various points throughout the plan making process.

A.20 Requests that the SA refers to the provision of a potential health care hub, which may provide for a range of health care services within the Garden Community as part of the range of on-site community facilities to be provided.

- The appraisal work in this iteration of the SA (and all previous iterations of the SA) reflects the detail that has been supplied by the Councils in relation to healthcare facilities, such as a new Health Centre, that are expected to be provided at the new Garden Community.

Latimer (Tendring Colchester Borders Garden Community) Developments Limited

A.21 States that the SA has not assessed the option that Latimer is suggesting as a 'reasonable alternative'.

- LUC response: In response to this representation on the SA of the Draft DPD at Regulation 18 stage, an assessment of the alternative that Latimer is promoting for the distribution of development at the Garden Community has been included within Chapter 4 of the SA Report at the Pre-submission Regulation 19 stage.

A.22 Considers that SA objective 2 may be deficiently defined. This is because the SA fails to identify that the real housing goal of the Section 1 Plan is to deliver between 7,000 and 9,000 units at the Garden Community. Paragraph 4.32 of the SA for the Draft DPD refers to 8,000 units, but this is not clearly tied to Objective 2 and is so generalised that all four options appear to score '++' in the assessment, which given the differing extent of developable area cannot be correct. The strength of the capacity work undertaken is questioned – the SA assumes that all four options would achieve 8,000 units.

Appendix A Consultation Comments on the SA

- LUC response: The SA has been informed by the masterplanning work undertaken as part of the evidence base for the preparation of the DPD. As part of this work, assumptions have been made about the number of houses each of the reasonable alternative options (for the distribution of development) are expected to be able to accommodate, these are set out in the masterplan design options document (2022).

Appendix B

Review of Relevant International Plans, Policies and Programmes

Relevant International Plans, Policies and Programmes

European Commission (EC) (2011) A Resource-Efficient Europe – Flagship Initiative Under the Europe 2020 Strategy, Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee of the Regions

Purpose / main aims and objectives

B.1 The policy aims to enjoy the benefits of a resource-efficient and low-carbon economy, through achieving three conditions:

- First, to take coordinated action in a wide range of policy areas and this action needs political visibility and support.
- Second, act urgently due to long investment lead-times. While some actions will have a positive impact on growth and jobs in the short-term,

Appendix B Review of Relevant International Plans, Policies and Programmes

others require an upfront investment and have long pay-back times but will bring real economic benefits for the EU economy for decades to come.

- Third, to empower consumers to move to resource-efficient consumption, to drive continuous innovation and ensure that efficiency gains are not lost.

Relevance to Local Plans / SA

B.2 The Plan should take regard of these principles in order contribute to the aspirations outlined by the EU.

European Landscape Convention (Florence, 2002)

Purpose / main aims and objectives

B.3 The convention promotes landscape protection, management and planning.

Relevance to Local Plans / SA

B.4 The Plan should adhere to landscape issues. The SA also includes criteria to protect the archaeological heritage.

European Union Water Framework Directive 2000

Purpose / main aims and objectives

B.5 The framework amalgamates multiple directives into one to provide the operational tool for water treatment, setting the objectives for water protection for the future. Directives included in the framework are:

- The Urban Waste Water Treatment Directive, providing for secondary (biological) waste water treatment, and even more stringent treatment where necessary.
- The Nitrates Directive, addressing water pollution by nitrates from agriculture.
- A new Drinking Water Directive, reviewing the quality standards and, where necessary, tightening them (adopted November 1998).
- A Directive for Integrated Pollution and Prevention Control (IPPC), adopted in 1996, addressing pollution from large industrial installations.

Relevance to Local Plans / SA

B.6 Treatment and recycling water in this way is a necessity for developments over a population threshold to adhere to the EU directive. The Plan should have regard to waste water provisions and considerations.

European Union Nitrates Directive 1991

Purpose / main aims and objectives

B.7 The Nitrates Directive (1991) aims to protect water quality across Europe by preventing nitrates from agricultural sources polluting ground and surface waters and by promoting the use of good farming practices.

Relevance to Local Plans / SA

B.8 The Plan should have regard to waste water provision implications and considerations.

European Union Noise Directive 2002

Purpose / main aims and objectives

B.9 The aim of this Directive shall be to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. To that end the following actions shall be implemented progressively:

- The determination of exposure to environmental noise, through noise mapping, by methods of assessment common to the Member States;
- Ensuring that information on environmental noise and its effects is made available to the public;
- Adoption of action plans by the Member States, based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce

Appendix B Review of Relevant International Plans, Policies and Programmes

harmful effects on human health and to preserving environmental noise quality where it is good.

B.10 This Directive shall also aim at providing a basis for developing Community measures to reduce noise emitted by the major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery.

Relevance to Local Plans / SA

B.11 The Plan should regard this strategy to noise pollution when permitting developments across the district.

B.12 Considerations should be made in the Plan for the proximity of developments to significant sources of noise pollution and any mitigating measures which could be employed to minimise the impact on the local population.

European Union Floods Directive 2007

Purpose / main aims and objectives

B.13 The purpose of this Directive is to establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods in the Community.

Relevance to Local Plans / SA

B.14 Flood risk considerations in the Plan should be informed by the approach within the EU Floods Directive.

European Union Air Quality Directive 2008 including previous versions

Purpose / main aims and objectives

B.15 Council Directive 96/62/EC on ambient air quality assessment and management.

B.16 Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air.

B.17 Directive 2000/69/EC of the European Parliament and of the Council relating to limit values for benzene and carbon monoxide in ambient air.

B.18 Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air.

B.19 This new Directive includes the following key elements:

- That most of existing legislation be merged into a single directive (except for the fourth daughter directive) with no change to existing air quality objectives (Framework Directive 96/62/EC, 1-3 daughter Directives 1999/30/EC, 2000/69/EC, 2002/3/EC, and Decision on Exchange of Information 97/101/EC.).

Appendix B Review of Relevant International Plans, Policies and Programmes

- New air quality objectives for PM2.5 (fine particles) including the limit value and exposure related objectives – exposure concentration obligation and exposure reduction target.
- The possibility to discount natural sources of pollution when assessing compliance against limit values.
- Possibility for time extensions of three years (PM10) or up to five years (NO2, benzene) for complying with limit values, based on conditions and the assessment by the European Commission.

Relevance to Local Plans / SA

B.20 Air quality management principles relating to the range of pollutant gases outlines within the EU Air Quality Directive are a consideration for the Plan and the SA.

European Union Directive on the Conservation of Wild Birds 2009

Purpose / main aims and objectives

B.21 This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.

B.22 It shall apply to birds, their eggs, nests and habitats.

Relevance to Local Plans / SA

B.23 Conservation of bird species must be incorporated in ecological considerations when assessing the suitability of a development. The Plan should have regard to potential impacts on bird habitats.

European Union Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 1992

Purpose / main aims and objectives

B.24 The aim of this Directive shall be to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.

Relevance to Local Plans / SA

B.25 The Plan should seek to ensure the conservation of habitats supporting ecological variance. This directive can inform approaches to the protection of ecologically significant sites.

European Community Biodiversity Strategy to 2020

Purpose / main aims and objectives

B.26 This strategy aims to conserve biodiversity within Europe in an attempt to achieve the following target and vision:

2020 headline target

B.27 Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

2050 vision

B.28 By 2050, European Union biodiversity and the ecosystem services it provides — its natural capital — are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided.

Relevance to Local Plans / SA

B.29 The Plan and SA should have regard to the impact of developments on the environment and biodiversity and include this consideration as a factor when evaluating the suitability of a site for development.

United Nations Paris Climate Change Agreement (2015)

Purpose / main aims and objectives

B.30 This is an international agreement to keep global temperature rises this century well below 2 degrees Celsius above pre-industrial levels.

Relevance to Local Plans / SA

B.31 The Plan should attempt to create a new community that adheres to a reduction in greenhouse gas emissions to aid in keeping the global temperature down.

United Nations Kyoto Protocol

Purpose / main aims and objectives

B.32 This protocol aims to Implement and/or further elaborate policies and measures for member states in accordance with its national circumstances, such as:

- Enhancement of energy efficiency in relevant sectors of the national economy;
- Protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements; promotion of sustainable forest management practices, afforestation and reforestation;

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- Promotion of sustainable forms of agriculture in light of climate change considerations;
- Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;
- Progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors that run counter to the objective of the Convention and application of market instruments;
- Encouragement of appropriate reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases not controlled by the Montreal Protocol;
- Measures to limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector; and
- Limitation and/or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy.

Relevance to Local Plans / SA

B.33 The Plan should attempt to create a new community that adheres to the low carbon and low emissions ethos that is within the Kyoto Protocol. Any development that utilises new technologies, techniques or materials should be explored in the Plan where possible and appropriate.

World Commission on Environment and Development 'Our Common Future' 1987

Purpose / main aims and objectives

B.34 This report aims were:

- To propose long-term environmental strategies for achieving sustainable development by the year 2000 and beyond; to recommend ways concern for the environment may be translated into greater co- operation among developing countries and between countries at different stages of economic and social development and lead to the achievement of common and mutually supportive objectives that take account of the interrelationships between people, resources, environment, and development;
- To consider ways and means by which the international community can deal more effectively with environment concerns; and
- To help define shared perceptions of long- term environmental issues and the appropriate efforts needed to deal successfully with the problems of protecting and enhancing the environment, a long term agenda for action during the coming decades, and aspirational goals for the world community.

Relevance to Local Plans / SA

B.35 The Plan should contribute to the co-operative effort to reduce the environmental impacts of development through policy to promote more efficient and carbon neutral techniques and materials in design and construction.

The World Summit on Sustainable Development Johannesburg Summit 2002

Purpose / main aims and objectives

B.36 The Summit sought to address social, environmental and economic with particular focus on the issues facing some of the most deprived people across the world. It aimed to:

- Halve the proportion of the world's population that lives on less than \$1 a day;
- Halve the number of people living without safe drinking water or basic sanitation; and
- Reduce mortality rates for infants and children under five by two thirds, and maternal mortality by three quarters.

B.37 Other provisions address a comprehensive range of environmental and development issues, such as climate change, energy, agriculture, trade, African development, and small island States. The Implementation Plan calls for a substantial increase in use of renewable sources of energy “with a sense of urgency”. Although it sets no specific targets; implementation of a new global system for classification and labelling of chemicals was discussed in an attempt to restore depleted fish stocks.

Relevance to Local Plans / SA

B.38 Issues surrounding climate change and renewable energy have significant implications for development. The Plan should strive to create a community of low carbon development and reduce environmental degradation through responsible design and construction practices.

Environmental Assessment of Plans and Programmes Regulations (SEA Regulations)

Purpose / main aims and objectives

B.39 These regulations transpose the requirements of the SEA Directive (2001/42/EC) into national law.

B.40 The SEA Directive sets out the requirement for an environmental assessment to be undertaken when preparing certain plans and programmes and also details which types of plans and programmes are likely to be subject to SEA.

B.41 The regulations also set out procedures for preparing the environmental report and consultation.

Relevance to Local Plans / SA

B.42 The regulations to which this SA must adhere to be legally compliant and pass the test of soundness at the submission stage.

Review of the European Sustainable Development Strategy, European Commission, 2009

Purpose / main aims and objectives

B.43 The European Council in December 2009 confirmed that “Sustainable development remains a fundamental objective of the European Union under the Lisbon Treaty. As emphasised in the Presidency’s report on the 2009 review of the Union’s Sustainable Development Strategy, the strategy will continue to provide a long term vision and constitute the overarching policy framework for all Union policies and strategies. A number of unsustainable trends require urgent action.

B.44 Significant additional efforts are needed to:

- Curb and adapt to climate change;
- To decrease high energy consumption in the transport sector; and
- To reverse the current loss of biodiversity and natural resources.

Relevance to Local Plans / SA

B.45 The Plan should take account of this Directive as well as more detailed policies derived from the Directive at the national level.

B.46 The Strategy also informs the SA in the development of relevant objectives and criteria regarding climate change, energy and biodiversity.

Environment 2010: Our Future, Our Choice (2003)

Purpose / main aims and objectives

B.47 Tackling Climate Change objectives:

- In the short to medium term we aim to reduce greenhouse gas emissions by 8% compared with 1990 levels by 2008-12 (as agreed at Kyoto);
- In the longer term we need to reduce global emissions even further by approximately 20-40% on 1990 levels by 2020;
- For the first time the Programme recognises the need to tackle the long term goal of a 70% reduction in emissions set by the Intergovernmental Panel on Climate Change;
- Protecting Nature and Wildlife objectives;
- Protect our most valuable habitats through extending the Community's Natura 2000 programme;
- Put in place action plans to protect biodiversity;
- Develop a strategy to protect the marine environment;
- Extend national and regional programmes to further promote sustainable forest management;
- Introduce measures to protect and restore landscapes;
- Develop a strategy for soil protection; and
- Co-ordinate Member States' efforts in handling accidents and natural disasters.

Relevance to Local Plans / SA

B.48 The Plan should take account of this Directive as well as more detailed policies derived from the Directive at the national level.

B.49 The Strategy also informs the SA in the development of relevant objectives and criteria regarding climate change, energy and biodiversity.

SEA Directive 2001

Purpose / main aims and objectives

B.50 The SEA Directive sets out the requirement for an environmental assessment to be undertaken when preparing certain plans and programmes and also details which types of plans and programmes are likely to be subject to SEA.

Relevance to Local Plans / SA

B.51 The Plan is subject to SEA. These regulations will help inform the content of the environmental report. By assessing impacts of any developments on the locality and investigating alternative approaches and sites, the development can meet local needs while also positively impacting on the economy, society and environment where possible.

The Industrial Emissions Directive 2010 Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control)

Purpose / main aims and objectives

B.52 Lays down rules on integrated prevention and control of pollution arising from industrial activities. It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole.

B.53 The Directive sets emission limit values for substances that are harmful to air or water.

Relevance to Local Plans / SA

B.54 The Plan should take account of this Directive as well as more detailed guidance derived from the Directive contained in the NPPF.

Energy Performance of Buildings Directive 2010 on the energy performance of buildings 2010/31/EU

Purpose / main aims and objectives

B.55 The Directive aims to promote the energy performance of buildings and building units.

B.56 It requests that member states adopt either national or regional methodology for calculating energy performance and minimum requirements for energy performance.

Relevance to Local Plans / SA

B.57 The Plan should ensure that energy efficiency measures are sought where relevant. The Directive also informs the SA of such issues and realistic measures.

The Drinking Water Directive 1998 Directive 98/83/EC on the quality of water intended for human consumption

Purpose / main aims and objectives

B.58 Protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean.

B.59 Member States must set values for water intended for human consumption.

Relevance to Local Plans / SA

B.60 The Plan should take account of the Directive as well as more detailed policies derived from the Directive contained in the NPPF.

EU Seventh Environmental Action Plan (2002-2012)

Purpose / main aims and objectives

B.61 The EU's objectives in implementing the programme are:

- To protect, conserve and enhance the Union's natural capital;

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- To turn the Union into a resource-efficient, green and competitive low-carbon economy;
- To safeguard the Union's citizens from environment-related pressures and risks to health and wellbeing;
- To maximise the benefits of the Union's environment legislation;
- To improve the evidence base for environment policy;
- To secure investment for environment and climate policy and get the prices right;
- To improve environmental integration and policy coherence;
- To enhance the sustainability of the Union's cities; and
- To increase the Union's effectiveness in confronting regional and global environmental challenges.

Relevance to Local Plans / SA

B.62 The Plan should take account of the Directive as well as more detailed policies derived from the Directive contained in the NPPF.

European Spatial Development Perspective (1999)

Purpose / main aims and objectives

B.63 Economic and social cohesion across the community. Conservation of natural resources and cultural heritage. Balanced competitiveness between different tiers of government.

Relevance to Local Plans / SA

B.64 The Plan should take account of the Directive as well as more detailed policies derived from the Directive contained in the NPPF.

European Convention on the Protection of the Archaeological Heritage (Valletta, 1992) Revision of the 1985 Granada Convention

Purpose / main aims and objectives

B.65 Protection of the archaeological heritage, including any physical evidence of the human past that can be investigated archaeologically both on land and underwater.

B.66 Creation of archaeological reserves and conservation of excavated sites.

Relevance to Local Plans / SA

B.67 The Plan should ensure development principles that take account of the protection of archaeological heritage.

Aarhus Convention (1998)

Purpose / main aims and objectives

B.68 Established a number of rights of the public with regard to the environment. Local authorities should provide for:

- The right of everyone to receive environmental information.
- The right to participate from an early stage in environmental decision making.
- The right to challenge in a court of law public decisions that have been made without respecting the two rights above or environmental law in general.

Relevance to Local Plans / SA

B.69 The Plan should take account of the Convention.

B.70 The Convention also ensures that the public are involved and consulted at all relevant stages of SA production.

National plans and programmes (beyond the NPPF) of most relevance for the Local Plan

Climate change adaptation and mitigation

B.71 The Climate Change Act 2008 (update) sets targets for UK greenhouse gas emission reductions of 100% by 2050 and CO₂ emission reductions of at least 26% by 2015, against a 1990 baseline.

B.72 Defra, The National Adaptation Programme and the Third Strategy for Climate Adaptation Reporting: Making the country resilient to a changing climate (2018) – sets out the strategy for adapting both to the climate change that is already evident, and that which we might see in the future.

B.73 Met Office, State of the UK Climate (2019) – the sixth in the annual series of reports that provide a summary of the UK weather and climate through the calendar year 2019, alongside the historical context for a number of essential climate variables. It provides an accessible, authoritative and up-to-date assessment of UK climate trends, variations and extremes based on the most up to date observational datasets of climate quality.

B.74 Department for Transport, Decarbonising Transport: Setting the Challenge (2020) – sets out the strategic priorities for a new Transport Decarbonisation Plan (TDP), to be published later in 2020, will set out in detail what government, business and society will need to do to deliver the significant emissions reduction needed across all modes of transport, putting us on a pathway to achieving carbon budgets and net zero emissions across every single mode of transport by 2050. This document acknowledges that while there have been recently published strategies to reduce greenhouse gas emissions in individual transport modes, transport as a whole sector needs to go further and more quickly, therefore the TDP will take a coordinated, cross-modal approach to deliver the transport sector's contribution to both carbon budgets and net zero.

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B.75 Environment Agency, National Flood and Coastal Erosion Risk Management Strategy for England (2020) – sets out the national framework for managing the risk of flooding and coastal erosion. It provides a framework for guiding the operational activities and decision making of practitioners supporting the direction set by government policy.

B.76 HM Government, The Energy Performance of Buildings Regulations (2021) – seek to improve the energy efficiency of buildings, reducing their carbon emissions and lessening the impact of climate change. The Regulations require the adoption of a standard methodology for calculating energy performance and minimum requirements for energy performance, reported through Energy Performance Certificates and Display Energy Certificates

B.77 HM Government, The Waste (Circular Economy) Regulations (2020) – seek to prevent waste generation and to monitor and assess the implementation of measures included in waste prevention programmes. They set out requirements to justify not separating waste streams close to source for re-use, recycling or other recovery operations, prohibit incineration and landfilling of waste unless such treatment process represent the best environmental outcome in accordance with the waste hierarchy. The Regulations set out when waste management plans and in waste prevention programmes are required. The Regulations focus on the circular economy as a means for businesses to maximise the value of waste and waste treatment.

B.78 HM Government, Our Waste, Our Resources: A strategy for England (2018) aims to increase resource productivity and eliminate avoidable waste by 2050. The Strategy sets out key targets which include: a 50% recycling rate for household waste by 2020, a 75% recycling rate for packaging by 2030, 65% recycling rate for municipal solid waste by 2035 and municipal waste to landfill 10% or less by 2035.

B.79 Ministry of Housing, Communities and Local Government, National Planning Policy for Waste (NPPW) (2014) – sets out a number of key planning objectives. It requires that local planning authorities help deliver sustainable development through measures including driving waste management up the

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waste hierarchy; ensuring that waste management is considered alongside other spatial planning concerns; and providing a framework in which communities can take more responsibility for their own waste.

B.80 Defra, Waste Management Plan for England (2013) – sets out the measures for England to work towards a zero waste economy.

B.81 HM Government, The Clean Growth Strategy (2017) – sets out the approach of the government to secure growth of the national income while cutting greenhouse gas emissions. The key policies and proposals of the Strategy sit below a number of overarching principles: acceleration of clean growth including through recommendations for private and public investment to meet carbon budgets; providing support to improve business and industry energy efficiency; improving energy efficiency in the housing stock including through low carbon heating; accelerating the shift to low carbon transport; delivering clean, smart, flexible power; enhancing the benefits and value of our natural resources; leading in the public sector to meet emissions targets; and ensure Government leadership to drive clean growth.

B.82 Department for Business, Energy & Industrial Strategy, The Net Zero Strategy: Build Back Greener (2021) sets out policies and proposals for decarbonising all sectors of the UK economy to meet net zero targets by 2050. It sets out strategies to keep the UK on track with carbon budgets, outlines the National Determined Contribution (NDC) and sets out the vision for a decarbonised economy in 2050. Its focus includes:

- Policies and proposals for reducing emissions across the economy in key sectors (power, fuel supply and hydrogen, industry, heat and buildings, transport, natural gas and waste); and
- Policies and proposals for supporting transition across the economy through innovation, green investment, green jobs, embedding net-zero in government, local climate action, empowering people and businesses, and international leadership and collaboration.

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B.83 HM Government, The UK Hydrogen Strategy (2021) sets out the Government's approach to developing a thriving low carbon hydrogen sector in the UK, with the ambition for 5GW of capacity by 2030. The Strategy outlines the role of hydrogen in meeting net zero targets, the existing opportunity within the UK, a strategic framework, a roadmap for the economy, and the UK Government's commitments for a hydrogen economy.

B.84 The Industrial Decarbonisation Strategy (2021) aims to support existing industry to decarbonise and encourage the growth of new, low carbon industries to protect and create skilled jobs and businesses in the UK encouraging long-term investment in home-grown decarbonisation technology. The strategy builds in the Prime Minister's 10 Point Plan for a Green Industrial Revolution and sets out the government's vision for the manufacturing and construction sector and is part of the government's path to net zero by 2050. The strategy aims to reduce emissions by two-thirds in just 15 years and support up to 80,000 jobs over the next thirty years and includes measures to produce 20 terawatt hours of the UK industry's energy supply from low carbon alternatives by 2030. It also aims to introduce new rules on measuring the energy and carbon performance of the UK's largest commercial and industrial buildings, providing potential savings to businesses of around £2 billion per year in energy costs in 2030 and aiming to reduce annual carbon emissions by over 2 million tonnes - approximately 10% of their current emissions.

B.85 HM Government, The Heat and Buildings Strategy (2021) sets out the government's plan to significantly cut carbon emissions from the UK's 30 million homes and workplaces. This strategy aims to provide a clear direction of travel for the 2020s, set out the strategic decisions that need to be taken this decade, and demonstrate how the UK plans to meet its carbon targets and remain on track for net zero by 2050.

B.86 Department for Business, Energy & Industrial Strategy, The Energy white paper: Powering our net zero future (2020) builds on the Prime Minister's Ten point plan for a green industrial revolution. The white paper addresses the transformation of the UK's energy system, promoting high-skilled jobs and clean, resilient economic growth during its transition to net-zero emissions by 2050.

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B.87 HM Government, The 25 Year Environment Plan (2018) sets out goals for improving the environment within the next 25 years. It details how the Government will work with communities and businesses to leave the environment in a better state than it is presently. Published in January 2023, the Environmental Improvement Plan 2023 sets out the first revision of the 25 Year Environment Plan including further targets and goals to improve climate change mitigation and adaptation.

Health and well-being

B.88 Public Health England, PHE Strategy 2020-25 – identifies PHE’s priorities upon which to focus over this five-year period to protect people and help people to live longer in good health.

B.89 HM Government, Laying the foundations: a housing strategy for England (2011) – aims to provide support to the delivery of new homes and to improve social mobility.

B.90 Ministry of Housing, Communities and Local Government, Planning Policy for Traveller Sites (2015) – to be read in conjunction with the NPPF, this policy document sets out the Government’s planning policy for Traveller sites to ensure fair and equal treatment for Travellers.

B.91 Ministry of Housing, Communities and Local Government, National Design Guide (2021) – sets out the Government’s priorities for well-designed places in the form of ten characteristics: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

B.92 Department for Levelling Up, Housing and Communities, The Levelling Up the United Kingdom White Paper (2022) sets out how the UK Government will spread opportunity more equally across the UK. It comprises 12 UK-wide missions to achieve by 2030.

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B.93 The Levelling Up and Regeneration Bill (2022) sets out the direction for planning and makes provisions to support the levelling-up agenda. It seeks to streamline the planning process whilst attaching greater weight to development plans. It also aims to improve infrastructure delivery with a new levy system, improve alignment between plans to address cross-boundary issues, and will introduce added protection for heritage assets.

B.94 Prime Minister's Office, 10 Downing Street, Cabinet Office, and Department of Health and Social Care, Build Back Better: Our Plan for Health and Social Care (2021) sets out the government's new plan for health and social care. It provides an overview of how this plan will tackle the elective backlog in the NHS and put the NHS on a sustainable footing. It sets out details of the plan for adult social care in England, including a cap on social care costs and how financial assistance will work for those without substantial assets. It covers wider support that the government will provide for the social care system, and how the government will improve the integration of health and social care. It explains the government's plan to introduce a new Health and Social Care Levy.

B.95 Department of Health and Social Care and Cabinet Office, COVID-19 Mental Health and Wellbeing Recovery Action Plan (2021) sets out the Government's plan to prevent, mitigate and respond to the mental health impacts of the pandemic during 2021 and 2022. Its main objectives are to support the general population to take action and look after their own mental wellbeing; to take action to address factors which play a crucial role in shaping mental health and wellbeing outcomes; and, to support services to meet the need for specialist support.

B.96 Public Health England, Using the planning system to promote healthy weight environments (2020), Addendum (2021) provides a framework and starting point for local authorities to clearly set out in local planning guidance how best to achieve healthy weight environments based on local evidence and needs, by focusing on environments that enable healthier eating and help promote more physical activity as the default. The Addendum provides updates on the implications for planning for a healthier food environment, specifically on

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the hot food takeaways retail uses, and sets out recommended actions in light of changes to the Use Class Order (UCO) in England from 1 September 2020.

B.97 DEFRA, The 25 Year Environment Plan (2018) sets out goals for improving the environment over the next 25 years. It details how the Government will work with communities and businesses to leave the environment in a better state than it is presently. The document identifies six key areas upon which action will be focused. Published in January 2023, the Environmental Improvement Plan 2023 sets out the first revision of the 25 Year Environment Plan including further targets and goals to improve health and wellbeing for communities across the UK.

Environment (biodiversity/geodiversity, landscape and soils)

B.98 Defra, A Green Future: Our 25 Year Plan to Improve the Environment (2018) – sets out goals for improving the environment over the next 25 years. It details how the Government will work with communities and businesses to leave the environment in a better state than it is presently. The gov.uk website notes that the 25 Year Plan sits alongside two other important government strategies: the Industrial Strategy and Clean Growth Strategy (the former summarised in the Economic growth section below, the latter under Climate Change above).

B.99 Defra, 25 Year Environment Plan: progress reports (2020) – sets out the progress made in improving the environment through the 25 Year Plan and the indicator framework, which contains 66 indicators arranged into 10 broad themes.

B.100 HM Government, Environmental Improvement Plan 2023: First revision of the 25 Year Environment Plan (2023) - this plan builds on the 25 Year Environment Plan vision with a new plan setting out how the UK Government will work with landowners, communities and businesses to deliver each of their

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goals for improving the environment, matched with interim targets to measure progress.

B.101 Defra, Biodiversity 2020: A strategy for England's wildlife and ecosystem services (2011) – Guides conservation efforts in England up to 2020 by requiring a national halt to biodiversity loss, supporting healthy ecosystems and establishing ecological networks.

B.102 Defra, Biodiversity offsetting in England Green Paper (2013) – sets out a framework for biodiversity offsetting. Offsets are conservation activities designed to compensate for residual losses.

B.103 Defra, The Natura Choice: securing the value of nature (2011) – sets out a vision for the natural environment of England over the next 50 years. The white paper includes a programme of action which aims to improve the quality of the natural environment, halt species and habitat decline, and strengthen the connection between people and nature.

B.104 Defra, Landscapes Review (2019) – explores the fragmented and often marginalised system of managing National Parks and AONBs recommends actions to achieve structural reform. The review looks at:

- The existing statutory purposes for National Parks and AONBs and how effectively they are being met;
- The alignment of these purposes with the goals set out in the 25 Year Environment Plan;
- The case for extension or creation of new designated areas;
- How to improve individual and collective governance of National Parks and AONBs, and how that governance interacts with other national assets;
- The financing of National Parks and AONBs;
- How to enhance the environment and biodiversity in existing designations;

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- How to build on the existing eight point plan for National Parks and connect more people with the natural environment from all sections of society and improve health and wellbeing;
- How well National Parks and AONBs support communities; and
- The process of designating National Parks and AONBs and extending boundary areas, with a view to improving and expediting the process.

B.105 Defra, Safeguarding our Soils – A Strategy for England (2009) – sets out how England’s soils will be managed sustainably. It highlights those areas which Defra will prioritise and focus attention in tackling degradation threats, including: better protection for agricultural soils; protecting and enhancing stores of soil carbon; building the resilience of soils to a changing climate; preventing soil pollution; effective soil protection during construction and; dealing with contaminated land.

B.106 Natural England, Climate Change Adaptation Manual (2020) – a resource to support practical and pragmatic decision-making relating to climate change adaptation. The manual brings together recent science, experience and case studies to be used by managers of nature reserves and other protected sites, conservation and land management advisors, and environmental consultants.

B.107 Natural England, National biodiversity climate change vulnerability model (2014) – a model that allows non-specialists to assess the vulnerability of areas of priority habitat to climate change based on widely accepted principles of climate change adaptation for biodiversity. It assists in the development of adaptation strategies for biodiversity.

B.108 The Environment Act 2021 sets statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water, and resource efficiency and waste reduction.

B.109 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019) protect biodiversity through the conservation of natural

habitats and species of wild fauna and flora, including birds. The Regulations lay down rules for the protection, management and exploitation of such habitats and species, including how adverse effects on such habitats and species should be avoided, minimised and reported.

Historic environment

B.110 The Heritage Alliance, Heritage 2020 – sets out the historic environment sector’s plan for its priorities between 2015 and 2020.

B.111 Historic England, Corporate Plan 2018-2021 - contains the action plan which sets out how the aims of the corporate plan will be delivered. The plan includes priorities to demonstrate how Historic England will continue to work towards delivering the heritage sector’s priorities for the historic environment.

B.112 Historic England, Sustainability Appraisal and Strategic Environmental Assessment: Historic England Advice Note 8 (2016) – sets out Historic England’s guidance and expectations for the consideration and appraisal of effects on the historic environment as part of the Sustainability Appraisal/Strategic Environmental Assessment processes.

B.113 The Environment Act 2021 sets out the UK’s new framework for environmental protection. It includes the creation of Conservation Covenant agreements between a landowner and a responsible body for the purposes of conservation. This can include to preserve land as a place of ‘archaeological, architectural artistic, cultural or historic interest.’

Water and air

B.114 Environment Agency, Managing Water Abstraction (2016) – Is the overarching document for managing water resources in England and Wales and links together the abstraction licensing strategies.

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B.115 Defra, Water White Paper (2012) – sets out the Government’s vision for the water sector including proposals on protecting water resources and reforming the water supply industry. It outlines the measures that will be taken to tackle issues such as poorly performing ecosystems, and the combined impacts of climate change and population growth on stressed water resources.

B.116 Defra, Clean Air Strategy (2019) – sets out the comprehensive action that is required from across all parts of government and society to meet goals relating to ensuring cleaner air. This is to be underpinned by new England-wide powers to control major sources of air pollution, in line with the risk they pose to public health and the environment, plus new local powers to take action in areas with an air pollution problem. The UK has set stringent targets to cut emissions by 2020 and 2030.

B.117 The Environment Act 2021 sets statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water, and resource efficiency and waste reduction. It also establishes the Office for Environmental Protection which will act as an impartial and objective body for the protection and improvement of the environment.

B.118 DEFRA, 25 Year Environment Plan (2018) key areas of the plan around which action will be focused in terms of the protection of air, land and water quality are:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Increasing resource efficiency and reducing pollution and waste

B.119 HM Government, The Road to Zero (2018) sets out new measures towards cleaner road transport, aiming to put the UK at the forefront of the design and manufacturing of zero emission vehicles. It explains how cleaner air, a better environment, zero emission vehicles and a strong, clean economy will be achieved. One of the main aims of the document is for all new cars and vans to be effectively zero emission by 2040.

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B.120 The Water Environment Regulations (2017) protect inland surface waters, transitional waters, coastal waters and groundwater, and outlines the associated river basin management process.

B.121 DEFRA, The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (2017) provides the Government's ambition and actions for delivering a better environment and cleaner air, including £1 billion investment in ultra-low emission vehicles (ULEVs), a £290 million National Productivity Investment Fund, a £11 million Air Quality Grant Fund and £255 million Implementation Fund to help local authorities to prepare Air Quality Action Plans and improve air quality, an £89 million Green Bus Fund, £1.2 billion Cycling and Walking Investment Strategy and £100 million to help improve air quality on the National road network.

Economic growth

B.122 HM Treasury, Build Back Better: Our Plan for Growth – sets out a plan to 'build back better' tackling long-term problems to deliver growth that delivers high-quality jobs across the UK while supporting the transition to net zero. This will build on three core pillars of growth: infrastructure, skills and innovation.

B.123 HM Government, Industrial Strategy: building a Britain fit for the future (2017) – sets out a long-term policy framework for how Britain will be built to be fit for the future in terms of creating a successful, competitive and open economy. It is shaped around five 'foundations of productivity' – the essential attributes of every successful economy: Ideas (the world's most innovative economy); People (good jobs and greater earning power for all); Infrastructure (a major upgrade to the UK's infrastructure); Business Environment (the best place to start and grow a business); Places (prosperous communities across the UK).

B.124 Infrastructure and Projects Authority, National Infrastructure Delivery Plan 2016-2021 – brings together the Government's plans for economic

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infrastructure over this five year period with those to support delivery of housing and social infrastructure.

B.125 LEP Network, LEP Network Response to the Industrial Strategy Green Paper Consultation (2017) – seeks to ensure that all relevant local action and investment is used in a way that maximises the impact it has across the Government’s strategy. Consultation responses set out how the 38 Local Enterprise Partnerships will work with Government using existing and additional resources to develop and implement a long-term Industrial Strategy.

B.126 The Levelling Up and Regeneration Bill (2022) sets out the direction for planning and makes provisions to support the levelling-up agenda. It seeks to streamline the planning process whilst attaching greater weight to development plans. It also aims to improve infrastructure delivery with a new levy system, improve alignment between plans to address cross-boundary issues, and will introduce added protection for heritage assets. The Bill also states that existing EU-generated systems of SEA, HRA and EIA will eventually be replaced by a simpler process known as ‘Environmental Outcomes Reports’.

B.127 HM Treasury, Build Back Better: Our Plan for Growth (2021): Sets out a plan to ‘build back better’ tackling long-term problems to deliver growth that delivers high-quality jobs across the UK while supporting the transition to net zero. This will build on three core pillars of growth: infrastructure, skills and innovation.

B.128 Agriculture Act 2020: sets out how farmers and land managers in England will be rewarded in the future with public money for “public goods” – such as better air and water quality, thriving wildlife, soil health, or measures to reduce flooding and tackle the effects of climate change, under the Environmental Land Management Scheme. These incentives will provide a vehicle for achieving the goals of the government’s 25 Year Environment Plan and commitment to reach zero emissions by 2050. The Act will help farmers to stay competitive, increase productivity, invest in new technology and seek a fairer return from the marketplace.

Appendix B Review of Relevant International Plans, Policies and Programmes

B.129 DEFRA, Agricultural Transition Plan 2021 to 2024 (2020), aims to drive competitiveness, increase productivity, reduce carbon emissions, and generate fairer returns across the agricultural industry. The Transition Plan introduces several new schemes to improve the environment, animal health and welfare, and farm resilience and productivity (e.g., grants will be available for sustainable farming practices, creating habitats for nature recovery and making landscape-scale changes such as establishing new woodland and other ecosystem services).

B.130 Department for Business, Energy & Industrial Strategy, UK Industrial Strategy: Building a Britain fit for the future (2018) lays down a vision and foundations for a transformed economy. Areas including artificial intelligence and big data; clean growth; the future of mobility; and meeting the needs of an ageing society are identified as the four 'Grand Challenges' of the future.

Transport

B.131 Department for Transport, The Road to Zero (2018) sets out new measures towards cleaner road transport, aiming to put the UK at the forefront of the design and manufacturing of zero emission vehicles. It explains how cleaner air, a better environment, zero emission vehicles and a strong, clean economy will be achieved. One of the main aims of the document is for all new cars and vans to be effectively zero emission by 2040.

B.132 Department for Transport, The Strategic Road Network and the Delivery of Sustainable Development Circular 02/13 (2013) sets out how Highways England engage with communities and the development industry to deliver sustainable development and economic growth, whilst safeguarding the primary function and purpose of the strategic road network.

- Defra, Rights of Way Circular 01/09 – sets out advice for local authorities on recording, managing and maintaining, protecting and changing public rights of way.

Appendix B Review of Relevant International Plans, Policies and Programmes

B.133 HM Government, The Levelling Up the United Kingdom White Paper (2022) sets out how the UK Government will spread opportunity more equally across the UK. It comprises 12 UK-wide missions to achieve by 2030, which includes the following key mission relating to transport and travel:

- By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.

B.134 The Environment Act 2021 sets statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water, and resource efficiency and waste reduction. It also establishes the Office for Environmental Protection which will act as an impartial and objective body for the protection and improvement of the environment. The Act sets out legislation which covers local air quality management frameworks and the recall of motor vehicles.

B.135 Department for Transport, Decarbonising Transport: A Better, Greener Britain (2021) The Decarbonisation Transport Plan (DTP) sets out the Government's commitments and the actions needed to decarbonise the entire transport system in the UK. It follows on from the Decarbonising Transport: Setting the Challenge report published in 2020. The DTP commits the UK to phasing out the sale of new diesel and petrol heavy goods vehicles by 2040, subject to consultation, in addition to phasing out the sale of polluting cars and vans by 2035. The DTP also sets out how the government will improve public transport and increase support for active travel, as well as creating a net zero rail network by 2050, ensuring net zero domestic aviation emissions by 2040, and a transition to green shipping.

B.136 Department for Transport, The Cycling and Walking Investment Strategy Report to Parliament (2022) sets out the objectives and financial resources for cycling and walking infrastructure. It states the Government's long-term ambition is to make walking and cycling the natural choices for shorter journeys. It aims to double cycling by 2025, increase walking activity, increase the percentage of children that usually walk to school and reduce the number of cyclists killed or seriously injured on England's roads.

Appendix B Review of Relevant International Plans, Policies and Programmes

B.137 Department for Transport, Decarbonising Transport: Setting the Challenge (2020) sets out the strategic priorities for the new Transport Decarbonisation Plan (TDP), published in July 2021. It sets out in detail what government, business and society will need to do to deliver the significant emissions reduction needed across all modes of transport, putting us on a pathway to achieving carbon budgets and net zero emissions across every single mode of transport by 2050. This document acknowledges that while there have been recently published strategies to reduce greenhouse gas emissions in individual transport modes, transport as a whole sector needs to go further and more quickly, therefore the TDP takes a coordinated, cross-modal approach to deliver the transport sector's contribution to both carbon budgets and net zero.

B.138 Department for Transport, Transport Investment Strategy (2017): Sets out four objectives that the strategy aims to achieve:

- Create a more reliable, less congested, and better connected transport network that works for the users who rely on it;
- Build a stronger, more balanced economy by enhancing productivity and responding to local growth priorities;
- Enhance our global competitiveness by making Britain a more attractive place to trade and invest; and
- Support the creation of new housing.

B.139 Highways England, Highways England Sustainable Development Strategy and Action Plan (2017): This strategy is designed to communicate the company's approach and priorities for sustainable development to its key stakeholders. Highways England aims to ensure its action in the future will further reduce the impact of its activities seeking a long-term and sustainable benefit to the environment and the communities it serves. The action plan describes how Highways England will progress the aspirations of their Sustainable Development and Environment Strategies. It describes actions that will enable the company to deliver sustainable development and to help protect and improve the environment.

Appendix C

Baseline Evidence

C.1 The baseline information identifies current sustainability issues and problems in the Garden Community and wider area which should be addressed and provides a basis for predicting and monitoring the effects of implementing the document.

C.2 To ensure the data collected was relevant and captured the full range of sustainability issues it was categorised under 13 thematic topics. They cover all the topics referred to in Annex 1(f) of the SEA Directive and follow the order of:

- Economy and employment;
- Housing;
- Population and society;
- Health;
- Transport;
- Cultural heritage;
- Biodiversity and nature conservation;
- Landscapes;
- Water environment;
- Climate and energy;
- Air;
- Waste; and
- Minerals.

Economy and employment

Economy

C.3 The area covered by the broad Garden Community area comprises a large part of the Haven Gateway, an established partnership area which is identified in a range of existing strategy and investment documents. The Haven Gateway includes the Essex administrative areas of Braintree, Colchester, Maldon and Tendring Councils and extends northwards into parts of Suffolk.

C.4 Colchester Town is a major centre of employment within the strategic area and in close proximity to the proposed Garden Community area. While there are high levels of commuting to London, (please see the transport section below for further details) many residents work and live within the area with significant commuting across borough and district boundaries, reflecting a functional economic geography.

C.5 The area has a mixed economy focused on the service sector, including wholesale and retail, business services, tourism, health and education, alongside manufacturing, logistics and construction. Due to the extensive rural area outside urban settlements, agriculture and its related industries play an important part in the overall economy.

C.6 The Cultural, Visitor and Tourism sector, which encompasses a range of activities including visitor attractions, leisure facilities, food and accommodation, plays an important role in Tendring District's economy. This sector is worth more than £402 million to the economy and is estimated to provide 9,000 jobs and around 350 businesses across Tendring. In 2018, there were 3,986,100 day trips and overnight stays. The majority of jobs (approx. 8%) and businesses (approx. 10%) in this sector are located in and around Clacton which is a similar concentration to the national average. In most of the rest of the towns in Tendring businesses operating within this sector are slightly more concentrated than the national average.

Table C.1: Economic Activity [See reference 31]

	Tendring	Colchester	East of England	Great Britain
Number of economically active	55,500	97,000	N/A	N/A
Percentage of the population economically active	67.9%	75.8%	80.3%	78.6%

C.7 According to the latest labour market statistics (from July 2021 to June 2022) [See reference 32], 75.8% for Colchester and 67.9% for Tendring people are economically active. In November 2022, 3,290 people (2.6%) in Colchester claimed out of work benefits, which represents a drastic increase from 2,240 in May 2019. This increase in claimants reflects the economic implications of COVID-19 pandemic. Despite this, Colchester’s claimant rate is lower than the regional average (2.9%) and national average (3.7%). In November 2022, 3,325 people (4.2%) in Tendring claimed out of work benefits, which represents a drastic increase from 2,240 in May 2019. This increase in claimants reflects the economic implications of COVID-19 pandemic. As of August 2021, Tendring’s claimant rate is higher than the regional average (2.9%) and national average (3.7%).

C.8 According to the latest labour market statistics, 75.8% of people in Colchester are economically active. Of this, 74.3% are in employment and 68.9% are employees. 2.9% of the total population in Colchester are unemployed, which is lower than both the regional average (3%) and the national average (3.8%). As of June 2022, of those that are economically inactive, 27% are classed as 'looking after family/home', whilst 28.1% are students. 67.9% of people in Tendring are economically active. Of this, 66.7% are in employment, 54.1% are employees and 12.6% are self-employed. 3.7%

Appendix C Baseline Evidence

of the total population in Tendring are unemployed, which is higher than the regional average (3.0%) and national average (3.8%).

C.9 Colchester’s job density is 0.74, which is lower than both the regional average (0.85) and national average (0.84). Colchester has lower earnings per worker (£595.30) compared to the East of England average (£628.60) and national average (£613.10). The three main occupations in Colchester in 2020/21 were professional occupations (29.2%), managers, directors and senior officials (13.8%), and skilled trades occupations (12.2%). The Borough’s largest employment industries are human health and social work activities (17.1%), wholesale and retail trade, and repair of motor vehicles and motorcycles (15.9%), and education (12.2%). The largest employers in Colchester by approximate number of employees are Colchester District General Hospital with 3,000 employees; University of Essex with 2,000 employees; Colchester Borough Council with 1,500 employees; and Colchester Institute with 900 employees. The largest private sector employer is Monthind Clean Ltd, an industrial cleaning company, which employs approximately 800 people.

Table C.2: Job density [See reference 33]

	Tendring	Colchester	East of England	Great Britain
Job Count	52,000	94,000	N/A	N/A
Job Density	0.65	0.74	0.85	0.84

C.10 Job density represents the ratio of total jobs to population aged 16-64. Colchester and Tendring both have a lower job density than the regional and national average.

Table C.3: Business registration and de-registration rate (2020)

[See reference 34]

	Tendring	Colchester	Essex	East of England	Great Britain
Birth	565	910	7,840	32,015	351,350
Death	435	810	7,335	30,125	311,410
All active enterprises	4,775	8,300	73,285	295,925	2,938,870

C.11 There has been a slight increase in the number of active businesses in Tendring due to a higher rate of registrations than de-registrations. Compared to sub-national and national figures the district has experienced a lower start up rate and a lower de-registration rate indicating a slightly less robust local economy. Colchester is more in line with the county and national business registration and de- registration rates.

Table C.4: Local business stock and employment size [See reference 35]

	Tendring	Colchester	East of England
Business Enterprises	4,470	7,455	271,395
Small (10 to 49)	8.9%	9.3%	8.1%
Medium (50 to 249)	1.6%	1.7%	1.5%
Large (250+)	0.3%	0.4%	0.4%

C.12 Nearly 90% of all local businesses within Tendring and Colchester authorities employ 9 or less people and approximately 1.5% employ 50 or more people. These figures are similar to the county, region and country but with

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some slight variation. Tendring has a lower percentage of micro businesses than the region and the country and Colchester has a slightly higher proportion of large businesses.

Table C.5: Businesses by industry type [See reference 36]

Industry	Tendring	Colchester	Essex	East of England	Great Britain
Agriculture, Forestry & Fishing	245	235	2,030	10,945	124,160
Production	295	415	4,000	15,525	149,030
Construction	975	1,320	13,940	46,265	363,785
Motor Trades	220	250	2,220	9,150	78,235
Wholesale	145	260	2,730	10,755	105,260
Retail	380	500	4,205	18,440	218,315
Transport & Storage (Including Postal)	280	310	3,035	15,570	134,910
Accommodation & Food Services	400	390	3,220	14,465	170,700
Information & Communication	165	480	3,985	18,835	194,005
Finance & Insurance	55	190	1,355	5,275	59,190
Property	140	325	2,545	10,390	108,300
Professional, Scientific & Technical	450	1,110	9,715	41,370	424,705

Industry	Tendring	Colchester	Essex	East of England	Great Britain
Business Administration & Support Services	365	645	6,115	23,295	225,825
Public Administration & Defence	20	30	245	1,395	7,740
Education	65	155	1,190	4,830	46,040
Health	185	370	2,355	9,730	103,400
Arts, Entertainment, Recreation and Other Services	280	430	3,915	16,460	176,150

C.13 There are comparatively more businesses in the industries of agriculture, forestry and fishing, production, motor trades, retail, transport and storage, accommodation and food services, health and arts, entertainment, recreation and other services within Tendring District than the county but noticeable fewer businesses within professional, scientific and technical. Other industries with proportionately lower business numbers than the county levels are construction, wholesale, information and communication, finance and insurance, property and business administration and support services. Colchester is closer to the Essex average, with similar proportions for multiple industries and only slight variances in others. The most significant differences are in the construction, production, retail, health and transport and storage.

Employment

C.14 Tendring District is home to Harwich International Port (part of Freeport East) which has developed into a highly efficient, multi-purpose freight and passenger port handling bulk and container ships as well as roll-on, roll-off

ferries and cruise ships. Harwich is one of the major UK ports for ferry and cruise tourism, with passenger figures for 2020 at 347,000. This is a decrease on 2019 where the number was 691,000 which had remained steady since 2007. The drop in passenger numbers in 2020 was likely due to the COVID-19 pandemic limiting international travel [See reference 37] [See reference 38]. During 2014 a total of 43 port calls were made by cruise ships at the port. Harwich is also one of the leading UK freight ports for bulk and container ships. In 2017, freight movement was at 334.8 thousand units, falling within one of the top ten ports in the UK in terms of roll on roll off freight movement. The majority of the freight comes from the European Union [See reference 39]. The port also supports the off-shore renewables industry providing an installation base for the Gunfleet Sands wind farm and support facilities for the installations at Foreness Point, Kent and Greater Gabbard off the coast in Suffolk.

C.15 In 2013 permission was granted for the expansion of Bathside Bay to create the new Harwich International Container Terminal, a small boat harbour with sheltered moorings and public amenity space. The new terminal is expected to include 1,400 metres of quayside, a 14.5 metre deep approach channel able to accommodate increasingly large container ships, 50 plus gantry cranes, a container storage yard and rail terminal. Bathside Bay also has the potential to be a multi-functional site for the manufacture and assembly of wind turbines. The expansion of Bathside Bay, with the provision of amenity and commercial space as well as port expansion will provide jobs at the port and in supporting industries both during construction and once in operation.

C.16 Colchester has an overall requirement for 32.5 ha of land for industrial and business use, over the period of the Local Plan. The requirement was previously identified as 39.7 ha, however, the 39.7 ha of employment land previously identified as being suitable to support demand has been reduced as a result of the reductions in the Stanway allocations and the deletion of the Colchester/Braintree Borders Garden Community. Given the time period between the publication of the plan and the Section 2 Examination and in light of the review of employment land contained in the ELR, Tendring has now updated the list of supply of sites to be allocated. This reflects the current market status quo and identifies 36.6 hectares of employment land across the district.

C.17 The industry classes employing the most people in Colchester and Tendring are 'wholesale and retail, repair of motor vehicles and motorcycles' and 'human health and social work activities' classes, which accounted for 15.9% and 17.1% of jobs respectively in Colchester and 17.5% respectively in Tendring in 2021. The next largest industry classes in Colchester are 'education' at 12.2% and Accommodation And Food Service Activities and Professional, Scientific And Technical Activities both at 8.5%. The next largest industry classes in Tendring are 'Human Health And Social Work Activities' at 17.5% and 'Accommodation And Food Service Activities' at 11.2%. The largest employers in Colchester by approximate number of employees are Colchester District General Hospital with 3,000 employees; University of Essex with 2,000 employees; Colchester Borough Council with 1,500 employees; and Colchester Institute with 900 employees. The largest private sector employer is Mothkind Clean Ltd, an industrial cleaning company, which employs approximately 800 people.

C.18 The average weekly wage for full time works in 2021 was £595.30 in Colchester and £573.00 in Tendring. This compares to the national average of £613.10 for Great Britain. The gross disposable household income per head in 2019 was £20,570 in Colchester and £18,153 in Tendring [\[See reference 40\]](#).

C.19 Tourism plays an important part in the local economy. Tourism contributed £379 million to the Colchester's economy in 2018 [\[See reference 41\]](#). The value of tourism to Colchester has risen in real terms by 158% from £63.1 million in 1993. Tourism supports more than 4,612 full time jobs, equating to 5.3% of total employment in the Borough. Colchester attracted 4,574,000 million day trips and 450,000 overnight trips in 2021/22. The number of day trips has almost halved based on the 2018 figures. However, the number of overnight stays has increased since 2018 from 272,000 to 450,000 in 2021/22. In 2017 the total value of tourism was £379,393,300 which has decreased to £171,600,000 in 2020/21 and subsequently increased to £259,300,000 in 2021/22. As a result of travel restrictions imposed by the COVID-19 pandemic, tourism was negatively impacted resulting in less trips and revenue [\[See reference 42\]](#).

C.20 Colchester has 1,300 creative businesses providing employment to over 5,600 employees. Creative industries are a priority growth area for the town. This accounts for 18.3% of all businesses in the Borough, and includes advertising, design, film, arts and crafts, performing arts and publishing. Nationally, creative industries account for approximately 7% of the economy as a whole. This shows that Colchester is a well-performing town in terms of its creative economy but that there is considerable room for growth.

Table C.6: Employment and unemployment [See reference 43]

	Tendring	Colchester	East of England	Great Britain
In employment	62.7%	74.3%	77.9%	75.5%
Unemployed	3.7	2.9%	3.0%	3.8%

C.21 The percentage of economically active people in employment has reduced in Colchester since the Scoping Report was published with figures from 2016/17 from 78.6% to 71.3%. The number of economically active people currently sits at 75.8% in 2021/22. The in employment figure in Colchester is now below the regional average but aligns with the national average. The in employment figure in Tendring has also reduced since 2016/17, but the percentage of unemployed has also reduced.

C.22 Unemployment within Tendring District had risen at a faster rate than that of regional and national levels but has since been in decline from 2013. During July 2007 and June 2008 around 6.1% of the working age population was unemployed in Tendring but following an increase to a high of 10.2% in April 2012-March 2013, unemployment had decreased to 5.5% during April 2016 and March 2017 and 3.7% in 2021/22.

C.23 In Colchester, unemployment was high at 7.2% in April 2009 – March 2010 and steadily reduced to 6.2% in April 2011 – March 2012. Between July

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2011 and September 2012, the unemployment rates rose sharply to 7.4% representing a peak in unemployment rates in Colchester since January 2004. This is in line with the economic downturn experienced across England at this time. Since then, the unemployment rate has decreased every monitoring period to the rate of 4.0% in April 2016 to March 2017. This decrease has continued with an unemployment rate of 2.9% in 2021/22.

Table C.7: Working patterns [See reference 44]

	Tendring	Colchester	East of England	Great Britain
Full time	60%	61%	66.9%	68.1%
Part time	40%	37.8%	33.1%	31.9%

C.24 As of 2020, 60% of jobs within Tendring and 61% of jobs within Colchester were classed as full- time. Tendring and Colchester are lower than the trends in working patterns found in Essex. Colchester and Tendring have a lower percentage of full-time jobs than Great Britain as a whole.

C.25 Colchester has approximately 435,000m2 of retail floorspace; 208,000m2 of office floorspace; 644,000m2 of industrial floorspace; and 110,000m2 classed as ‘other’ floorspace. According to the 2020 Retail and Town Centre Study Update [See reference 45], vacancy levels in Colchester town centre have increased from 10.5% of total ground floor premises to 14.5%. This is above the national average of 12%. Retail capacity is anticipated to decline by 3,900 sqm in Colchester from structural changes in the retail sector and the economic implications of the COVID-19 pandemic. Clacton Town Centre in Tendring has also experienced an increase in vacancies, in 2019 the vacancy rate was 9.2% [See reference 46], further analysis indicates that whilst this is lower than the national average the trend is that the gap is reducing as vacancies are increasing. The full effects of the pandemic and altered shopping patterns are still emerging.

C.26 Drawing on the conclusions of the Retail and Town Centre Study Update [See reference 47], the Council's Topic Paper on Retail and Town Centre Policies [See reference 48] reports that Colchester town centre continues to perform reasonably well against many of the healthcheck indicators. Yet there are weaknesses and signs that the town centre is increasingly vulnerable to structural changes in the retail sector and growing competition from nearby shopping destinations. The current outlook and the committed developments at Tollgate (Stanway) in particular, reinforce the need for measures to maintain the town centre's attractiveness and role as the principal mixed-use shopping destination in Colchester Borough. This includes continued investment in the public realm and key opportunity sites (including Vineyard Gate, Priory Walk and St John's Walk Shopping Centre) to improve the visitor experience and create a more vibrant, differential offer.

C.27 Creative Colchester recognises culture and creativity as a driver of job creation, economic growth and sustainable community development to raise the profile of the town overall. A vision document has been created, in which the main opportunities are set out for the development of the creative industries over the next five years.

C.28 Colchester Borough Council is leading regeneration programmes in East Colchester, North Colchester, the Town Centre and the Garrison. In East Colchester a new waterside community is emerging at the Hythe, the town's former port. The £13 million regeneration programme will create a mixed-use development alongside the River Colne with 100,000 sq ft of commercial space, 2,000 new homes and improved transport links. The transformation of the area is already underway with new housing, employment areas, community centre, nursery and student accommodation for the University of Essex at University Quays. The University Knowledge Gateway will bring new business opportunities, hotels and leisure facilities.

C.29 To the North of the town, alongside the A12, lies a 100 hectare development site. Plans for the area will see the creation of 1500 new homes and new employment areas to create up to 3500 new jobs. Opened in 2008, the site is already home to the Weston Homes Community Stadium. As well as

being Colchester United Football Club's home, the venue also offers space for concerts, events, community space for Colchester United Community Sports Trust to develop its programme of activities and conference facilities for up to 400 people. In 2021 the Northern Gateway Sports Park opened. As part of the regeneration programme for North Colchester a Master Plan has been prepared for North Station, which is a key gateway into the town.

C.30 A £1.5 billion development of a new modern Garrison in the town has shown a further 35 years commitment to Colchester by the MoD. As well as creating improved accommodation and facilities for service personnel, land released by the MoD as a result of the new development is being used to create a sustainable mixed use urban village close to the Town Centre.

C.31 Improvements in the Town Centre have previously been focused on the St. Botolph's Quarter, with ongoing plans to develop a new cultural quarter, large retail scheme, Magistrate's Court, residential development and multi-storey car park. However, plans to improve the wider town centre are now underway with proposals being developed to reduce traffic and create a better pedestrian experience with more public spaces for events and activities and better links for cyclists ensuring that Colchester continues to be a vibrant place during the day and in the evening. The Borough has recently been awarded £18.2 million from the Government's Town Deal Fund to boost a range of projects to improve the town centre including the creation of digital work hubs, accelerated introduction of 5G, restoration of the Holy Trinity Church, and phase one of restoring 'Jumbo' the iconic Victorian water tower.

North Essex Garden Communities Employment & Demographic Studies

C.32 Under the 'most likely' demographic scenario (2,500 dwellings by the end of the plan period (2033), with construction continuing at similar annual rates thereafter until completion of the new settlement; and assumptions for in- and out-migration based on those for similar new settlements), population is

estimated to peak at just over 20,000 by 2051. Total population is then expected to decline, due to ageing of the population (as older people form smaller households), and under the assumption of no new houses being built.

C.33 A faster, more ambitious, build-out rate would lead to a slightly higher peak population (which would be reached sooner), due to the larger numbers of young population and children moving into the settlements. During the earlier phases of the development, there is likely to be faster growth in children of primary and secondary school age under an accelerated build-out rate, as younger adults moving in are more likely to bring children with them or form families shortly after moving in, increasing demand for schools. Once the settlement is completed and the population starts to age, the number of children of primary and secondary school age will decline more steeply in an accelerated build-out rate scenario, resulting in a much lower requirement for local schools.

C.34 The number of people aged 70 and over would grow at a faster rate under an accelerated build-out rate, as more people move in during the early phases of the development and the existing population starts to age. As a result, at its peak (around 40 years after building is completed), the elderly population is slightly larger in an accelerated build-out rate scenario, increasing the need for elderly care services.

Housing

Housing need – Strategic Housing Market Assessment (SHMA)

C.35 Meeting the housing needs in the Districts and Borough is an important issue. The Strategic Housing Market Assessment (SHMA) Update (2015) observed that, due to the requirement for significant deposit to access a mortgage, few households aspiring to home ownership would have access to sufficient funds to purchase a home. The Update identifies a notable increase in

the proportion of households in the private rented sector and a decrease in all other tenure groups with owner-occupiers with a mortgage recording the biggest fall.

Table C.8: Size mix of housing requirement (per annum) in Tendring [See reference 49]

Housing type – Market housing	Count	Percentage
Market homes – 1 bedroom	38	8.8%
Market homes – 2 bedroom	121	27.9%
Market homes – 3 bedroom	176	40.6%
Market homes – 4 + bedroom	99	22.8%
Shared ownership – 1 bedroom	6	100.0%
Shared ownership – 2 bedroom	0	0.0%
Shared ownership – 3 bedroom	0	0.0%
Shared ownership – 4 + bedroom	0	0.0%
Affordable rent/social rent – 1 bedroom	11	7.0%
Affordable rent/social rent – 2 bedroom	75	47.8%
Affordable rent/social rent – 3 bedroom	48	30.6%
Affordable rent/social rent – 4 + bedroom	23	14.6%

Table C.9: Size mix of housing requirement (per annum) in Colchester [See reference 50]

Housing type – Market housing	Count	Percentage
Market homes – 1 bedroom	28	4.3%
Market homes – 2 bedroom	166	25.9%

Housing type – Market housing	Count	Percentage
Market homes – 3 bedroom	294	45.8%
Market homes – 4 + bedroom	154	24.0%
Shared ownership – 1 bedroom	9	75.0%
Shared ownership – 2 bedroom	3	25.0%
Shared ownership – 3 bedroom	0	0.0%
Shared ownership – 4 + bedroom	0	0.0%
Affordable rent/social rent – 1 bedroom	81	30.5%
Affordable rent/social rent – 2 bedroom	86	32.3%
Affordable rent/social rent – 3 bedroom	62	23.3%
Affordable rent/social rent – 4 + bedroom	37	13.9%

Affordable rented / social rented housing

C.36 The updated SHMA for Braintree, Colchester, Clemsford and Tendring indicates that the majority of market housing and affordable housing should be 2 and 3 bedroom properties. This trend is replicated when assessing all housing, with 70.3% of housing need across the District and Borough is 2 and 3 bedroom dwellings.

Table C.10: SHMA guidance on property size targets [See reference 51]

Type	1 to 2 bedrooms	3 to 4 bedrooms
Social rented	70%	30%
Intermediate market housing	65%	35%

Type	1 to 2 bedrooms	3 to 4 bedrooms
Market housing	70%	30%

C.37 In relation to meeting the housing needs of older people, the SHMA also recommends that the Councils consider:

- The type and quality of existing sheltered stock in meeting today’s housing standards and preferences and the scale of need and demand for 648 units by 2018.
- The large future on-going requirement for ‘extra care’ accommodation to meet the significant growth in the number of people over 85.

Housing Supply

C.38 The current trajectory for Tendring District shows that by 2033 there will be 6,115 completions (since 2015). Annual completion rates will fall significantly from 2020 below the 430 annual average rate of provision. As stated in Housing Trajectory and Statement of 5-Year Land Supply (2011), this reflects the fact that the sites identified in the Adopted Local Plan have been completed.

C.39 In relation to potential supply, 1,061 homes have been built in 2011/12 and 2012/13. As at April 2013, 1,970 homes had been granted Planning Permission on larger sites i.e 6 units or more. A further 243 are considered deliverable but do not have planning permission - these sites are phases of larger developments which were allocated in the previous Local Plan but have not yet been built. Historical evidence shows that windfall sites make a contribution to the number of annual completions, and it is forecast that in the light of available sites and planning policy, windfall sites will continue to be permitted and built in the future at a rate of 50 dwellings per year. Taking this into account this plan needs to deliver 6,286 homes on new sites. Since April 2013 a number of sites have been granted planning permission which will contribute to meeting this need.

C.40 Of the 245 new homes built in Tendring in 2015/16, 37% of these homes were built on previously developed land (PDL). This is lower than the results recorded over the last decade for individual recording years due partly to the change in definition of PDL in national planning policy (residential garden land in urban areas is now considered to be greenfield land rather than PDL as it was previously) [See reference 52]. As of 2021/22, Colchester had 24 sites on the brownfield register and several of these sites are currently going through the planning application process [See reference 53].

C.41 According to the 2021 Colchester Infrastructure Delivery Plan Update [See reference 54], 920 dwellings per year (totalling 18,400) are expected to be delivered in the Borough over the plan period of 2013-2033. There have been 7,804 new dwellings completed since 2013/14 which, when added to the supply of 11,895, results in a total of 19,699 units. 4,075 dwellings have been completed since the Local Plan was submitted in 2017 [See reference 55].

C.42 According to the latest Authority Monitoring Report, between 1 April 2019 to 31 March 2020, a total of 1,034 new homes were provided and 117 affordable homes were delivered [See reference 56]. 550 dwellings per year (totalling 11,000) are expected to be delivered in Tendring over the plan period of 2013-2033. There have been 4,739 new dwellings completed since 2013/14.

C.43 In October 2022, the average household price in Colchester was £324,397 [See reference 57]. This illustrates an 20.4% increase from £269,250 in October 2021. The average household price for Tendring as of October 2022 is £284,527. In October 2021, the average household price was £246,055 indicating a 15.6% increase. This is lower than the national average (£316,073) and the Essex average (£384,981).

C.44 To date, the highest proportion of affordable housing achieved within Tendring was in 2009/10 at 43.8% which accounted for 140 of the total number of dwellings completed. Colchester saw its peak affordable housing completions of 44.2% in the year 2011/2012. Between 2021/22, 117 affordable homes (of which 72 homes were acquired by the council) were delivered, accounting for

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11% of the total homes delivered in Colchester [See reference 58]. Within Tendring, 7 new affordable homes were delivered between 2015/16.

Table C.11: Affordable housing supply in Tendring District (net) [See reference 59]

Year	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
Net Completed Dwellings	610	370	-	320	210	380	240	240	260	245	658	565	915	784	646	777
Affordable Completed Housing	20	70	30	140	20	160	70	10	10	23	14	31	16	95	94	56
Percentage Affordable Housing Completed	3.3%	18.9%	-	43.8%	9.5%	42.1%	29.2%	4.2%	3.8%	9.4%	2.1%	5.5%	1.7%	12.1%	14.6%	7.2%

Table C.12: Affordable housing in Colchester Borough (net)

Year	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
Net Completed Dwellings	1,290	1,490	780	690	700	860	650	740	650	1,149	912	1,048	1,165	1,124	741	1,034

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Year	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
Affordable Completed Housing	160	290	140	260	190	380	130	70	260	149	100	132	110	202	112	121
Percentage Affordable Housing Completed	12.4 %	19.5 %	17.9 %	37.7 %	27.1 %	44.2 %	20.0 %	9.5%	40%	13%	10.96 %	12.5 %	9.4%	18%	15.1 %	11.7 %

Existing Housing Stock

Table C.13: Dwelling stock by tenure [See reference 60]

	Local Authority (incl. owned by other LAs)	Private Registered Provider	Other public sector	Private sector	Total
Tendring	4%	4%	0%	92%	71,688
Colchester	7%	8%	0%	86%	83,268
England	6%	10%	0%	83%	24,873,321

C.45 The composition of dwelling stock for Tendring and Colchester is similar to that of Essex and England with the majority of dwellings being in the private sector. However, Tendring District reported the highest proportion of stock within the private sector at 92% as well as a smaller proportion of Local Authority owned dwellings compared with Colchester, Essex and England at 4%. This is a higher difference between those figures than in Essex and England. In contrast there were proportionately fewer dwellings owned by Private Registered Providers in Tendring than any other area.

Table C.14: Mean dwelling prices (£) as of November 2021 [See reference 61]

Administrative area	Average dwelling price
Tendring	£251,459
Colchester	£297,861
Essex	£353,594

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Administrative area	Average dwelling price
East of England	£336,937
England	£288,130

C.46 The mean dwelling price in November 2021 in Tendring District was £251,459 and in Colchester Borough it was £297,861. This is lower than the county mean of £353,594, regional mean of £336,937 but Colchester is higher than the national mean of £288,130.

C.47 There was an estimated 75,500 households in Colchester in 2018 and an estimated 61,500 households in Tendring in 2018.

C.48 There are 64 Residential Care Homes in Tendring, the highest number in any district in Essex and the care sector is the second highest employer in the District. With the population of over 65s projected to rise by 39% during the period (2016-31) consideration will need to be given to the needs of an ageing population to encourage independent living and provide assisted living for those who require it. Development will need to assure that accommodation for our ageing population is integrated into communities to ensure that older people do not become isolated.

C.49 Flats are considered to be the entry level stock in the District and the average price for a flat is £169,881 in Colchester and £136,337 in Tendring as of January 20221 [See reference 62]. The need for a significant deposit has been a major factor in preventing access to the market for new forming households since 2008. 93.8% had less than £10,000 in savings and unless significant family financial support is available, these households will find it very difficult to access the local market and will be limited to the rental or intermediate market. Access to the private rented housing market is also restricted by cost.

Gypsy and Traveller Accommodation

C.50 Within Colchester, the most recent accommodation assessment identified 1 public site (12 pitches); 9 private sites (15 pitches); 1 tolerated site (1 pitch); and no temporary, transit or unauthorised sites. This equates to a total of 28 pitches. There are no Travelling Showpeople yards in the Borough. The overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller is for 2 additional pitches over the Gypsy and Traveller Accommodation Assessment (GTAA) period to 2033 due to new household formation. Total need for 10 additional pitches has been identified from households that do not meet the planning definition [\[See reference 63\]](#).

C.51 Within Tendring, the most recent accommodation assessment identified no public sites; 9 private sites (16 pitches); no temporary or transit sites; and 1 unauthorised site (1 pitch). There are no Travelling Showpeople yards in the District. There are also 2 sites awaiting the determination of planning consent (6 pitches). The total additional need for those households who meet the planning definition of a Gypsy or Traveller is for 2 pitches over the GTAA period to 2033. Total need for 3 additional pitches has been identified from households that do not meet the planning definition [\[See reference 64\]](#).

Population and Society

Population

C.52 As well as an overall increase in population over Local Plan periods, we can also expect to see an ageing population within Tendring District. This will also increase pressure on health provision and the care industry.

Table C.15: Population [See reference 65]

	2001	2014	2016	2021
Tendring	138,800	139,900	142,600	148,934
Colchester	156,000	180,400	186,600	192,424
East of England	5,400,500	6,018,400	6,130,500	6,348,096
Great Britain	57,424,200	62,756,300	63,785,900	65,121,729

C.53 Since 2001, the population of Tendring has grown at a significantly lower rate than that of the region and the country. At 0.79% it is considerably below the national population growth rate of 8.50%.

C.54 Colchester is the largest local authority area in Essex in terms of population size. In mid-2021, approximately 63.2% of the total population were aged 16-64, while an estimated 17.9% of people in Colchester over 65 years old. The population projections for Colchester predict that the population will increase to 228,062 by 2043 [See reference 66]. The projected number of households in the authority is forecast to grow by 22.4% between 2018 and 2043 which is above the England average (16.2%) [See reference 67].

C.55 The population projections for Colchester predict that the population will increase to 228,062 by 2043 and the population of Tendring will increase to 175,427 by 2043 [See reference 68]. The projected number of households in Colchester is forecast to grow by 22.4% between 2018 and 2043 which is above the England average (16.2%) [See reference 69].

Table C.16: Population age structure [See reference 70]

	Tendring	Colchester	Essex
Persons aged 0-4	7,294	11,435	85,981
Persons aged 5-14	15,389	22,812	177,057
Persons aged 15-19	7,026	11,303	78,960
Persons aged 20-44	33,540	67,768	437,268
Persons aged 45-64	39,485	46,036	395,198

Education

C.56 There are 47 maintained schools in Tendring District, 41 primary schools and 6 secondary schools. There are 2 adult education centres offering a range of courses from beauty therapy and arts and crafts to training courses aimed at the business community.

C.57 There are 79 maintained schools in Colchester Borough: 64 primaries, 11 secondaries and 4 special schools. There are two higher education colleges, Colchester Sixth Form College and the Colchester Institute, plus the University of Essex, making the Borough a major educational base with visiting students significantly adding to the diversity of the population. The provision of day care,

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nursery education and out-of-school care remains an issue for the Borough, with there being more demand than formal supply.

C.58 Essex County Council has a statutory responsibility to ensure there are sufficient school places available every year, that there is diversity across the school system and parental preference is maximised. The Essex 10 Year Plan – meeting the demand for school places 2021-2030, sets out the requirement, supply and demand for places in maintained primary and secondary schools over a 10 year period and is updated annually to ensure projections of demand and capacity are as accurate as possible.

C.59 There is a significant demand for school places in Essex. The total number of pupils by 2030/31 will reach 131,635 primary pupils and 99,693 secondary school pupils (including sixth form) [See reference 71]. Colchester Borough is anticipated to experience significant capacity issues in its primary schools from 2025 onwards, particularly in Colchester North, Colchester Southwest Stanway and Colchester Rural South. To manage demand, a new school (Trinity School) opened in September 2021 for secondary school pupils. A primary school will open on a shared site in 2024 to provide between 60-420 primary spaces in 2025-26.

C.60 In Colchester, there are longer term forecasted capacity issues relating to primary school reception places in the areas of Colchester north, Colchester southwest and Stanway, Wivenhoe and Colchester rural south. There is an identified expected short fall in secondary school Year 7 capacity in Colchester in 2023/24. However, there is no identified shortfall in the forecasted capacity for 2021/22 and 2022/23 as well as for all years forecasted after 2023/24. There is less forecasted secondary school Year 7 capacity in Thurstable with expected shortfalls in many of the upcoming reporting years up to 2030.

C.61 In Tendring, there are longer term forecasted capacity issues relating to primary school reception places in the areas of Little Clacton / Tendring / Thorpe / Weeley, Brightlingsea / Elmstead and Frinton / Walton. There is also an identified expected short fall in secondary school Year 7 capacity in Tendring

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in the areas of Clacton, Colne, Harwich and Manningtree and surroundings across many of the upcoming reporting years up to 2030

C.62 Educational achievement in Colchester Borough is generally good. 51.2% of pupils in Colchester achieved GCSEs which is higher the national average of 50.2% and the East of England average of 50.3% [\[See reference 72\]](#).

According to labour market statistics from January 2020 to December 2020 [\[See reference 73\]](#), Colchester has a lower-than-average proportion of people with NVQ1, NVQ2, NVQ3 and NVQ4 qualifications compared to the regional and national averages. Colchester also has fewer people with no qualifications (4.6%) compared to the regional (5.7%) and national averages (6.4%).

However, educational attainment is particularly poor in six LSOAs which are classified as being within the 10% most deprived under the Education, Skills and Training domain in the English Indices of Multiple Deprivation (Greenstead, St. Anne and St. John's, Shrub End, Berechurch). There are also an additional nine LSOAs within the 20% most deprived under the education deprivation domain [\[See reference 74\]](#).

Table C.17: Key Stage 4 – GCSE or equivalent [\[See reference 75\]](#)

	Average Attainment 8 score of all pupils	Percentage of pupils achieving grades 4 or above in English and mathematics GCSEs	Percentage of pupils achieving the English Baccalaureate (grades 4 or above in English and maths, A*-C in unreformed subjects)
Tendring	42.4	54.1%	10.6%
Colchester	49.4	69%	26.3%
Essex	47.7	67.9%	25.2%
East of England	49	69.7%	27%

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	Average Attainment 8 score of all pupils	Percentage of pupils achieving grades 4 or above in English and mathematics GCSEs	Percentage of pupils achieving the English Baccalaureate (grades 4 or above in English and maths, A*-C in unreformed subjects)
England	48.8	68.8%	26.8%

C.63 Regarding educational attainment, Colchester exceeds both the county and national averages in Average Attainment 8 score of all pupils, while closely aligning with regional scores (49.4, compared to 47.7, 49 and 48.8 for Essex, East of England and England respectively), Percentage of pupils achieving grades 4 or above in English and mathematics GCSEs (69%, compared to 67.9%, 69.7% and 68.8% for Essex, East of England and England respectively), and Percentage of pupils achieving the English Baccalaureate (26.3%, compared to 25.2%, 27% and 26.8% for Essex, East of England and England respectively).

C.64 However, Tendring consistently performs poorly compared to county, regional and national scores. The average attainment 8 score of all pupils in Tendring is 42.4, compared to 47.7, 49 and 48.8 for Essex, East of England and England respectively). The percentage of pupils achieving grades 4 or above in English and mathematics GCSEs in Tendring is 54.1%, compared to 67.9%, 69.7% and 68.8% for Essex, East of England and England respectively. Additionally, the percentage of pupils achieving the English Baccalaureate (grades 4 or above in English and maths, A*-C in unreformed subjects) in Tendring is 10.6%, compared to 25.2%, 27% and 26.8% for Essex, East of England and England respectively).

Table C.18: Adult qualifications [See reference 76]

	NVQ4 and above	NVQ3 and above	NVQ2 and above	NVQ1 and above	Other qualifications
Tendring	13,700	32,900	48,000	62,800	3,400
Tendring	18.3%	43.8%	63.9%	83.5%	4.5%
Colchester	43,400	67,900	89,000	99,700	7,000
Colchester	37.9%	59.3%	77.7%	87.0%	6.1%
East of England	34.9%	53.5%	72.4%	85.9%	6.5%
Great Britain	38.2%	56.9%	74.3%	85.3%	6.6%

C.65 The population of Tendring District has in general fewer qualifications than the overall sub-national and national populations. 83.5% of the working age population of Tendring District which accounts for 63,100 people are qualified to at least level 1 or higher compared to 85.3% across Great Britain. Colchester is higher than Tendring with 87% qualified to level 1 or higher. Colchester is above the regional and national average for the percentage of the population with qualifications at NVQ1 or higher. Level 1 represents foundation GNVQ, NVQ 1 or up to 5 GCSEs at grades A*-C.

C.66 The most significant difference is that Tendring has comparatively lower proportions of the population qualified at Level 3 and above than the regional and national averages, with 43.7% of the population having attained at least 2 or more A levels, advanced GNVQ, NVQ 3 or equivalent (level 3) and 18.2% achieving a higher national diploma, degree and higher degree level or equivalent (level 4).

C.67 Colchester however, is higher than the East of England and Great Britain at 59.3% with NVQ3 or above and 37.9% with NVQ4 or above.

Quality of Life

C.68 In June 2021, there was a total of 16,673 recorded crimes in Colchester Borough. In Tendring District, over the same period, there were 13,692 crimes recorded. This is also the highest number of total crimes recorded in the district [See reference 77].

C.69 Between April 2020 and March 2021, 22,558 crimes were recorded in the Colchester Borough [See reference 78]. In Essex, 154,561 crimes were committed in the year ending September 2021. Violent crime, anti-social behaviour, criminal damage and arson, public order, shoplifting, and other theft made up the highest proportion of recorded offences.

C.70 With an increasing population, it may be that the total number of recorded crimes will continue to rise. Planning can play a big part in kerbing this increase through developments that design out crime.

C.71 The Tendring community has access to a wide range of Council-run services including three leisure centres with swimming pools, sports centres, recreation grounds, country parks and the Princes Theatre, with an 820 seat auditorium which hosts local events as well as attracting national and international entertainers.

C.72 In Colchester, the community has access to a wide range of Council-run services and facilities, including those owned by the 31 Parish Councils in the Borough. Facilities include country parks at Cudmore Grove in East Mersea and High Woods in Colchester, a leisure centre including swimming pools and four multi-activity centres, a Sports Park and a 10,000 seat capacity football stadium.

C.73 Deprivation is measured on a small scale with local authorities divided in small areas known as Lower Super Output Areas (LSOAs) which have an average of 1,500 people, a minimum of 1,000 and are sub-divisions of wards. There are 32,482 LSOAs in England. Extent is the proportion of a local authority

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district's population living in the most deprived Local Super Output Areas (LSOAs) in the country. Local concentration refers to 'hot spots' of deprivation by reference to a percentage of the local authority districts population. Average Score is the population weighted average of the combined scores for the LSOAs in a local authority district and average Rank is the population weighted average of the combined ranks for the LSOAs in a local authority district.

C.74 Tendring ranks 1st in comparison to the 12 other Essex authorities in terms of average score, with Harlow, Basildon, and Colchester, following in rank as some of the more deprived Essex authorities [See reference 79]. Between 2015 and 2019 nine out of twelve lower tier local authorities in the Essex County Council administrative area increased in their rankings relative to 317 other local authority areas nationally whilst three areas (Tendring, Castle Point and Colchester) decreased their rank. Of the 326 local authorities within England, Tendring ranks within the top 25% for extent and the top 16% for the remaining three measures –local concentration, average score and average rank. Colchester is less deprived, with Colchester ranking 4th in Essex on average.

C.75 According to the English Indices of Multiple Deprivation 2019 [See reference 80], out of the 105 Lower-Layer Super Output Areas (LSOAs) [See reference 81] in the borough, 27 are within the top 40% most deprived LSOAs in the country. These LSOAs are largely concentrated in the wards of Berechurch, Greenstead, New Town & Christ Church, Old Heath & The Hythe and St Anne's & St John's. Colchester has one LSOA in the 10% most deprived in the country, namely Greenstead.

C.76 Colchester has 24 LSOAs that are in the 20% least deprived in England. The LSOA ranked as the least deprived is Bergholt in the ward of Lexden & Braiswick. Lexden & Braiswick, Mersea & Pyefleet, Tiptree and Wivenhoe all have three LSOAs which fall into the 20% least deprived classification.

C.77 Since the 2015 Indices of Multiple Deprivation, the number of LSOAs in the 10% most deprived has fallen to just one, with Barnhall, Salary Brook South and St Anne's Estate moving into the 11-20% most deprived decile.

C.78 The most deprived neighbourhood in England according to the IMD2019 is to the east of the Jaywick area of Clacton on Sea (Tendring 018a). This area was also ranked as the most deprived nationally according to the IMD2015 and IMD2010.

Health

C.79 In 2021, there were 2,031 live births in Colchester and 1,247 in Tendring. In Essex, only Basildon District had a higher number of births than Colchester (2,424). The total number of births in Essex in 2021 was 16,215 [See reference 82].

Life Expectancy and Health

Table C.19: Life expectancy [See reference 83]

Area	Males (2018-20)	Females (2018 - 20)
Tendring	78.2	82.0
Colchester	80.3	83.6
East of England	80.2	83.8
England	79.4	83.1

C.80 The health of people in Colchester is varied compared with the England average. According to the most recent Local Authority Health Profile for Colchester [See reference 84], life expectancy in the Borough is estimated at 80.3 years for men (which is higher than the England average but below the East of England average) and 83.6 years for women (which is higher than the England and regional averages).

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C.81 As outlined above, Colchester experiences pockets of deprivation. As a result, life expectancy is 8.6 years lower for men and 8.0 years lower for women in the most deprived areas of Colchester than in the least deprived areas. According to the Health Deprivation and Disability domain in the Indices of Multiple Deprivation, only 10 LSOAs in Colchester are within the 20% most deprived under this domain [\[See reference 85\]](#).

C.82 In 2017 the Colchester area had an all-ages mortality rate of 985.4 deaths per 100,000 residents, based on 1631 deaths recorded during that time period. This overall mortality rate was higher than the England average of 958.7 (per 100,000), but was a slight decrease compared the previous year (992.5 per 100,000).

C.83 The health of people in Tendring is generally worse than the England average. Tendring is one of the 20% most deprived districts/unitary authorities in England and about 24.1% (5,500) children live in low income families. Life expectancy for both men and women is lower than the England average. Life expectancy is 10.6 years lower for men and 7.8 years lower for women in the most deprived areas of Tendring than in the least deprived areas.

Table C.20: Estimated children in Year 6 classified as obese 2021/22 [\[See reference 86\]](#)

Administrative area	Children (year 6)
Tendring	24.3%
Colchester	19.7%
East of England	21.4%
England	23.4%

Impact of COVID-19

C.84 Between March 2020 and April 2021 there were 2,125 deaths registered in Colchester, 15.2% more than the 1,844 predicted . Of the deaths, 16.5% (352) had COVID-19 listed as the main cause. In Colchester, January had the highest number of excess deaths at 94 and January and February 2021 had the highest percentage of COVID related deaths at 4%.

C.85 The Middle Layer Super Output Area of New Town and Hythe saw the highest number percentage of excess deaths during the pandemic followed by Prettygate and Westlands. There were 96 deaths in total in New Town and Hythe, 68.4% (39) more than expected, with 16.7% of deaths (16) with COVID listed as the main cause. Central Colchester had the highest percentage of Covid related deaths at 25.3%, followed by Shrub End with 22.5%.

C.86 Lexden saw the lowest number percentage of excess deaths with saw 70 deaths, 15.7% fewer than expected, with 11.4% of deaths (8) attributed to Covid. Prettygate & Westlands had the lowest percentage of COVID related deaths at 10.6%, followed by both Abbey Field and Monkwick at 11.1%.

Physical Activity and Open Space

Table C.21: Adult participation in sport at least once a week

[See reference 87]

	Active people survey 7 – Oct 2013	Active people survey 8 – Oct 2014	Active people survey 9 – Oct 2015	Active people survey 10 – Sep 2016
Tendring	29.4%	29.4%	26.7%	23.6%

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	Active people survey 7 – Oct 2013	Active people survey 8 – Oct 2014	Active people survey 9 – Oct 2015	Active people survey 10 – Sep 2016
Colchester	35.2%	36.9%	36.8%	33.1%
Essex	36.8%	35.7%	34.8%	35.7%
East of England	35.9%	35.6%	35.6%	36.2%
England	36.6%	36.1%	35.8%	36.1%

C.87 The proportion of adults participating in sport at least once a week has decreased in the most recent survey for Tendring and Colchester, however at county, regional and national levels adult participation has increased. In Tendring District, 23.6% of those in the survey were active in sport between October 2015 and September 2016, a 3.1% reduction on the previous year. Colchester registered a 3.7% reduction in participation from Active People Survey 9 to Active People Survey 10.

C.88 Accessible Natural Greenspace Standard (ANGSt) created by Natural England sets out the minimum amount of accessible natural greenspace that any household should be within reach of. Analysis of Accessible Natural Greenspace Provision for Essex (2009) showed that only 7% of Essex households met all the ANGSt requirements while 14% didn't meet any. According to the report, "the areas that fare the worst according to the ANGSt criteria are the more rural parts of the county; although there may be greenspace surrounding rural inhabitants, there is often limited official public access beyond the footpath network".

C.89 Physical inactivity is classified as doing less than 30 minutes of moderate intensity activity per week. In Colchester, of adults aged over 19 years, 17.9% 23.5% and in Tendring were classified as being physically inactive in 2019/20. Colchester is lower than proportion of adults physically inactive across Essex (21.4%) and similar England (22.9%) and was the lowest level in the county.

The proportion of adult residents classified as physically active (doing more than 150 minutes of moderate intensity activity per week) was 72.6% in Colchester and 68.1% in Tendring (; Lowest: Basildon 58.4%). This was higher than the proportion of adults physically active across Essex as a whole (67.6%) and England (66.4%) In 2016/17 the area was also ranked as having the 7th highest percentage of residents involved in organised sports across the Essex Districts, with 35.1%. This was similar to the percentage across the whole of Essex (35%).

Natural and Built Environment

Overview

C.90 Colchester and Tendring lie within an ecologically rich rural and coastal environment. Areas of importance for nature conservation are to be found particularly along the coast and river estuaries. The Abberton Reservoir SPA, Blackwater Estuary Mid-Essex Coast SPA, Colne Estuary Mid-Essex Coast SPA, Hamford Water SPA and SAC, Stour and Orwell Estuaries SPA and Essex Estuaries SAC overlap with various parts of both Colchester and Tendring.

C.91 Within Colchester, there are eight Special Sites of Scientific Interest (SSSIs): Marks Tey Brickpit, Upper Colne Marshes, Roman River, Abberton Reservoir, Blackwater Estuary, Tiptree Heath, Bullock Wood and Cattawade Marshes. Dedham Vale is the only Area of Outstanding Natural Beauty within the area. There are ten SSSIs within Tendring. The majority of Sites of Special Scientific Interest (SSSIs) in the Borough are either in favourable or unfavourable recovering condition. Of the Tendring SSSI sites the majority are in a favourable condition with 36% measured as 'Unfavourable - Recovering' by Natural England.

C.92 One aim of Colchester's Climate Emergency Action Plan is to plant 200,000 trees by 2024 as part of the Colchester Woodland and Biodiversity Project to benefit biodiversity and capture carbon [See reference 88]. There are areas of Ancient woodland scattered throughout both Colchester and Tendring.

C.93 Colchester has 22 Conservation Areas, 1,600 listed buildings and 40 scheduled monuments. CBC recently updated the Colchester Borough Local List which includes 780 buildings or assets that are of historical or architectural interest. Historic England's Heritage at Risk Register contains seven entries for the Borough. Tendring is in the process of preparing its Local List, but has over 1,000 listed buildings and three registered Historic Parks and Gardens. There are 13 entries on the Historic England's Heritage at Risk Register for the Tendring District. Designated heritage assets within the proposed garden community area would include Grade II listed Allen's Farmhouse, Ivy Cottage, Lamberts, and three buildings at Hill farmhouse. Designated heritage assets nearby include the grade I listed Church of St Anne and St Lawrence, grade II* listed Wivenhoe House, Elmstead Hall and Spring Valley Mill and numerous grade II listed buildings as well as the grade II listed Wivenhoe Registered Park and Garden [See reference 89].

C.94 The rurality of the wider area means that there are large areas of open countryside, including protected natural and historic landscapes. Areas of importance for nature conservation are to be found particularly along the coast and river estuaries.

C.95 In Colchester and the north west of Tendring District is the Dedham Vale Area of Outstanding Natural Beauty (AONB) covering an area of 90 sq. km, designated for conservation due to its significant landscape value. Made famous by the paintings of Constable and Gainsborough, its traditional grasslands, wildflower meadows and hedgerows provide an opportunity for both residents and visitors to enjoy the peace and beauty of what are among some of England's most precious and vulnerable landscapes. In addition, there are discussions currently underway regarding the possibility of expanding the Dedham Vale AONB westward into the northern part of Braintree District.

Proposed by the Stour Valley Partnership, the proposals are supported by Essex County Council, Braintree District Council and Colchester Borough Council.

C.96 Natural England's National Character Area Profile: Northern Thames Basin, in which the Garden Community broadly lies, indicates that the rural urban fringe should be conserved and enhanced through the spatial planning process and through good design in development.

C.97 There are existing natural landscape and ecological features within the site such as Salary Brook, Welsh Wood, woodland, ancient woodland and a network of intact hedgerows and associated veteran trees, land drains and ditches. More broadly however, the topography of the land indicates benefits to the proposals in the form of integrating development into a natural context.

Agricultural Land

C.98 Grade 1 and 2 agricultural land is predominantly in the north east of Colchester Borough, with some areas of grade 2 land to the west and north west. The Garden Community site area is predominantly within Grade 1 Agricultural Land (determined 'excellent' by Natural England).

C.99 Tendring has a significant concentration of grade 1 and 2 agricultural land to the north west of the District on the border with Colchester Borough. The majority of the central party of the District is grade 3 land, with small areas of grade 2 running from south west to north east through the centre of Tendring. Coastal areas have lower quality land, with grade 4 land to the south around Colne Point and Holland-on-Sea and grade 4 and 5 land around Harwich and Dovercourt.

Utilities

C.100 Due to the nature and scale of Garden Communityties, utility provision is limited within the site currently. There is capacity in the medium pressure gas network in the region, but local low pressure upgrades will be required.

Existing Communities

C.101 A number of existing dwellings and the hamlet of Crockleford Heath exist within the broad area. The 'red-line boundary' of the site extends the Garden Community area towards Elmstead Market to the south east, Wivenhoe to the south, Ardleigh to the north and Colchester / Greenstead to the east, separated by the Salary Brook nature reserve and river channel.

Climate Change and Flood Risk

Overview

C.102 Colchester Borough Council declared a climate emergency on the 17 July 2019 and subsequently prepared a Climate Emergency Action Plan [See reference 90] for the period 2021 to 2030. Tendring District Council declared a climate emergency on 6 August 2019 and subsequently prepared a Climate Emergency Action Plan [See reference 91] for the period 2020 to 2023. The UK Climate Projections (UKCP18) show that in 2050 the climate in the South East will be warmer with wetter winters and drier summers than at present [See reference 92].

C.103 Tendring District Council's Cabinet agreed £150,000 of funding to pay for specialist advice for the action plan to be drawn up. A cross party climate change working group was set up to oversee the preparation of the action plan.

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The Council engaged the services of APSE Energy late in 2019 to help understand the position it is in and to calculate its own greenhouse gas emissions for the baseline year of 2018/19 along with collating data for the Tendring District as a whole. APSE Energy supplied the Council with a report in August 2020 that is used to underpin this Action Plan. One of APSE's recommendations is that the Council adopt the term net zero carbon as an aim rather than carbon neutral. The Essex Climate Action Commission (ECAC) was formed 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 Essex County Council, Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. It covers a wide range of topic areas including land use, energy, waste, transport plus the built and natural environments.

C.104 The latest DECC figures [\[See reference 93\]](#) show generally decreasing trends for CO₂ emissions (kilotonnes) in Colchester from 2005 to 2020; however there was an increase in 2012. CO₂ emissions have fallen from 1,140kt to 812kt (a decrease of 29%) over the period between 2005 and 2020. In addition, the latest DECC figures for energy consumption [\[See reference 94\]](#) (in thousand tonnes of oil equivalent (ktoe)) show there has been a general decreasing trend in energy consumption as well as CO₂ emissions. The figures for Tendring illustrate similar trends with a fall in CO₂ emissions from 2005 – 2020 from 834kt to 619kt [\[See reference 95\]](#), equivalent to 26% reduction.

C.105 The risk of flooding posed to properties within the District and Borough arises from a number of different sources including river flooding, sewer and surface water flooding.

C.106 A hierarchy of flood zones are defined as:

- Zone 1 – (Low Probability)

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- Encompasses land assessed as having a less than 1 in 1000 annual probability of flooding in any year (<0.1%).
- Zone 2 – (Medium Probability)
 - Comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% – 0.1%).
- Zone 3a – (High Probability)
 - Covers land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) in any year.
- Zone 3b – (The Functional Floodplain)
 - This zone consists of land where water has to flow or be stored in times of flood. It is land which would flood with an annual probability of 1 in 20 (5%) or greater in any year.

C.107 Significant levels of flood risk are generally identified along river stretches. This is the case at the site's western boundary associated with Salary Brook. The surrounding area of Salary Brook includes land within Flood Risk Zones 2 and 3 although no development is proposed for this specific area. A water body also exists at the location of the former quarry at Allen's Farm with minor associated flood risk.

C.108 Surface water flooding can occur from sewers, drains, or groundwater and from runoff from land, small water courses and ditches as a result of heavy rainfall. Surface water flood risk is relatively high with all main settlements in North Essex assessed being ranked in the top 1,000 settlements most susceptible to surface water flooding.

Waste

C.109 Households within Tendring District Council and Colchester Borough Council produce much less household waste per person than the county average. However, a much smaller percentage of this household waste is

recycled, re-used or composted in Tendring than the Essex average. Almost half as much is reused, recycled or composted in Tendring compared with Essex as a whole. Colchester is also lower than the Essex value for this, but by a smaller percentage than Tendring.

C.110 The residual waste produced per household in Colchester in 2018/19 was 279kg, 281kg in 2019/20 and 307kg in 2020/21. The figure for Tendring in 2018/19 was 511kg, 404kg in 2019/20 and 428kg in 2020/21. The percentage of household waste reused, recycled and composted in Colchester was 58.6% in 2018/19, 58.7% in 2019/20 and 56.9% in 2020/21. The percentage of household waste reused, recycled and composted in Tendring was 27.3% in 2018/19, 35.1% in 2019/20 and 40.2% in 2020/21 [\[See reference 96\]](#).

Air, Water and Land Pollution

C.111 The 2022 Air Quality Annual Status Report [\[See reference 97\]](#) highlighted that the main source of air pollution in Colchester is road traffic emissions from major roads, notably the A12, A120, A133, A134, A1232, Brook Street and Mersea Road. It also reported that despite the reduced traffic movements, three air quality exceedances were identified in 2021. These were in the existing air pollution hotspots of Brook Street, Mersea Road and Osborne Street. In addition, there were no new developments that will have a significant impact on air quality in 2021. . The Tendring 2020 Air Quality Annual Status Report [\[See reference 98\]](#) concluded there have been no exceedances in the air quality objectives, though NO₂ concentrations continue to rise across the majority of monitoring locations. With high concentrations of NO₂ recorded at North Road junction, Clacton, Wellesley Road, Clacton and Old Road, Clacton.

C.112 All waterbodies in the Essex Combined Management Catchment and Anglian TraC Management Catchment are failing in terms of achieving good chemical status. The waterbodies in Colchester are of moderate ecological status, with the exception of Layer Brook which is of poor ecological status and Domsey Brook was of good ecological status in 2019. The Water Environment (Water Framework Directive) Regulations (2017) [\[See reference 99\]](#) require all

waterbodies to achieve 'good ecological status' and 'good chemical status' by 2027.

C.113 Currently, there are no entries on Colchester Borough Council's contaminated land register [See reference 100]. There are 24 sites on the Brownfield Register [See reference 101]. Tendring has 41 sites on the Brownfield Register and no entries on the contaminated land register.

Transport

Overview

C.114 Tendring District is connected to a network of major roads via the A120, A133 and A137, which provide routes to Chelmsford, London, the M25, London Stansted Airport and the Port of Felixstowe. Colchester is similarly connected to a comprehensive network of major roads via the A12 and A120, which provide routes to London, the M25, Harlow and Cambridge. Four sections of the A12 around Colchester fall into the top ten busiest sections on the A12 route. The Borough also lies in close proximity to the major seaports of Harwich (20 miles) and Stansted airport (30 miles). This strategic position has meant the area has been a magnet for growth resulting in a healthy and vibrant economy.

C.115 Transportation provision in Tendring includes 14 railway stations with connections to Colchester, Chelmsford, Ipswich, Norwich, Stratford and London. The average journey time between Clacton-on-Sea and London Liverpool Street is 1 hour 26 minutes. During 2014-2015 Abellio Greater Anglia invested £1.5 million to improve performance and service consistency across the network, £10,000 for customer-focussed service improvements and £300,000 to repair and upgrade rolling stock.

C.116 There are numerous bus routes throughout Tendring including frequent inter-urban routes linking villages to the larger urban areas of the District and to

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Colchester. The dispersed geography of the District means that these services are stretched and causes a reliance on the use of private cars. One of the challenges to future development in Tendring is to minimise the dominance of the car as a main mode of travel.

C.117 Transportation provision in Colchester includes six railway stations; bus routes operated by ten bus companies; and several cycle trails. One of the biggest challenges to Colchester's future development is traffic growth and the dominance of the car as the main mode of travel.

C.118 The growing demand for the use of airports, including London Stansted, will create additional associated pressures on road and rail infrastructure. The County Council, along with South East Local Enterprise Partnership, local and national agencies and other organisations, will also need to work collaboratively with the Local Planning Authorities to ensure infrastructure meets demand for enhanced economic growth.

C.119 The results of the Colchester Travel Diary survey (July 2007) found that the largest proportion of trips (55%) in the AM peak (0600-0900) are journeys to the workplace, followed by journeys to school (11%), the remainder of journeys are to shops / local services, leisure services and for business. Analysis of survey results also determined that 67% of these journeys to workplace in the AM peak originate from homes in urban areas and accordingly, could potentially be undertaken via public transport, walking or cycling instead. While the findings of the travel diary survey are now relative old, the findings from the more recent workplace travel plan surveys from organisations along the A134 (as show in the table below) confirm the view that workplace journeys are likely to be a significant contributor to congestion along this corridor.

Table C.22: Workplace Travel Plan survey findings [See reference 102]

	Colchester Council (2012)	Colchester Hospital (2012)	Colchester Institute (2013)	Culver Square (2010)
Drive (alone)	47%	64%	61%	64%
Car share	11%	9%	12%	0%
Get dropped off	3%	2%	N/A	N/A
Walk	13%	11%	10%	22%
Cycle	6%	4%	5%	7%
Bus	11%	5%	4%	0%
Train	6%	2%	2%	0%
Motorcycle	1%	0%	2%	7%
Taxi	1%	0%	N/A	0%
Work from home	2%	1%	1%	N/A
Other	0%	2%	3%	N/A

C.120 These results indicate that there is scope and opportunity for encouraging more modal shift for the journey to work, as car use is still high and many of these are relatively short journeys that could be undertaken by walking, cycling, bus or car sharing. The distances that staff travel to work is highlighted in the Travel Plan for Culver Square and reveal that 72% of staff live less than 4 miles (or a 30 minute cycle ride) from the Town Centre.

Modes and Flow of Travel

Table C.23: Private vehicle ownership [See reference 103]

	No car or van	1 car or van	2 cars or vans	3 cars or vans	4 or more cars or vans	Total cars or vans
Tendring	(23.4%)	(45.3%)	(23.2%)	(5.8%)	(2.2%)	74,212
Colchester	(20.6%)	(43.8%)	(27.4%)	(6.0%)	(2.3%)	90,741
East of England	(17.7%)	(41.1%)	(27.8%)	(6.6%)	(2.5%)	3,231,763
England	(25.8%)	(42.2%)	(24.7%)	(5.5%)	(1.9%)	25,696,833

C.121 Proportionately more households own 1 car or van within Tendring District at 45.3%, which is slightly higher than national and regional statistics, Colchester is also higher than the regional and national figures at 43.8%.

C.122 Colchester has one of the highest levels of walking and cycling in Essex and through creating the right infrastructure and interventions there is the opportunity to grow it further. Essex County Council’s Active Travel Essex project aims to support people in making those short journeys across the town in a safer easier way. The proposals for Colchester will see the creation of two routes helping safer, greener and healthier walking and cycling between key points in the town.

C.123 Travelling from north to south and east to west, the two routes cross in the town centre, enabling a safe and easy access from Lexden Road, Butt Road, East Hill and the Mile End area into the town centre or on to key destinations such as the station and hospital. These are journeys which are being made by car and, therefore, the proposals will, alongside other measures in the town (such as the proposed Rapid Transit System and future cycling and

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walking routes) help tackle congestion creating a safer, greener, healthier Colchester.

C.124 Tendring District has a lower proportion of residents driving to work by either car or van (34.50%) [See reference 104] when compared to regional and national levels, although this is only slightly lower than the national statistics. This could be lower as a result of a much higher number of people not currently working in the District. There is also a lower usage of trains as a mode of transport within the District compared to the national trend as well as fewer residents cycling or traveling by underground or on a bus, minibus or coach. The proportion of residents who walk to work is comparatively similar to the regional and national levels.

C.125 A much lower proportion of the population of Tendring drive to work in a car or van than in Colchester and the region. More people travel by train in Colchester than in the region and the nation and more people use buses, minicabs or coaches than in the East of England. Sustainable transport methods are more common in Colchester than in Tendring, the East of England or England as a whole, with 2.57% of residents cycling to work and 7.70% walking to work.

C.126 Commuting patterns result in a daily 1,882 population decrease in Colchester [See reference 105]. Around 24,850 people commute out of Colchester to other local authorities each day, most notably to Tendring, Braintree and the City of London. Around 17,412 people commute out of Tendring to other local authorities each day, most notably to Colchester, Braintree and the City of London. Inflow of people into Colchester (6,763). However, these commuting patterns are expected to have significantly changed due to the increase in working from home as a response to the COVID-19 pandemic

C.127 The baseline evidence suggests that the proportion of Tendring District's population with one car or van is higher than the national and county average and those residents that use rail for commuting is lower than average. The evidence also suggests that the proportion of residents that use other

sustainable modes such as walking and cycling is lower than the national average. Whilst it is considered that the rural nature of the district may have a key role to play in encouraging this, it is important that with the evolution of the plan further consideration is given to how future growth may be delivered to facilitate uplift in sustainable travel.

C.128 However, these commuting patterns are expected to have drastically changed from the increase in working from home as a response to the COVID-19 pandemic.

North Essex Garden Communities Movement and Access Study (2017)

C.129 The North Essex Garden Communities Movement and Access Study (2017) evaluates the current infrastructure capability within the Section One Strategic Area and identifies where there is likely to be issues with the quantum of development proposed in the Garden Communities. The key findings and recommendations for TCB are outlined below. Further work will be undertaken through masterplanning.

Main Garden Community - Early Phases

- A120-A133 Link Road to cater for construction traffic and to provide some relief of the A133 into Colchester.
- A133 Boulevard and cycle route build out linked to the provision of development in this area to provide a transformative public realm and environment for active modes and public transport prioritisation.
- Early phases of rapid transit priority measures, such as links between Elmstead Road and Greenstead Road for rapid transit
- Enhanced cycle links to Central Colchester.

- Potential provision of an eastern Park and Ride from an interim location by building a car park that can be repurposed for a future use as the town centre is built out and the Park and Ride relocated or another provided in the NE of the site. This could help to anchor demand for a high quality frequent rapid transit service from the early days of the new development.

Local Plan Period (By 2,500 Homes)

- Gradual Build out of rapid transit network infrastructure within the site and into Central Colchester.
- Delivery of Salary Brook Trail Upgrade and connections to Welshwood Park for access to schools and leisure in North Colchester.

Garden Village

- Link from Bromley Road to the A120-A133 Link Road junction (south of the A120) to remove internal car movements from within the site. Again, a focus is on the 'long way round' for cars, while providing more suitable construction traffic access.
- Consideration of access control point for peak periods to limit access to Bromley Road for travel into Central Colchester from the Garden Community / Garden Village thereby supporting a 'monitor and manage' approach prior to potential upgrade of the A137 / Bromley Road junction.
- Providing a variation of the rapid transit service from Colchester via the University that terminates at the Garden Village, supplementing services that currently use Bromley Road to Tendring and Colchester.
- There is a need for careful tie-ins to the highway network given presence of schools on St Johns Road, residential areas around Plains Farm Close.
- Our suggestion is a three segment development that has no through car route between all three (at peak periods at least through ANPR access control points), but with rapid transit and cycle accessibility at all times. This would help to spread the load on to the highway network, minimise

expenditure on junction capacity enhancements and supports sustainable / active modes as the default mode of choice.

- Provision of a rapid transit loop service up either Ipswich Road (or even Harwich Road) to serve the site and the neighbouring Betts Factory development site.
- Upgrades to existing PROW and greenway opportunities provides the opportunity for a continuous largely off road link between the Ipswich Road (connecting with existing and planned cycle routes), the University via Salary Brook, Garden Village and Garden Community.

North Essex Garden Communities Trip Generation

C.130 The North Essex Garden Communities Movement and Access Study provides projections for the likely volume of trips generated by the garden communities proposed development during peak travel times. This information is summarised in the below tables.

Table C.24: External vehicle trips per site (AM peak: 0800-0900)
 [See reference 106]

	Scenario	AM peak departures	PM peak arrivals
West Tendring / Colchester Borders	Local Plan – 2,500 homes (Ambitious), 2032	397	175
West Tendring / Colchester Borders	Local Plan – 2,500 homes (Census), 2032	635	293

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	Scenario	AM peak departures	PM peak arrivals
West Tendring / Colchester Borders	Full – 10,700 homes (Ambitious), 2047	1444	605
West Tendring / Colchester Borders	Full – 10,700 homes (Census), 2047	2261	996

* Excludes external demand (arrivals) for mixed use and education (to be determined during masterplanning).

Table C.25: External vehicle trips per site (PM peak: 1700-1800)

	Scenario	AM peak departures	PM peak arrivals
West Tendring / Colchester Borders	Local Plan – 2,500 homes (Ambitious), 2032	198	263
West Tendring / Colchester Borders	Local Plan – 2,500 homes (Census), 2032	349	465
West Tendring / Colchester Borders	Full – 10,700 homes (Ambitious), 2047	698	973
West Tendring / Colchester Borders	Full – 10,700 homes (Census), 2047	1233	1721

* Excludes external demand (arrivals) for mixed use and education (to be determined during masterplanning).

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C.131 The broad area is well located in terms of existing access and the presence of strategic roads and those that permeate the broad area and those eastern parts of Colchester.

C.132 The presence of the Great Eastern Mainline and rail links at Hythe exist as a rapid public transport link to Colchester.

C.133 The existing strategic and local bus networks currently set down and pick-up in close proximity to the site with a bus interchange located at the University campus. Within the Colchester Borough Council Local Plan, provision is made for a dedicated bus corridor to support development in North Colchester. Essex County Council were awarded HIF funding for a link road linking the A133 and A120 and Rapid Transit System (RTS).

Appendix D

Summary of SA Findings for the Draft DPD

D.1 This appendix presents the summary of sustainability findings for the policies included in the draft DPD. Table D.1 below sets out the summary of SA effects for the policies from the Draft DPD and Table D.2 below sets out the summary of cumulative effects for the Draft DPD.

Table D.1: Summary of SA effects for policies in the Draft DPD

SA Objective	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15
Key Vision Theme Nature	+	-	+	0	-	+	+	0	+	+	+	+	+	+	0
Key Vision Theme Movement and Connections	+	0	+	+	0	0	+	+	0	+	0	0	+	0	0
Key Vision Theme Community and Social Infrastructure	+	0	+	0	0	0	+	+	0	+	0	0	+	0	0
Key Vision Theme Buildings, places and character	+	+	0	0	0	0	0	0	0	+	0	0	0	+	0
Key Vision Theme Sustainable infrastructure	0	+	+	0	0	+	+	0	0	+	0	+	+	+	0
1: Land Uses and Spatial Approach	++	++	++/-	++	++	--/+	++/-	++	-	++	0	+/-	++/-	++/-	--
2: Development at the Garden Community	+	0	+	0	0	+	+	+	+	+	+	+	+	+	+
3: Nature	+	-	+	0	-	++	+	+	+	+	+	+	+	++	+

Appendix D Summary of SA Findings for the Draft DPD

SA Objective	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15
4: Buildings, Place and Character	+	++	+	+	+	+?	+	+	+?	0	+?	+?	0	+?	+/-
5: Economic Activity and Employment	0	+	+	++	++	-?	++	++	-?	0	-?	-?	+/-?	-?	-?
6: Community and Social Infrastructure	++	0	++	++	+	+?	++	++	+?	+?	0	0	+	+?	0
7: Movement and Connections	+	0	++	+	+	+?	++/-	++	+?	+	+?	+?	++/-	+?	-
8: Sustainable Infrastructure	+	0	+	0	0	0	0	+	0	++	++	0	+	0	+
9: Infrastructure Delivery and Impact Mitigation	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+

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Table 7.1: Summary of Likely Cumulative Effects for the DPD

SA Objective	Cumulative Effects for the DPD
1. Safety and community cohesion	++
2. Housing	++
3. Health	++
4. Vitality and viability of centres	++
5. Economy	++
6. Biodiversity and geological diversity	+/-
7. Sustainable travel	++/-
8. Services and infrastructure	++
9. Historic environment and townscape	-?
10. Energy efficiency and climate change	++
11. Water resources and quality	++?
12. Flood risk	+
13. Air quality	++/-
14. Landscape	+
15. Soils and minerals resources	--?

D.2 The changes to the SA scores made between the Draft DPD and Reg 19 DPD were minimal, comparing the tables above to those in Chapter 5 of this report there are only a few changes. These changes are set out below:

- Minor positive effects have now been documented for Key vision theme: buildings, places and character in relation to SA objective 5: economy as it now includes provision of employment opportunities.

Appendix D Summary of SA Findings for the Draft DPD

- Policy 1: Land uses and spatial approach now has a mixed effect in relation to SA objective 9: Historic Environment and townscape as it specifically sets out that land at Crockleford is being designated as the 'Crockleford Heath Area of Special Character' is to ensure development within this area considers the local character, heritage assets and their settings and the area's rural setting.
- Policy 8: Sustainable infrastructure is now expected to have minor positive effects against SA objectives 6: biodiversity and geodiversity and 12: flood risk because multifunctional green-blue infrastructure will be delivered across the Garden Community which has positive effects on climate change adaptation through flood risk management. Further to this, proposals must provide a diverse range of plant species that are resilient to climate change which would provide additional habitats for local wildlife.

D.3 As the updated SA findings relate to minor effects, overall none of the cumulative effects scoring has changed.

Appendix E

Audit Trail of Options Considered for the Reg 19 and Draft DPD

Audit trail of options considered for the Reg 19 DPD (Council's reasons for selecting preferred policy options in light of reasonable alternatives)

E.1 The majority of the Reg 19 DPD is unchanged from the Draft DPD version. As such, the only alternatives included below are the various refinements that were identified during the consultation of the draft DPD.

Policy/element of the Reg 19 DPD and proposed approach

E.2 Policy 1: Land Uses and Spatial Approach as included in the Prior + Partners Strategic Masterplan report (2023).

Reasonable alternatives

E.3 Three potential refinements to the masterplan options were identified during the Regulation 18 consultation process, as outlined below:

- Refinement A: 'Latimer/Lichfields' – focuses development south of the A133 to accommodate the expansion of the University of Essex. This option would allocate between 32.5 and 35.5 hectares to accommodate: student accommodation and support facilities, new sports facilities, and new sports pitches. Additionally, this option includes land for the knowledge-based employment also to be located south of the A133. This could potentially provide a more direct relationship between the Knowledge Gateway and the University of Essex and create an opportunity for the Rapid Transit System to better connect with the University campus.
- Refinement B: 'University of Essex' – this option would include: 12 to 15 hectares of student accommodation and support facilities, 3.5 hectares of new sports buildings/facilities, up to 17 hectares of new sports pitches and additional knowledge-based employment land. This option would allocate 13ha of knowledge-based employment land north of the A133. It is assumed that the 13ha would be allocated on the 15ha of land, which was shown in Option 3, Approach A of the Draft DPD as 'university expansion land' and 'knowledge-based employment'. The additional land proposed for student accommodation and sports pitches would take place on land south of the A133.
- Refinement C: 'Greenstead Councillors and Community' – focuses development directly north of the A133 and south of the A133 to accommodate the expansion of the University of Essex and Knowledge Gateway area. Additionally, this option includes land for the knowledge-based employment also to be located south of the A133. There is also proposed access into the new knowledge gateway area and university sports area.

Reasons for choosing the preferred policy option in light of the reasonable alternatives

E.4 The Councils consider the preferred option, which is a variation on the maximum landscape option, to be the most appropriate option when considered

against the reasonable alternatives and potential refinements. Whilst it requires a higher average density of new homes overall, it can still be accommodated with the flexibility to deliver different types of housing of different size, types, heights and densities to be delivered in different locations across the site. High densities respond to the climate emergency and maximise opportunities for sustainable travel in and around the rapid transit route and neighbourhood centres. This approach enables residential and employment development to be achieved without sprawling into the open countryside south of the A133 and east of the A120-A133 Link Road, while still providing for lower density development in more sensitive and peripheral areas, allowing space for a healthy network of open space and green infrastructure and to protect and respect the community and character of Crockleford Heath and other sensitive features of the site.

E.5 The preferred option allows employment opportunities to be delivered both on key strategic sites and within local centres and provides the means by which a Rapid Transit System can be routed through the three neighbourhoods of the Garden Community, separated from the link road and prioritised over private car access. The preferred option also ensures that the homes in the new community are not segregated by the new link road or the A133, and that there is space within the development to achieve the green and spacious approach that is key to the Councils' expectations of a Garden Community. The land south of the A133 will retain a substantial strategic green gap that respects the width of the coalescence break that was established through the Wivenhoe Neighbourhood Plan. This will provide a buffer to Wivenhoe that can incorporate planting and biodiversity net gain while still allowing land to facilitate the expansion of the University of Essex through new and replacement sports provision and that can serve the sport and recreational needs of the Garden Community and wider communities.

E.6 The preferred option responds positively to issues raised by residents and other stakeholders through the Regulation 18 public consultation – particularly in relation to protecting the sensitive slopes around Salary Brook; protecting Wivenhoe from coalescence while still facilitating University expansion to the south of the A133; and better recognising the characteristics of Crockleford

Heath and the need for a sensitive lower-density approach to development in that location.

E.7 In coming to a view on the preferred option, the Councils have had careful regard to representations received at Regulation 18 stage that offer different views on the way forward. These include the representations from a large number of residents concerned about coalescence and the impact of development on local character and local infrastructure; the representations from the University of Essex keen to ensure the Garden Community assists in maximising its potential for expansion and growth in jobs and students; and those from the lead developers anxious to ensure that development of the right number of homes can be achieved at an appropriate density within the constraints identified in the DPD. The Councils consider that the preferred option achieves the right balance between conflicting demands and is the most appropriate strategy having regard to environmental, social and economic effects.

Audit trail of options considered for the draft DPD (Council's reasons for selecting preferred policy options in light of reasonable alternatives)

E.8 Alternatives which would rely on existing national or local policy (i.e. in effect a 'do nothing' approach) have not been included below. The approach to the consideration of options which rely on existing policy has been described in **Chapter 4** of this report. In general where the Councils considered a 'do nothing' approach, it has been rejected given that the policy in the DPD represents an opportunity to add further detail to the policy requirements in the Section 1 Plan and include policy that will more directly address issues specific to the Garden Community.

E.9 Where the consultation questions included in the draft DPD has identified additional alternatives these have also been listed.

Policy/element of draft DPD and proposed approach

E.10 Key vision themes and principles and objectives.

Reasonable alternatives

E.11 No reasonable alternatives have been identified.

Policy/element of draft DPD and proposed approach

E.12 Policy 1: Land Uses and Spatial Approach (this aligns mostly directly with masterplan option 3 (maximum landscape) as included in the Prior + Partners masterplan report (2021).

Reasonable alternatives

- Masterplan option 1 (maximum development area): a strategy that includes development on a wider area of land of the agreed 'broad area of search', including land south of the A133 and to the east of the new link road allowing for a lower overall density of development.
- Masterplan option 2 (maximum connectivity): a strategy that confines the majority of development to land north of the A133 and to the west of the new link road, but which delivers a higher average density of development

with a reasonable level open space and green infrastructure integrated into the development.

- Masterplan option 3 (maximum landscape): a strategy that prioritises a fully retained landscape setting to the east and south of the new community and confines development to land north of the A133, but would deliver a range of residential densities, a rapid transit route and a range of economic clusters in the north, east and south.
- Masterplan option 3a (alternative approach to maximum landscape) provides development at the new Garden Community in broadly the same distribution as option 3. However, through option 3a land is provided to the south of the A133 and East of the main existing campus for university expansion. This land could accommodate academic and other university related uses. It could also allow for expansion of sports pitches and recreation in close proximity to existing related facilities on campus. This alternative would still result in the majority of the land south of the A133 and within the area of search being retained as a green buffer to neighbouring settlements. Knowledge based employment uses would be provided north of the A133. Under this option these could potentially be extended westwards to provide a more direct relationship and link to the Knowledge Gateway. The approach could also deliver a mix of uses to the north of the A133, with the land becoming part of the Garden Community neighbourhoods.

Reason for choosing the preferred policy option in light of the reasonable alternatives

E.13 The Councils consider the preferred option, which is the maximum landscape option, to be the most appropriate option when considered against the reasonable alternatives. Whilst it requires a higher average density of new homes overall, it can still be accommodated with the flexibility to deliver different types of housing of different size, types, heights and densities to be delivered in different locations across the site. High densities respond to the climate emergency and maximise opportunities for sustainable travel. This approach

enables the development to be achieved without sprawling into the open countryside south of the A133 and east of the A120-A133 Link Road, whilst still providing space for a healthy network of open space and green infrastructure and to protect and respect the community and character of Crockleford Heath and other sensitive features of the site.

E.14 The preferred option allows employment opportunities to be delivered both on key strategic sites and within local centres and provides the means by which a Rapid Transit System can be routed through the three neighbourhoods of the Garden Community, separated from the link road and prioritised over private car access. The preferred option also ensures that the new community is not segregated by the new link road or the A133, and that there is space within the development to achieve the green and spacious approach that is key to the Councils' expectations of a Garden Community.

Policy/element of draft DPD and proposed approach

E.15 Policy 2: Requirements for all New Development.

Reasonable alternatives

E.16 No reasonable alternatives have been identified.

Policy/element of draft DPD and proposed approach

E.17 Policy 3: Nature.

Reasonable alternatives

- A more prescriptive policy, which lists exactly what biodiversity mitigation and net gain and SuDS requirements are required and where.
- The consultation questions included in the draft DPD also highlighted the potential for a lower or higher biodiversity net gain and tree canopy cover target to be included in the document.

Reason for choosing the preferred policy option in light of the reasonable alternatives

E.18 The preferred policy for Nature has been selected as it sets out the approach for the Garden Community to protect existing green infrastructure and enhance the green infrastructure network for the benefit of people and wildlife. It includes a range of topics: green infrastructure, integrating green and blue spaces into built form, protection of biodiversity and biodiversity net gain, tree planting, productive landscapes, SuDS and blue infrastructure, integration of A120-A133 Link Road mitigation, and the expectations for studies to support planning applications.

E.19 The Councils have rejected a more prescriptive approach to biodiversity mitigation and net gain and SuDS requirements as there is a need for flexibility to ensure that proposals for the Garden Community are able to respond to changes to the natural environment over the lifetime of the Garden Community and changes in regard to biodiversity net gain, protected species, priority habitats and SuDS features.

E.20 A target of 10% increase in canopy cover has been selected in preference to a higher or lower target. A target of an increase rather than an overall coverage figure will lead to an increase in canopy cover. The 10% increase reflects the target in Colchester's Section 2 Local Plan, which will ensure consistency of application across the borough. Whilst trees are important for numerous reasons (e.g. amenity, health and wellbeing, carbon capture,

biodiversity) there are other green infrastructure types that are important to include within the Garden Community. A higher target could affect the ability to deliver other types of green infrastructure.

E.21 The Environment Act has received Royal Assent and a minimum target of 10% biodiversity net gain will be mandatory once secondary legislation is passed. Many local authorities are already requiring a minimum of 10% biodiversity net gain and this target is included in Colchester's Section 2 Local Plan.

Policy/element of draft DPD and proposed approach

E.22 Policy 4: Buildings place and character.

Reasonable alternatives

E.23 A more detailed and prescriptive approach including a detailed Masterplan and Design Code and very detailed requirements and standards.

Reason for choosing the preferred policy option in light of the reasonable alternatives

E.24 The Council states that a disadvantage of a more detailed and prescriptive approach of including the maximum level of detail in this Plan, is that, over the lifetime of the Garden Community development and even in the short-term running up to the first phases of development, expectations could change, and flexibility is required. For example, the housing market and the need and demands for certain kinds of homes will change over time and it would be better for the mix of housing to be determined by the most up to date

evidence, than by a prescriptive requirement set out in this Plan that become detached from reality over a period of time.

E.25 The Councils have rejected the option of setting different targets for housing types as at this stage the mix of housing that will be required is unknown. The need for housing types is also likely to change over time, given that the Garden Community will be built out over c. 30-40 years. The target of 30% affordable housing is set on the Section 1 Local Plan. Requirements for other types of housing will either be included in design codes or justified as part of future planning applications supported by a Housing Strategy.

E.26 Policy 4 expects all dwellings to comply with the government's latest 'Technical housing standards – nationally prescribed standard' as a minimum. The Councils have selected this option as to achieve high quality design it is important that minimum space standards are achieved. The Councils have rejected the use of alternative space standards as following the government's latest technical housing standards is clear to all developers what is required. It also ensures that if standards change in the future, the Plan will require these and remain up to date.

E.27 The draft policy is therefore considered to be the best option as it strikes a realistic balance between establishing minimum standards and expectations from the outset and requiring additional work in the form of Masterplans, Design Codes and Strategies to determine a greater level detail going forward, based on the most up to date information available – whilst still retaining an appropriate level of control.

Policy/element of draft DPD and proposed approach

E.28 Policy 5: Economic Activity and Employment.

Reasonable alternatives

E.29 No reasonable alternatives for this policy have been identified.

Policy/element of draft DPD and proposed approach

E.30 Policy 6: Community and social infrastructure.

Reasonable alternatives

E.31 No reasonable alternatives for this policy have been identified.

E.32 Policy/element of draft DPD and proposed approach

E.33 Policy 7: Movement and connections.

Reasonable alternatives

- A less comprehensive policy but with further detail provided in design codes.
- The consultation questions included in the draft DPD also highlighted the potential for the Garden Community Parking Standards to be incorporated into the policy.

Reason for choosing the preferred policy option in light of the reasonable alternatives

E.34 The Movement and Connections policy is comprehensive and covers a wide range of transportation issues, including feedback from engagement. It is split into sections on vision and design approach; active and healthy travel; public transport; parking; travel demand management; A120/A133 Link Road connectivity; monitoring, management and delivery; and planning application requirements. Many of these sections have sub-sections and the policy provides detailed requirements for each issue. The policy was written in close collaboration with Essex County Council as the highway and transportation authority and reflects their comments. The Councils have rejected, at this stage, the approach of having a less comprehensive policy but with further detail provided in design code. There is a need to ensure the full range of movement and connectivity requirements for the Garden Community are comprehensively detailed at this early stage.

Policy/element of draft DPD and proposed approach

E.35 Policy 8: Sustainable Infrastructure.

Reasonable alternatives

E.36 No reasonable alternatives for this policy have been identified.

Policy/element of draft DPD and proposed approach

E.37 Policy 9: Infrastructure delivery and impact mitigation.

Reasonable alternatives

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Report produced by LUC

Report produced by LUC

Bristol

12th Floor, Beacon Tower, Colston Street, Bristol BS1 4XE
0117 929 1997
bristol@landuse.co.uk

Edinburgh

Atholl Exchange, 6 Canning Street, Edinburgh EH3 8EG
0131 202 1616
edinburgh@landuse.co.uk

Glasgow

37 Otago Street, Glasgow G12 8JJ
0141 334 9595
glasgow@landuse.co.uk

London

250 Waterloo Road, London SE1 8RD
020 7383 5784
london@landuse.co.uk

Manchester

6th Floor, 55 King Street, Manchester M2 4LQ
0161 537 5960
manchester@landuse.co.uk

landuse.co.uk

Landscape Design / Strategic Planning & Assessment
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A.1 APPENDIX 5

TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT PLANNING COMMITTEE

27 FEBRUARY 2023

A.1 DEVELOPMENT PLAN DOCUMENT (DPD): SUBMISSION VERSION PLAN – REGULATION 19

(Report prepared by Amy Lester (Garden Community Planning Manager))

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Tendring Colchester Borders Garden Community Joint Committee’s agreement to the Submission Version of the Development Plan Document (DPD) for the Garden Community and its recommendation to Full Council at Tendring District Council (TDC) and Colchester City Council (CCC) to carry out public consultation and thereafter submit the DPD to the Secretary of State to begin the process of independent examination.

EXECUTIVE SUMMARY

The purpose of the DPD is to plan effectively for growth within the TCBGC over the long term. In 2021, TDC and CCC both agreed to formally adopt the ‘North Essex Authorities’ Shared Strategic Section 1 Local Plan’ (Section 1 Local Plan) which, amongst other things, identifies the broad location of the Garden Community and sets out the Strategic Policies and the overarching requirements and expectations that it will need to meet. With the principle of a Garden Community already agreed, the Submission Version Plan contains more detail about the development and the specific requirements that developers will be expected to follow, when preparing masterplans, applying for planning permission and carrying out the development.

The DPD seeks to set an appropriate and ‘sound’ strategy for the future development of the TCBGC. It is the role of the Regulation 19 stage of public consultation to invite representations on the soundness and legal compliance of the DPD based on specified criteria in the National Planning Policy Framework (NPPF). The DPD has been prepared by CCC and TDC as the Local Planning Authorities, in partnership with Essex County Council (ECC).

The Submission Version of the DPD has been informed by the comments received through the earlier public consultation on the Draft Version of the Plan in March-April 2022 as part of the Regulation 18 stage of the plan making process.

The proposals and policies in the Submission Version of the Plan have also been informed by a range of evidence base documents – updating and expanding upon the evidence already in place at Regulation 18 stage and addressing key matters raised during the previous consultation. This evidence includes, amongst others, a Strategic Masterplan for the Garden Community, an assessment of the character of Crockleford Heath, an independent assessment of the University of Essex's expansion requirements and a viability appraisal. The conclusion of this evidence base has been collectively considered to understand its implications and it has informed Officers' recommendations on the content of the Submission Version Plan.

The Joint Committee is asked to consider and approve the Submission Version of the DPD and to recommend, to Full Council at TDC and CCC, that it be published for consultation and thereafter submitted to Secretary of State, along with any comments received, who will then appoint a Planning Inspector to examine the DPD.

In line with national regulations the Councils will seek representations on the Submission Version Plan through the consultation exercise. The public and other stakeholders will be invited to make representations indicating, in particular, whether or not they believe the Submission Version of the DPD is 'sound' based upon a set of nationally prescribed criteria. It is the intention to seek a period of six weeks for this consultation period in accordance national requirements.

RECOMMENDATION

That the Tendring Colchester Borders Garden Community Joint Committee:

- 1) notes the content of this report which presents the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the 'Development Plan Document' or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise;**
- 2) recommends to the Full Council of both Tendring District Council and Colchester City Council that they agree for the above-mentioned Submission Version of the Plan, associated Sustainability Appraisal and other related evidence be published for six-weeks' public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination;**
- 3) that Full Council authority is sought for the Garden Community Planning Manager, in consultation with TDC Director of Planning, CCC Executive Director of Place and the**

Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to be given delegated authority to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation;

4) notes the proposed activity for the Regulation 19 ‘Submission Version Plan’ consultation.

5) notes the representations received following the cancellation of the Joint Committee meeting of the 13th December 2022.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Members are reminded that the TCBGC is a corporate priority for all three of the Councils represented on the Committee and that the Councils are required to take into account the responses received to the Regulation 18 consultation exercise in making a decision as to the content of the Plan at Regulation 19 stage, when it will be published for a final round of consultation and submitted to the SoS.

RESOURCES AND RISK

The Submission Version of the DPD is a statutory stage of plan making and represents an advanced and fully formed version of the DPD that the Councils consider to be sound and ready for examination. There is a risk that should the DPD not be examined and adopted in an appropriate timescale, the ongoing ability for the Councils to manage growth within the TCBGC area in a planned manner will be compromised.

The overall Garden Community project is being managed by the three authorities through agreed budgets and through appropriate structures to ensure input and overview, not only from the Joint Committee, but also from the lead elected Councillors, Senior Officers, Planning Officers, Transport Officers, Project Team and the independent ‘Community Liaison Group’ specifically set up to provide a community input into the project. There are also structures in place for constructive engagement with the lead developers Latimer/Clarion and Mersea Homes, including an ongoing ‘Planning Performance Agreement’ (PPA) which establishes and secures funding to cover the cost of meetings and, in the coming months, dedicated resources to facilitate the pre-application process and the assessment and determination of planning applications.

It is considered the Councils approach to plan preparation, engagement and consultation to date has allowed the public and other stakeholders to have a significant opportunity to input into the process and, where appropriate, to shape the emerging DPD proposals. Importantly, however,

consultation in this context does not mean that a consensus of opinion has been reached in all cases, and it is appropriate to recognise there remains opposing views to some elements of the DPD, either from residents and local stakeholders, local parish and town councils, site promoters or all. It is the role of the consultation process to allow for these views to be made, and for the Councils to respond and reflect upon them, especially if they are advancing material considerations. It is considered that the thorough process the Councils have engaged in over the last year, which has followed the requirements of legislation and the Councils Statement of Community Involvement (SCI) documents, has allowed this to happen in an effective and meaningful manner.

The Submission Version DPD is the second occasion where the emerging DPD will be published and consulted on in a full format.

Officers have brought this paper to the Joint Committee with a view to a decision being taken by the Full Councils prior to the upcoming Local Elections. A delay in determination until after the election period is likely to pose a risk to the timetable for the overall Garden Community project and the delivery of the first phase of homes and associated infrastructure. Because the Section 1 Local Plan requires that planning permissions are not to be granted until the DPD has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground.

If agreed, the proposal is to consult on the on the DPD for six weeks later in 2023 following the Local Elections. The updated version of the Local Development Scheme (LDS), (attached as Appendix 3), recommends a new timetable for the DPD. This takes into account the need to consult for a period of six weeks on the DPD, and charts a realistic timetable for independent Government Examination in Autumn/Winter 2023, with adoption of the DPD anticipated early in 2024.

The purpose of the Regulation 19 consultation stage is to allow consultees the opportunity to make representations on the 'soundness' and legal compliance of the DPD. All representations made will be considered by a government-appointed Planning Inspector who will independently examine the DPD. The Councils ability to respond to representations made through the consultation is limited than at this stage. Indeed, whilst the Councils will be able to submit minor suggested modifications to the DPD ahead of public examination this does not extend to making more significant changes.

However, if, through the Regulation 19 consultation process, it is decided there is a need for the Councils to make a significant change to the DPD, the Councils would have the ability to propose these changes as long as these are subject to a period of consultation through a further Regulation 19 consultation exercise. The risk to the Councils in this scenario is one of timeframe, and a new LDS setting out the DPD preparation timetable would need to be agreed. The extensive consultation the Councils have carried out at the Regulation 18 stage has mitigated this risk, but it should be recognised that there is always the possibility of new evidence being presented through the Regulation 19 process which could lead to a need to propose a more significant alteration to the DPD.

Link Road, Rapid Transport System (RTS) and Homes Infrastructure Funding (HIF)

In 2019 ECC successfully bid for funding from the Government's Housing Infrastructure Fund (HIF) to support planned housing growth across the country. The successful bid included forward funding of £99.9m for the A120-A133 Link Road and the Colchester Rapid Transit System (RTS) scheme.

The two schemes are an important part of the plans for growth in the wider area, and in particular the creation of the TCBGC.

- **The Rapid Transit System (RTS)**

The RTS will deliver fast, reliable and frequent public transport connecting the Garden Community and the University to the Northern Gateway via Colchester City Centre

The RTS will be delivered in 3 phases. Delivery partners are due to be appointed for the northern section of the RTS by next month and ECC is shortly due to carry out a tendering exercise for the City Centre and eastern sections, further demonstrating progress on delivery ahead of development at TCBGC.

- **Link Road**

The Link Road will connect the A133 to the A120. It will be needed to mitigate the impact on the road network of the Garden Community development.

Since the award of the funding, the cost of the Link Road scheme has increased and ECC have made a formal request to Homes England to find a funding solution and to extend the timetable for delivery. The increased costs submitted to Homes England was for an additional £21m.

ECC continues to work constructively with Homes England to resolve the position and to ensure the infrastructure is brought forward as quickly as possible.

While the formal contract variation is awaited, it is believed that the proposed solution will be that the full RTS and first phase of the Link Road will be required to be delivered within the £99.9m funding envelope and by March 2026. Following a formal contract variation with Homes England - ECC will retender for a contractor to deliver the first phase of the Link Road by March 2026.

As part of the HIF contract the Councils are required to recover as much of the £99.9m as possible through developer contributions to reinvest in infrastructure to support additional housing growth in the future. The developer contributions that would have been recovered and reinvested for future housing growth will instead be used to fund the completion of the Link Road.

The viability evidence (and the Infrastructure Delivery, Phasing and Funding Plan) prepared on behalf of the Councils demonstrates that the identified increased costs for the Link Road could be met by the developer.

The Section 1 Plan requires planning consent and full funding approval for the Link Road and Route 1 of the RTS to have been secured before planning approval is granted for any development at the garden community. Planning permission has been secured for both of these strategic infrastructure projects. The funding and delivery of the remainder of the Link Road would be a matter for any future planning application and associated Section 106 agreement when it comes forward for approval. Infrastructure delivery must align with each development phase and should appropriately mitigate the impacts of the development at each phase.

Section 1 of the Plan does not require either the funding to be agreed prior to the adoption of the DPD, nor does it require the full Link Road to have been constructed prior to any other development within the TCBGC.

Failure to approve the Submission Version Plan and to proceed to the Regulation 19 consultation stage would result in a further risk to the timescale for the Housing delivery as set out in the HIF grant determination agreement which may result in Homes England withdrawing the agreed HIF funding exposing ECC to significant financial risk.

This would put at risk the delivery of the TCBGC and subsequently the projected annual housing and employment land requirements for the Section 1 Local Plan period for both TDC and CCC that would be met by the TCBGC project. Approval of the DPD is therefore a crucial step to strengthen our position and provide confidence to Government in securing the £99.9m of infrastructure investment in NE Essex.

LEGAL

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'Development Plan' unless material considerations indicate otherwise. The Submission Version Plan for the Garden Community is a 'Development Plan Document' which will carry the same legal status as a Local Plan and which, on adoption, would sit with the Local Plan (including the Essex Minerals and Waste Local Plans) as part of the statutory 'Development Plan' for both Tendring and Colchester. The plan-making process and the associated legislation, regulations and national planning policy and guidance applicable to the Plan for the

Garden Community are essentially the same as those applicable to the preparation and review of Local Plans.

Section 33A of the 2004 Act places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis on strategic matters of cross-boundary significance (which includes housing supply) to maximise the effectiveness of Local Plan preparation and also applies to the Plan for the Garden Community. This is known as the 'Duty to Cooperate'. Paragraphs 24 to 27 of the National Planning Policy Framework (NPPF) stress that close cooperation between District Councils and County Councils (in two tier areas) will be critical to ensure that both tiers are effective when planning for strategic matters and necessary infrastructure. In this instance, the Tendring and Colchester Councils will need to demonstrate they have complied with the Duty as they are the Local Planning Authorities. Before Planning Inspectors can begin the process of examining a Plan, they need to be satisfied that the relevant local authorities have demonstrated that they have done everything they can to ensure effective cooperation with their neighbouring authorities, ECC and other statutory and partner organisations and have sought to resolve, as far as is possible, any cross-boundary planning issues. To date, Tendring and Colchester Councils have complied with the Duty to Cooperate, as confirmed by the government Planning Inspector in his final post-examination report which allowed Tendring and Colchester to formally adopt the Shared Section 1 Local Plan. ECC is continuing to carry out its functions properly by engaging in the plan-making process. The ongoing cooperation between Officers and Members of the Councils and the positive engagement with wider stakeholders on this project, culminating in the setting up of a Joint Committee is a positive demonstration of continued compliance with the Duty to Cooperate.

Section 19 of the 2004 Act requires local planning authorities to carry out a 'Sustainability Appraisal' for Local Plans and other Development Plan Documents and consider the consequence of reasonable alternatives, during their preparation and, in addition, prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Plan must do so "with the objective of contributing to the achievement of sustainable development". The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues. A Sustainability Appraisal (SA) has been produced for the Submission Version Plan (Appendix 2) and will need to be published for consultation alongside the Plan as part of the statutory plan-making process.

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

Like a Local Plan, the Plan for the Garden Community will ultimately be tested, through the examination process, to meet both legal requirements and the 'tests of soundness' set out in the latest NPPF which was last updated in 2021. The tests of soundness are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Because the Shared Section 1 of the Local Plan which has already been examined and adopted sets out specific policy requirements for the Garden Community and the content of the DPD, the Councils will also need to ensure and demonstrate to the Inspector through the examination that the Plan also meets with those requirements. The Plan must also be prepared in accordance with the Councils LDS and SCI to be found sound, the engagement process has followed the requirements of legislation and the Councils SCI documents, and the LDS updated as required.

Only on confirmation of the legal compliance and soundness of the Plan following the examination process, can the Councils proceed to formal adoption.

OTHER IMPLICATIONS

Area, Ward or Divisions affected: The Garden Community development will affect land within both TDC and CCC authority boundaries, associated ECC Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. The economic, social and environmental impacts of the development are likely to be felt, directly or indirectly, over a wider area – as reflected in its status as a strategic proposal in a Shared Section 1 Local Plan for North Essex.

Equality and Diversity: The Submission Version Plan for the Garden Community contains policies aimed at promoting inclusiveness, equality and diversity. These include policies to ensure a mix of housing sizes, types and tenures to meet the requirements of different groups in society including people with disabilities or mobility issues, people with low incomes, people in need of care and gypsies and travellers. There are also policies aimed at ensuring accessibility to jobs, shops, services and facilities can be achieved by a variety of transport modes with priority given to walking, cycling, rapid transit, public transit and mobility vehicles whilst still enabling access by private vehicles. Policies around public realm and green infrastructure also promote inclusive environments and accessibility for people with different disabilities.

The Public Sector Equality Duty applies to the Councils when it makes decisions. The duty requires the Council to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

Crime and Disorder: The Submission Version Plan aims to deliver a new community that promotes employment, skills and training opportunities as well as health and wellbeing. Its policies require design and architecture to minimise the opportunities for crime and working with Essex Police in the drawing up of detailed plans. The Councils have given careful consideration to all the comments received at Regulation 18 stage and in drafting the Submission Version Plan for Regulation 19 stage, ensuring that the Plan continues to address issues around crime and disorder.

Health Inequalities: The Submission Version Plan has been drawn up through positive engagement with health stakeholders, and policies within it promote health and wellbeing and embed the Healthy New Towns and active design principles. It has been important for the Councils to give careful consideration to all the comments received at the Regulation 18 stage and in the Submission Version Plan for the Regulation 19 stage, ensuring that the Plan continues to address issues around health inequalities.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In 2021, TDC and CCC both agreed to formally adopt the Section 1 Local Plan which, amongst other things, identifies the broad location of the Garden Community and sets out the Strategic Policies and the overarching requirements and expectations that it will need to meet. The Section 1 Local Plan was prepared in partnership with ECC.

The adoption of the Section 1 Local Plan followed years of technical analysis, public consultation, and an independent examination by a government-appointed Planning Inspector. The independent examination enabled the Planning Inspector to conclude that the Garden Community would be the most appropriate and sustainable option for meeting the need for long-term growth in the North Essex area – having considered and discounted a variety of alternative ideas and options.

In addition to the Section 1 Local Plan, TDC and CCC each have their own Section 2 Local Plans, which contain policies and allocations specific to each Council area. TDC adopted its Section 2 Local Plan in January 2022 and CCC adopted its Section 2 Local Plan in July 2022. **Upon adoption of the TCBGC DPD all policies contained within both the TDC and CCC Section 2 Local Plans will be replaced for the purposes of the Garden Community site allocation area as defined by the DPD ‘Policies Map’ (attached as Appendix 4).**

SUMMARY OF REGULATION 18 CONSULTATION

The consultation at Regulation 18 allowed the Councils to consult on a full version of the DPD for the first time, and to consider responses, before moving to the formal Regulation 19 stage. The consultation process, which took place between 14 March and 25 April 2022, led to responses from 193 consultees, including from statutory organisations, local organisations, parish and town councils, the Community Liaison Group (CLG), local residents and site promoters. Officers have reflected upon these responses in moving the DPD forward. A full summary of the consultation responses will be made available as part of the consultation into the Regulation 19 Submission Version DPD.

At its meeting on the 18th July 2022, the Joint Committee was presented with a report (see [link](#)) highlighting the most notable issues and concerns raised in the representations received through consultation on the Regulation 18 Draft Plan. The three main issues reported to, and discussed by, the Joint Committee were:

- **Green Buffers and Land South of the A133**

In particular, the approach to any development taking place on land south of the A133 and the very different views expressed by community representatives and a large number of local residents (around half of all respondents to the consultation), the University of Essex and lead developer Latimer;

- **Salary Brook**

The potential adverse impacts of development extending westwards and onto the environmentally and visually sensitive slopes around Salary Brook for the purpose of knowledge-based employment; and

- **Crockleford Heath and Bromley Road**

The approach to development in and around Crockleford Heath and the wider area including local concerns about the extent and purpose of the proposed ‘Area of Special Character’ designation, its corresponding policy wording and what form of development might result.

The Committee was advised that Officers were already minded to accept local concerns about development extending onto the slopes of Salary Brook. However, in respect of the comments raised in relation to development south of the A133 and around Crockleford Heath, further work and technical evidence would be required to inform any decision on possible further changes going forward. This technical evidence has now been completed and changes incorporated into the Submission Version Plan on all three of these key issues. These changes are discussed in detail below under 'Land Uses and Spatial Approach', whilst specific land allocation can be seen on the Policies Map which can be found at Appendix 4.

CHANGES INCORPORATED IN THE SUBMISSION VERSION DPD

Officers have reviewed and considered the comments made, alongside any other material issues not previously considered. Revisions have been incorporated into the Submission Version Plan which has been informed by proportionate technical evidence, strategic masterplanning work and comments received through the formal and informal public engagement activities.

As noted within the 'Resources and Risks' section of this report, consultation does not mean that a consensus of opinion is reached on all issues. Furthermore, receiving a large number of responses on a matter, does not in a planning context mean that it is correct and can take precedence. There will remain opposing views to some elements of the DPD, either from residents and local stakeholders, local parish and town councils, site promoters or all. It is the role of the consultation process to allow for these views to be made, and for the Councils to respond and reflect upon them appropriately.

The changes made do not alter the core strategic approach to the TCBGC which has been established by way of the allocation under the Section 1 Local Plan. All sections and policies of the Draft Plan have been reviewed, revised and refined in response to the Regulation 18 consultation and the developed evidence base. Three principal areas of progression in policy development have emerged, these being the approach to land use, employment land and place shaping principles. Each of these are discussed in more detail below:

- **Land Uses and Spatial Approach**

Taking forward the requirements of the Section 1 Local Plan and considering the views of the community and other stakeholders, Policy 1 of the Submission Version Plan sets out the key land uses and spatial parameters within which the Garden Community is expected to be built. It also sets out the Councils' expectations for the information that will need to be submitted and approved ahead of the determination of any outline or detailed planning applications for development of the Garden Community. This will enable the Councils to ensure that development will achieve a comprehensive approach that delivers both the garden community principles and the Councils' high expectations for design and quality.

Development will be confined to land within the Garden Community location as identified in the Section 1 Local Plan with the addition of a small triangle of land south of the A120, and will adhere to the 'Land Use Parameters', as shown on the Policies Map (Appendix 4). Land within the identified Garden Community location will be specifically allocated or protected for the following uses:

- Delivery of circa 7,500 new homes with a range of shops, jobs, services and community facilities, including education. These will be provided within three 'Neighbourhoods' being South, North and Crockleford.
- A new 'Salary Brook Country Park' incorporating land and woodland at and around the Salary Brook Local Nature Reserve.
- A 'Wivenhoe Strategic Green Gap' incorporating land north of Brightlingsea Road and west of Elmstead Road.
- An 'Elmstead Strategic Green Gap' east of the new A120-A133 Link Road.
- A Sports and Leisure Park to serve the local community and for the expansion of sports facilities for the University of Essex.
- Approximately 25 hectares of employment land in form of a new Business Park and a 'Knowledge-Based Employment' site.
- Provision for the Rapid Transit System.
- A Gypsy and Traveller Site.
- A 'Park and Choose' facility.

The strategy for development at the Garden Community confines the majority of development to land south of the A120, north of the A133, west of the new A120-A133 Link Road and east of a new country park (Part E) to be designated around Salary Brook Local Nature Reserve. In addition, selected land around the area of Crockleford Heath has been specifically identified as an Area of Special Character, where development must preserve or enhance its intrinsic character.

Land is designated and shown on the 'Policies Map' as Strategic Green Gaps. Land within the Strategic Green Gaps will be protected from most forms of built development to ensure the Garden Community does not extend or sprawl into locations where it could eventually merge or coalesce with Wivenhoe or Elmstead Market – one of the main concerns raised by local people throughout the public engagement activities. Additional open space is proposed adjacent to Salary Brook Local Nature Reserve to strengthen this area as a buffer to the Colchester urban area encompassing the steep adjoining slopes of the brook as well as nearby woodland. This designation will also prevent coalescence in the Greenstead and Longridge areas.

The evidence has developed to show that the residential capacity of the site is towards the lower end of the 7,000 to 9,000 range set out in the Section 1 Local Plan. This is given the physical constraints of the site with boundaries defined by the Strategic Green Gaps and both

the existing and proposed roads. The total number of new homes expected at the Garden Community has therefore been refined to circa 7,500 within the Submission Version Plan.

- **Economic Activity and Employment**

The main requirements relating to economic activity and employment within the Submission Version Plan, as set out in the policies of the Section 1 Local Plan include:

- Providing and promoting opportunities for employment within the new community and within sustainable commuting distance of it, and
- The provision of a mix of land uses and services with well-defined public and private spaces to create sustainable well-designed neighbourhoods.

The approach to maximising the economic potential of the Garden Community has been informed by the evidence base and discussions with education providers and businesses within different sectors. Policy 5 of the Submission Version Plan has refined the economic policy of the Draft Plan and explains how the requirements will be achieved, with an aim of creating at least one job per new household within easy commuting distance.

Policy 5 requires an appropriate balance of homes and jobs within the TCBGC. It also details employment allocations and uses for the new A120 Business Park, the Knowledge-Based Employment Land and the North and South Neighbourhood Centres. It further would protect those land use allocations for employment purposes to ensure the Garden Community is served by a flexible range of land and property for the provision of commercial activity and jobs.

- **Buildings, Places and Character**

The 'Buildings, Places and Character' chapter of the Draft Plan has been substantially restructured for the Submission Version Plan. The chapter now has two policies, being Policy 3 'Place Shaping Principles' and Policy 4 'Meeting Housing Needs'. Considering consultation responses, emerging evidence and a review of the policy wording, Officers considered that these two important themes required distinction and further elaboration.

Policy 3 'Place Shaping Principles'

For the Garden Community to be successful, one of the main objectives is to ensure it is unique, self-sufficient and can provide high quality design. Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, Policy 3 sets out the Councils' expectation for the Garden Community to be unique and distinctive in its character and appearance, and for the new homes to meet high standards that will meet a variety of different needs and demands for people and families over the courses of their lives. Policy 3 details the standards expected with regard to the following:

- Creation of a Unique and Distinctive Place
- Design of Places

- Design Quality
- Designing Out Crime
- Residential Design
- Internal Space Standards, Home-working and Adaptability in New Homes
- Private Amenity Space Standards, and
- The Historic Environment

Policy 4 'Meeting Housing Needs'

Taking forward the requirements of the Section 1 Local Plan, Policy 4 of the Submission Version Plan has developed to ensure that development will be of appropriate densities which reflect both the context, place-making aspirations and opportunities for increased levels of development around centres and transport hubs. It further will secure an appropriate mix of housing types and tenures including self and custom build and starter homes including a minimum of 30% affordable housing, phased through the development. This policy sets out the Councils' expectation for new homes within the Garden Community to be of a high standard that will meet a variety of different needs and demands for people and families over the courses of their lives. Policy 4 details the standards expected with regard to the following:

- Projected Housing Needs
- Affordable Housing
- Adaptable and Accessible Housing Standards
- Housing Density
- Self-Build and Custom-Built Homes
- Care, Assisted Living and Other Specialist Housing
- Gypsy and Travellers, and
- Student Accommodation

The amendments incorporated in the Submission Version Plan at Policy 3 and Policy 4, as summarised above, reflect the Councils very high expectations for how the Garden Community will create unique and distinctive buildings and neighbourhoods, whilst still respecting the character and visual amenity of nearby towns, villages, historic buildings, structures and the character and features of the landscape. Further it will secure that the Garden Community will be inclusive and accommodate a diverse range of households meeting a range of housing needs.

In addition to the above a further refinement of all policies has developed in response to the detailed evidence base. Areas of note include:

- **Health**

Policy 6 of the Submission Version plan establishes the requirements for ensuring the Garden Community is served by community services and facilities of the right type in the right location, including early years and childcare facilities, schools and sports facilities; as well as access to health services and how the development will incorporate measures to encourage

inclusive, healthy, and happy lifestyles. Part E of Policy 6 requires that the Garden Community creates an active environment that promotes health and wellbeing and builds a strong community.

- **Biodiversity Net Gain (BNG)**

The Vision for the Garden Community is that the natural environment will be its biggest asset with Net Gains in biodiversity and a thriving ecological network which will shape the Garden Community ensuring native species thrive. The Councils consultants have undertaken biodiversity net gain calculations of the Strategic Masterplan, which indicates that 12.5% biodiversity net gain can be achieved. In light of this evidence, Part D of Policy 2 'Nature' has been updated to require that proposals must deliver a minimum of 10% measurable biodiversity net gain on-site, in accordance with national policy, with an aspiration to achieve 15%.

EVIDENCE BASE CONCLUSIONS

The following work has been undertaken and concluded to provide evidence to enable robust decisions to be taken on the following topics:

- **University Growth Forecasts Assessment**

At Regulation 18 The University of Essex submitted a representation to the Councils supporting the principle of the TCBGC but also noting that the proposed approach set out in the Draft Plan did not identify sufficient land to accommodate the University's growth ambitions. The University's representation set out their own quantified land requirements.

Independent specialist consultancy support was commissioned to consider the growth potential of the University, both in terms of student numbers, research potential and wider economic relationships. The findings have established that further expansion of Knowledge based employment would be appropriate (albeit at lower scale than requested), and that the growth forecast of the University for student growth and related accommodation is reasonable but could be addressed in various ways. It further establishes that projected sports and recreation provision aligns with wider evidence relating to TCBGC sports and leisure requirements. This workstream has provided strategic direction for the development of the masterplan and shaped the policy development within the Submission Version Plan.

- **Economic and Employment Study**

An Economic and Employment Study has been completed, and which sets out the evidence, analysis and recommendations which has informed the drafting of Submission Version Plan. The study concluded that the prospects for a business park (B2/ B8 logistics, industrial and ancillary office) with direct access to the A120 are very strong. Market signals indicate these uses should be capable of being delivered early in the programme. The opportunity for a university-linked commercial space and/or higher density office and lab space should be developed in the 'Knowledge-Based Employment Land'. The study shows there is a long-

term opportunity to build networks to promote and sustain commercial activity at the Garden Community creating highly skilled jobs.

The study also recommends the provision of flexible office space concentrated in Neighbourhood Centres; this should be small in scale to meet local need. A key objective is to ensure economic uses help to create a successful, integrated, and balanced community with vibrant centres that include a mix of employment opportunities and services. A mix of employment uses provides flexibility and the ability to respond to market strengths and opportunities. A realistic level of self-containment should also be achieved, with as many commuting journeys as possible undertaken through walking, cycling and public transport. Sustainable access to employment opportunities in neighbouring major employment centres or surrounding towns in Tendring and Colchester will need to be provided.

- **Crockleford Heath Area of Special Character Assessment**

The Draft Plan identified an 'Area of Special Character' at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character. The Councils commissioned additional work to consider this area in more detail including the landscape and its historic and built environment appraisals. Place Services were commissioned to undertake the character appraisal of the area and local residents were included in the preparation and gathering of evidence.

Findings have identified landscape features and buildings which make a positive contribution to the character of the area, these include historic buildings across the settlement which have retained some original features and contribute to the historic, rural character of Crockleford Heath. One Local Landscape Character Type (LLCT) has also been identified and within this, an additional four Local Landscape Character Areas (LLCAs) have been highlighted for their interest/importance. This workstream has provided strategic direction for the development of the masterplan and shaped the policy development within the Submission Version Plan. This includes that within the identified area of special character, development must preserve or enhance the intrinsic character of the area, whilst within the wider setting/environs of Crockleford Heath development should respect/respond positively to the existing landscape structure.

- **Health Impact Topic Paper**

A Health Topic Paper was prepared to support the policy development within the Submission Version Plan. The purpose of this Topic Paper was to provide background information on the subject of health and wellbeing in relation to the development.

This workstream has provided strategic direction on how the health and wellbeing provision will be set out in the Garden Community – to ensure that an innovative and transformational health vision is secured, and that this can be used by all partners to deliver new communities that can positively influence their own physical and mental health via a strong community asset-based approach. Designing the wider environment to allow these strong communities

to flourish, we will test and learn from the joined-up planning approach to transfer to other surrounding communities. This will ensure that health and local planning authorities continue to work together at each stage of planning and development of the proposed Garden Communities.

- **Infrastructure Phasing and Delivery Plan**

Officers have finalised an 'Infrastructure Delivery, Phasing & Funding Plan' which provides an update to previous infrastructure planning work done in relation to the Garden Community. The update sets out a range of requirements that are already known and continue to be needed (for example, new schools, health and community facilities related to population growth), which are required by policy in the adopted Section 1 Local Plan and has shaped the policy development within the Submission Version Plan.

The IDP draws together information across all types of infrastructure, showing what is required, how it will be provided; how it will be funded and when it will need to be provided to align with the phasing of the Garden Community. The IDP aligns with the outcome of the Strategic Masterplan work as well as addresses responses from strategic infrastructure providers to the Regulation 18 consultation and further consultation that was been undertaken over the summer.

The term 'infrastructure' covers a wide range of services and facilities provided by public and private organisations and the definition of infrastructure is outlined in Section 216(2) of the Planning Act 2008 (as amended). The updated IDP work covers the following infrastructure areas, which will be secured by the Submission Version Plan:

- Schools and other educational facilities.
- Social, community, health and wellbeing (including flexible community space to accommodate a range of local community groups and activities).
- Leisure and recreational facilities (including children's play, youth and sports facilities).
- Open space/green infrastructure.
- Utilities.
- Transport, including highways matters (including the potential need to address funding requirements for strategic improvements such as the A120-A133 Link Rd, and additional measures to secure modal shift, including investment in walking and cycling connections and facilities).
- Flood defences.
- Emergency services.
- Waste.

- **Transport Study (Modal Shift & infrastructure)**

Additional work has been undertaken by the Councils to review the approach to transport and movement, with a focus on defining and identifying necessary measures to secure modal shift to reduce reliance on the private car. The Councils commissioned consultants Integrated

Transport Planning (ITP) and Jacobs to prepare an updated transport evidence report, which also addressed the Section 1 Local Plan requirement for the DPD to outline target modal shares for each transport mode and details of sustainable transport measures to support their achievement.

The evidence provides a detailed overview of the transport and movement implications of TCBGC and includes a comprehensive mitigation strategy that has been developed to maximise opportunities for active and sustainable travel through:

- Inclusion of a range of measures on TCBGC and its immediate environs – both in relation to its overall design approach to create walkable neighbourhoods with good access to services and facilities, but also through the inclusion of a number of measures to promote active travel and use of public transport, including provision of RTS; and
- Measures off the garden community measures on key connecting routes and integration with wider transport and movement networks and strategies.

The identified mitigation measures have been selected to align with the Colchester Future Transport Strategy and Active Travel Essex programme. The measures included have been classified into five, not mutually exclusive, categories of schemes:

- Active travel
- Public transport
- Traffic management
- Highway capacity
- Travel planning

It is recognised that combinations of measures will need to be used together to mitigate garden community impacts. Hence a series of 'route and area' packages have been developed which are aligned to the evidence on the unmitigated impact of TCBGC. In this way, it is easier to establish the connection between packages of measures to address severe transport impact.

The measures will contribute to achieving the modal share targets (the number of trips by walking, cycling and public transport and private vehicle), which are to be phased and monitored across the build out of the Garden Community.

- **Sport, Recreation and Open Space Study**

Consultants KKP were commissioned to provide an over-arching strategy for Open Space, Playing Pitches and Indoor Built Facilities for the Garden Community. This involved assessing the existing provision serving both Colchester and Tendring residents, and includes a review of all existing facilities in the Councils' areas, including council-owned facilities and privately-owned facilities where appropriate. The outcomes of these audits have informed stand-alone strategies for each authority. These strategies have been looked at in combination with the requirements arising from the Garden Community. Findings, in

combination with the sports provision assessment contained within the University Growth Forecasts Assessment, have been assessed by Officers and fed into the strategic masterplanning work.

The strategies make recommendations for specific joint use facilities that will serve existing residents and those of the garden community. There is an opportunity for the co-location of affordable and sustainable leisure facilities. One model is for a Sports Hub that would offer grass and artificial pitches for a variety of sports, as well as athletics provision. Combining built facilities, such as fitness gym with studios into one location with swimming pools has two key benefits. It effectively enables delivery of positive health and wellbeing outcomes whilst improving the financial outcomes of the facility. The strategies highlight the importance of co-location of educational and community facilities, and this is achievable when multi-use is embedded in the design phase.

- **Viability Assessment**

The TCBGC site was subject to detailed consideration of viability during the Section 1 Examination in Public with evidence gathered and considered as part of the 2018 and 2020 hearings. Extensive information already existed on scheme viability which was thoroughly tested leading to the TCBGC to be found viable and deliverable. There have been changes in market conditions since that evidence was assembled and the Councils appointed consultant surveyors Gerald Eve to review and update the viability evidence. Gerald Eve have produced a 'Financial Viability Update Report' (February 2023) which has reassessed the viability of the scheme with regard to the policies set out in the adopted Section 1 Plan and emerging DPD, together with the latest infrastructure requirements. In line with wider market practice for assessing similar initiatives, Gerald Eve have assessed the overall scheme through a cash flow model using a 'Master Developer' methodology. Given the long-term nature of the scheme and potential for assumptions to change over time, the assessment also includes a number of sensitivity tests and scenarios. The report has concluded that the proposal can viably comply with the planning policy requirements and accommodate a wide range of infrastructure needs. This scheme is therefore still viable and deliverable in line with local and national policy.

- **Strategic Masterplan**

The spatial approach to the Garden Community has evolved and become more detailed through a strategic masterplanning process. The masterplanning work has considered the baseline position (including constraints and opportunities analysis), the overall spatial vision and initial land use and masterplan options.

The detailed strategic masterplanning has been progressed to illustrate, justify and set the basis for land use proposals set out in the Submission Version Plan, drawing on the wider evidence base. The work illustrates how it is envisaged that the Garden Community will be developed and ensures that there robust and sound evidence in support of the DPD. The Strategic Masterplan remains separate to the DPD and is illustrative in nature.

It is important to acknowledge that at this stage of planning for the Garden Community, it is not possible (primarily due to the extent, cost and time required to undertake all of the detailed technical site survey and design work that would be required - which is the responsibility of site developers to inform their planning applications) for masterplanning development and related policies in the DPD to contain precise details of design, layout and appearance of the new buildings and spaces that will be delivered. Instead, the strategic masterplanning work illustrates how development could be brought forward and provides further direction to developers to enable them to prepare appropriate and more detailed proposals.

Other evidence studies and background work has also come forward, including a Stewardship Topic Paper which is reported in detail under paper **A.2** to this committee. A Housing and Demographics Update has developed a site-specific, high-level report focussed on establishing the housing needs for the Garden Community and which has fed into the Submission Version Plan. In addition, the Habitat Regulations Assessment (HRA) is at an advanced stage of development, as is the Stage 2 Integrated Water Management Strategy (IWMS) the emerging conclusions of which have been drawn into the Strategic Masterplanning, the policy development of the Submission Version Plan and support the Sustainability Appraisal (SA). Both the HRA and IWMS will be completed before consultation commences.

SUSTAINABILITY APPRAISAL

Under the Planning and Compulsory Purchase Act 2004, a Sustainability Appraisal (SA) is mandatory for Development Plan Documents (DPDs). It is also necessary to conduct an environmental assessment in accordance with the Strategic Environmental Assessment (SEA) Regulations (as amended). The SEA Regulations remain in force post-Brexit and it is a legal requirement for the Plan to be subject to SA and SEA throughout its preparation. SA and SEA are tools used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives.

Land Use Consultants (LUC) has carried out a SA, incorporating SEA, of the Submission Version Plan on behalf of the Councils (Appendix 2). Previously LUC carried out the Additional Sustainability Appraisal for the Section 1 Local Plan. The SA report is appended to this Committee report so that members are informed of the likely effects of the Plan and why alternatives have been discounted. The SA report must be published for public consultation alongside the plan to which it relates.

The SA appraised the policies and reasonable alternatives and has considered the Plan's cumulative effects. The Plan must be in conformity with the adopted Shared Section 1 Local Plan, which limits the alternatives for both the Plan's policies and the masterplan. Options that are not in conformity with the Section 1 Local are not reasonable alternatives.

Taken as a whole, the SA concludes that the Submission Version Plan sets out a positive plan for the achievement of the Garden Community. The policies of the plan set a high standard which

development will be required to meet and it is considered consistent with the principles of sustainable development.

REGULATION 19 CONSULTATION SUMMARY PLAN

If the Submission Version Plan is agreed by the Joint Planning Committee and the Full Councils of TDC and CCC, the proposal is to consult on the DPD for six weeks following the Local Elections. A downloadable PDF of the Submission Version Plan will be made available on the engagement website and in paper form in TDC and CCC council offices and local libraries, alongside the necessary statutory documentation (for example, the Sustainability Appraisal).

Given the more formal nature of the Regulation 19 consultation and following feedback requesting that commenting on specific policies be made easier, anyone wishing to comment on the Submission Version Plan online will be directed to a new web page where the consultation questions will be held. This web page will use consultation software that complies with the legal requirements of the Regulation 19 consultation, rather than the more informal approach used on the engagement website to date.

The Regulation 19 consultation specifically requires comments on 'soundness' and 'legal compliance'. These requirements will be explained via supporting content on the engagement website, such as an explainer film and text, and within a 'Guide to Commenting' document.

In addition to the Councils carrying out their statutory consultation requirements, a range of non-digital and digital publicity and engagement activities will be undertaken, this could include where appropriate and considered necessary:

Non-digital activity:

- Posters in community spaces throughout Colchester and Tendring
- Adverts in the Daily Gazette (Colchester) and Clacton Gazette
- Advert in Look Magazine (sent free to circa 80k homes in Colchester and Tendring, dependant on alignment of publication schedules and consultation dates)
- Adverts in widely circulated free local community magazines (dependant on alignment of publication schedules and consultation dates) such as the Ardleigh Advertiser, Alresford Advertiser and Upmarket Magazine
- Bus Stop adverts (6 sheets) (subject to the availability of suitable media space aligned with consultation dates)
- Drop-in events – where planners will be available to assist stakeholders/residents with any questions. (Representations/comments cannot be made at events, they must be submitted formally via letter/email/online)

Digital activity:

- E-newsletters
- Non-paid social media on Facebook, Twitter, and LinkedIn

- Paid social media on Facebook and Instagram
- Spotify advertising (music streaming service)
- Online advertising with Newsquest and Business Times in Essex
- Web banners on Council websites

REPRESENTATIONS FOLLOWING CANCELLED 13.12.23 JC MEETING

The Joint Committee had been due to formally meet on the 13th December 2022. Due to inclement weather, some Members were unable to travel and as such submitted their apologies. This meant that the formal meeting would have been inquorate and could not take place. The Chairman therefore cancelled the meeting.

The Chairman subsequently asked those members of the public who had registered to speak, to submit the text of the statements that they had intended to make. Four statements were subsequently submitted and circulated to Members of the Joint Committee. These statements have been summarised below:

Carolyn Mason, Ardleigh Parish Council

- Ardleigh Parish Council has welcomed the Character Assessment of Crockleford and Crockleford Heath, and seeks the greatest possible protection for this historic and special area.
- Notes the recent announcement by the Housing Secretary that concessions will allow local authorities to build fewer homes if they can show that meeting centrally imposed targets would significantly alter the character of their area.
- States that the proposed development and housing density for Crockleford will most definitely alter the character of the area.

Manda O'Connell, TCBGC Community Liaison Group

- Notes that the non-digital methods outlined in the Regulation 19 Consultation Activity Report are considerably more limited.
- Raises concern over the departure of the TCBGC Communication Officer and urge the Committee to retain this role.
- Notes the mismatch between land allocated in the DPD for Essex University's growth ambitions and the University's own Reg 18 representation.
- Commends to the Committee the CLGs Regulation 18 representation which is supported by emerging evidence.
- The CLG welcome the infrastructure list supplied.

Rik Andrew, Town Councillor for Wivenhoe

- Requests consideration be given to renaming the TCBGC.
- Notes that the old assumptions on which TCBGC plans were based are no longer valid.
- University expansion should be subject to an entirely separate planning process.
- Consideration needs to be given to providing sustainable alternatives to car use.

- Why should RTS follow the A133? A diagonal route to the centre of the new town would be quicker giving RTS users an advantage over private cars.
- In conclusion notes that the A120-A133 link road is not needed.

Russ Edwards, Latimer by Clarion Housing Group

- Update provided on recent Latimer activity and a summary of key focus areas. Including DPD and Strategic Masterplan support, enhancement of evidence base and mobilisation in advance of Latimer's Masterplanning Activities.
- Reiterates that this extensive activity demonstrates to the community, the Members and the officers of ongoing commitment to ensuring that this new community meets our combined aspirations. Continue to make significant investments and look forward to building genuine momentum following completion of the Councils' own work.

APPENDICES

Appendix 1: Tendring Colchester Borders Garden Community Submission Version Development Plan Document

Appendix 2: Sustainability Appraisal Reg 19 (Feb 2023)

Appendix 3: Updated extract from the TDC and CCC Local Development Scheme (LDS)

Appendix 4: Submission Version DPD Policies Map

BACKGROUND PAPERS

- [TCBGC Transport Evidence, Part 1: Mode Share Targets \(Feb 2023\)](#)
- [TCBGC Transport Evidence, Part 2: Transport Measures \(Feb 2023\)](#)
- [Crockleford Heath & Environs, Character Appraisal Plan \(Feb 2023\)](#)
- [TCBGC Economic and Employment Study \(Dec 2022\)](#)
- [TCBGC Review of University of Essex Land Requirements \(Nov 2023\)](#)
- [Colchester Office & Industrial Markets \(Nov 2021\)](#)
- [TCBGC Health Topic Paper \(Jan 2023\)](#)
- [TCBGC Financial Viability Evidence Update \(Feb 2023\)](#)
- [Download the Background Evidence Base Documents | Useful documents | Creating a Place for Life \(tcbgardencommunity.co.uk\)](#) (Infrastructure Delivery, Phasing and Funding Plan)
- [Colchester and Tendring, Open Space, Playing Pitch, Outdoor Sports and Built Facility – Overarching Strategy \(Jan 2023\)](#)
- [TCBGC Strategic Masterplan Framework \(Feb 2023\)](#)
- [TCBGC Viewpoints Wireline Testing Document \(Feb 2023\)](#)

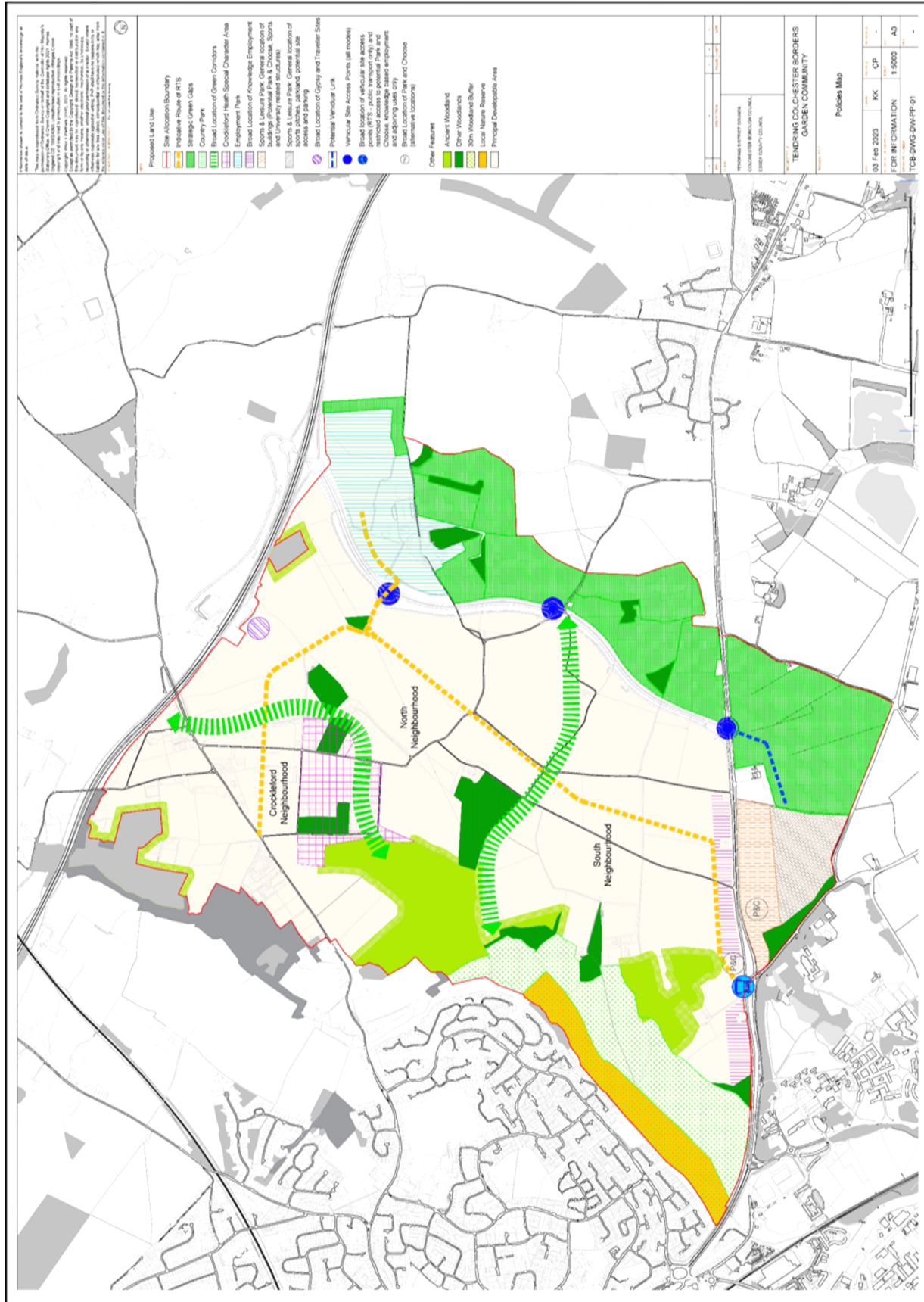
A.1 Appendix 1: Tendring Colchester Borders Garden Community Submission Version Development Plan Document – SEE ATTACHED DOCUMENT

A.1 Appendix 2: Sustainability Appraisal – SEE ATTACHED DOCUMENT

A.1 Appendix 3: Updated extract from the TDC and CCC Local Development Scheme (LDS)

Tendring Colchester Garden Community Development Plan Document (DPD)		
Subject and Scope	This document will contain policies and allocations to guide the new Garden Community proposed at the Tendring/Colchester border. This DPD will be produced jointly with Colchester Borough Council and Essex County Council.	
Geographical Area	The broad location for the Garden Community is identified in the Section 1 Local Plan. The precise boundaries will be designated in this DPD.	
Chain of Conformity	Tendring and Colchester Local Plans The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF)	
Indicative timetable for production		
	Current TDC and CBC Local Development Scheme Date	Completed / Amended Projected Date
Document Preparation	Winter 2020/21 – Winter 2021/22	Winter 2020/21 – Winter 2021/22
Member approval of draft DPD	Winter 2021/22	Spring 2022
Draft DPD Consultation – Regulation 18	Winter 2021/22	Spring 2022
Document Preparation	Spring/Autumn 2022	Summer 2022 - Winter 2022/23
Member approval of submission DPD	Autumn 2022	Spring 2023
Submission DPD Consultation – Regulation 19	Autumn 2022	Summer 2023
Submission of DPD and Summary of Comments Received to Secretary of State	Winter 2022	Summer 2023
Independent Examination	Winter 2022	Autumn 2023
Inspector’s Report	Spring 2023	Winter 2023
Consultation on Modifications	Summer 2023	Winter 2023
Adoption	Summer/Autumn 2023	Winter 2023

A.1 Appendix 4: Submission Version DPD Policies Map



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Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Graham Steady in relation to the Ring-Fencing of Capital Receipts arising from the disposal of surplus land

“That this Council resolves to recommend to Cabinet that -

- (a) any future capital receipts arising from the disposal of surplus land be ring-fenced for investing back into the town or parish it is located in, and in the case of Brightlingsea this would include the proceeds from the future disposal of land in Dover Road identified in the report to Cabinet on 15 July 2022; and*
- (b) the relevant Town / Parish Council be consulted on any such investment proposals.”*

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COUNCIL

2 MARCH 2023

REFERENCE FROM THE CABINET

A.2 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2023/24 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to review and approve the Annual Capital and Treasury Strategy for 2023/24 (including the Prudential and Treasury indicators).

EXECUTIVE SUMMARY

On 17 February 2023 (Minute 126 refers), the Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder in relation to the Annual Capital and Treasury Strategy for 2023/24 (including the Prudential and Treasury Indicators).

At that meeting it was:

“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.”*

A copy of the published Corporate Finance and Governance Portfolio Holder’s report to the Cabinet meeting held on 17 February 2023, together with the Annual Capital and Treasury Strategy 2023/24 are attached as appendices to this report.

RECOMMENDATIONS

That the Council -

- (a) approves the Annual Capital and Treasury Strategy for 2023/24 (including Prudential and Treasury Indicators); and**
- (b) notes and welcomes that the necessary consultation with the Resources and Services Overview and Scrutiny Committee will occur as early as practicable in 2023/24.**

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Cabinet held on 17 February 2023.

APPENDICES

Published Report (and Appendices) (A.9) of the Corporate Finance and Governance Portfolio Holder for the meeting of the Cabinet held on 17 February 2023.

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CABINET

17 FEBRUARY 2023

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.9 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2023/24 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To agree the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) for submission to Council on 2 March 2023.

EXECUTIVE SUMMARY

- The Local Government Act 2003 and supporting regulations require 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 sets 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 were issued in December 2021, which come into force in 2023/24.
- The Capital Strategy continues to be combined with the Treasury Strategy into one document, which is required to be updated / approved annually.
- The proposed Annual Capital and Treasury Strategy for 2023/24 is set out in **Appendix A** and it reflects the various changes set out in the latest Codes mentioned above.
- The Capital Strategy element of the combined document covers the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.
- The Treasury Strategy element of the combined document covers the various elements that satisfy the requirements of the various codes that govern the borrowing and investment activities of the Council and has been prepared in the light of advice received from the Council's Treasury advisors and reflects the latest codes and guidance.
- Prudential and Treasury indicators are included as an Annexe to the combined strategy and are therefore included within **Appendix A**.
- Under the Prudential Code the Council has freedom over capital expenditure as long as it is prudent, affordable and sustainable. The Prudential Indicators either measure the expected activity or introduce limits upon the activity and reflect the underlying capital appraisal systems and enable the Council to demonstrate that it is complying with the requirements of the Prudential Code.

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- The Council's investments will be undertaken in accordance with its Treasury Management Practices. These were expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. The new Codes require clear separation of commercial investments from treasury investments. As the Council only has one such investment, which will be clearly identified within the Strategy and the TMPs, a separate suite of Investment Management Practices is not proposed to be produced.
- As is always the case, other 'quality' investment opportunities will 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 include those associated with the external audit of the Council's Statement of Accounts for 2020/21, a revised reporting timescale is proposed.
- It is 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 can then be undertaken as early as practicable in 2023/24.
- The above reflects a pragmatic approach to ensure that the Strategy can be approved ahead of the financial year it relates to, which is a key requirement within the associated Code of Practice. However, it is also recognised that if the Resources and Services Overview and Scrutiny Committee have any comments / recommendations, they can be reported back to Cabinet / Full Council at a later date in the year where potential in-year revisions to the Strategy could be considered.

RECOMMENDATION(S)

That Cabinet:

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

REASON(S) FOR THE RECOMMENDATION(S)

To ensure that a Capital and Treasury Strategy for 2023/24 is approved by the 1 April 2023.

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ALTERNATIVE OPTIONS CONSIDERED

Not applicable given the requirements set out elsewhere in this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of the Capital and Annual Treasury Strategy for 2023/24 will ensure that the Council's Investment and Treasury Management activities are carried out and managed in accordance with best practice, thereby safeguarding money held by the Council and making an appropriate contribution to the Council's overall financial position.

OUTCOME OF CONSULTATION AND ENGAGEMENT

As set out earlier in this report, the Resources and Services Overview and Scrutiny Committee will be consulted on the Capital and Treasury Strategy 2023/24 as soon as practicable in 2023/24, with comments reported to Cabinet / Full Council later in the year as necessary.

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 checked="" 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 Authorities (Capital Financing and Accounting) (England) Regulations 2003 include the requirement for local authorities to have regard to CIPFA guidance. By adopting / approving an Annual Treasury Strategy and a Capital Strategy based on the requirements of the relevant and updated codes, the Council is complying with the regulations.

As set out in para 4.3 Part 3.37 of the Constitution, the Portfolio Holder for Corporate Finance and Governance has delegated authority to agree the Capital and Treasury Strategy for consultation with the Resources and Services Overview and Scrutiny Committee along with a further delegation to agree / implement the Treasury Management Practices. In respect of the first delegation, as highlighted elsewhere, this report seeks direct approval from Cabinet along with a recommendation to Council that is subject to the comments from the Resources and Services Overview and Scrutiny Committee later in the year. In respect of the second delegation, work remains in progress to reflect the necessary changes emerging from the new Codes, which will be included in revised Treasury Management Practices that will be presented to the Portfolio Holder for Corporate Finance and Governance for approval by the 31 March 2023.

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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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There are no additional comments over and above those set out elsewhere in this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Treasury and Capital Management Strategies and procedures will ensure that the Council's investments and borrowing will be undertaken in such a way as to minimise the Council's exposure to risk. At the same time, they will seek to maximise income from investments and minimise the costs of borrowing within the Council's accepted level of risk.

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 co-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:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p> <p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p> <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>This is addressed in the body of the report.</p>
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MILESTONES AND DELIVERY

This has been highlighted elsewhere within this report.

ASSOCIATED RISKS AND MITIGATION

The placing of investments involves a number of risks. These risks and how the Council will manage them are set out in the Council's Treasury Management Practices.

As highlighted elsewhere in this report, investments are undertaken within an overall risk-averse approach, which is reflected in Treasury Management Practices. With this in mind, a significant level of investment is undertaken with other Local Authorities and with the Government.

As with the recent case with lending money to Thurrock Council, money lent to other Local Authorities is not at risk of not being repaid, as ultimately the Government would take the necessary steps to ensure liabilities are met as part of any intervention (such as the one at Thurrock). The risk of lending money to another Local Authority is therefore not the same as lending money to a commercial / private organisation, which is one of the reasons why Councils lending to other Councils is common practice nationally.

As reported previously, the performance of the investment property in Clacton, is performing satisfactorily against the financial target set out within the original decision to purchase the

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property, with budgeted investment income continuing to be achieved each year. It is important to highlight that the rental payments can be seen as paying back the original investment made in purchasing the property. The overall performance of the investment therefore needs to take into account such considerations over the life of the Council's ownership of the property rather than a shorter term position in isolation.

It is also worth highlighting that the Council's Commercial Property Investment Policy is underpinned by robust risk management actions, which will respond to any changes to the situation. With the latter point in mind and as set out within the Commercial Property Investment Policy, the Council's wider treasury management activities are designed to ensure that the Council is not faced with a position of having to sell the property for cash flow purposes. This in turn ensures that the Council remains in control of when the property is ever exposed to the market rather than potentially having to sell the property during a period where there may be a downturn in commercial property prices.

EQUALITY IMPLICATIONS

There are no direct implications.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no direct implications.

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

BACKGROUND AND CURRENT POSITION

The Annual Capital and Treasury Strategy for 2023/24 is set out in **Appendix A** and is based on the most up to date Treasury Management Code of Practice and the revised Prudential Code, both of which were published by CIPFA in December 2021.

The Annual Capital and Treasury Strategy for 2023/24 has been amended as a result of the changes in the Codes. The key changes made are:

- Changes to the definition of investments, splitting them between treasury investments, commercial investments and service investments, with commercial and service investments arrangements being separated out in reporting and supported by investment management practices. Tending currently has no service investments and just one commercial investment, the investment property in Clacton, so separate documentation has not been produced but instead the Strategy clearly reflects issues

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which relate to the investment property.

- Local authorities must not borrow to invest for the primary purpose of financial return.
- Local authorities must consider as part of the decision-making whether to divest any commercial investments before deciding to borrow.
- Introduction of a liability benchmark indicator which is in the form of a chart showing approved capital programmes and approved borrowing to maturity.
- A new affordability indicator showing the ratio of income from commercial and service investments as a proportion of the Council's net revenue stream.
- Requirement to include the Council's policy and practices relating to environmental, social and governance (ESG) investment considerations within TMP1 on risk management.
- Requirement to report treasury quarterly, which the Council already does via the Corporate Budget Monitoring process.
- Various wording changes and amendments resulting from the new Codes on TMPs, which will be reflected in the updated TMPs that will need to be approved by the end of March 2023.
- Amendments in areas such as the general economic outlook and interest rate forecasts.

The changes made to the attached Strategy since last year are shaded in grey and are in italic font.

By approving the Annual Capital and Treasury Strategy for 2023/24, the Council will be adopting the latest CIPFA Code of Practice for Treasury Management in the Public Services. (the '2021 code').

It is important to highlight that the changes to the Codes have not required the Council to take any direct action / remedial activities in terms of its investment / treasury processes.

The need to borrow money may arise in future years to reflect the Council's current commitments, corporate priorities and strategies. If the need / option to borrow money was identified, then it would form part of associated and separate decision-making process and would be considered within the overall Treasury Strategy framework.

The Council maintains a very low risk appetite approach to its treasury activities. However, set against this context, officers will still continue to explore opportunities to maximise investment returns in 2023/24.

In terms of sources of funding, the Government introduced a significant new constraint in terms of borrowing from the Public Works Loan Board (PWLb) in 2020/21. If a local authority purchases assets or plans to purchase assets over a future three-year period to generate investment income, then they will no longer be able to borrow money from the PWLB. This applies to all such purchases regardless of how they are funded. Although no such purchases are currently planned, this constraint may need to be considered in the future, as the Council could lose access to the preferential rates available from the PWLB.

Draft Prudential Indicators are set out in Annex 1 to Part 2 of the Capital and Treasury Strategy. Annex 2 to Part 2 of the Treasury Strategy sets out the specified and Non-Specified investments the Council may use in 2023/24.

A.2 APPENDIX 1

In accordance with the relevant codes, the Capital and Treasury Strategy is subject to consultation with the Resources and Services Overview and Scrutiny Committee before approval. As highlighted earlier, a pragmatic approach is proposed to ensure that this can be accommodated within the current schedule of meetings in 2023/24.

PREVIOUS RELEVANT DECISIONS

The previous Capital and Treasury Strategy for 2022/23 was agreed by Full Council at its meeting on 29 March 2022.

A Treasury Performance Report for 2021/22 was considered by Cabinet at its 15 July 2022 meeting.

A mid-year Treasury Performance review was presented to Cabinet at its 4 November 2022 meeting.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

A9 Appendix A - Annual Capital and Treasury Strategy 2023/24

REPORT CONTACT OFFICER(S)

Name	Richard Barrett
Job Title	Assistant Director (Finance and IT)
Email/Telephone	rbarrett@tendringdc.gov.uk (01255) 686521

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Tendring
District Council



**ANNUAL CAPITAL AND
TREASURY STRATEGY
2023/24**

PART 1 – CAPITAL STRATEGY 2023/24 to 2025/26

1. Introduction

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2. Corporate Priorities and Links to Other Key Strategies
3. Roles and Responsibilities in Respect of the Capital Strategy and the Formulation and Monitoring of the Capital Programme

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Part 1 Annex 1 – Quick Reference Guide – Information Expected to be Included in Capital Investment Decisions Where Relevant

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PART 2 – TREASURY STRATEGY FOR 2023/24

1. Introduction
2. Treasury Limits for 2023/24 to 2025/26
3. Prudential and Treasury Indicators for 2023/24 to 2025/26
4. Current Portfolio Position
5. Borrowing Requirement
6. Economic Position
7. Interest Rates
8. Borrowing strategy
 - 8.1 External v internal borrowing
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 - 10.1 Investment Policy
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 - 10.6 Allocation of Investment returns between GF and HRA.
 - 10.7 End of year investment report

Part 2 Annex 1 – Proposed Prudential Indicators 2022/23 revised, 2023/24 and forecasts for 2024/25 to 2025/26

Part 2 Annex 2 – Specified and non-specified investments

PART 1 – CAPITAL STRATEGY

INTRODUCTION

The Capital Strategy is an overarching document that sets out the Council's approach to Capital Investment and how it seeks to deliver value for money against the following underlying key principle, which is subject to review by the Council's External Auditor each year:

The Council has put in place 'proper arrangements' to secure economy, efficiency and effectiveness on its use of resources, which comprises of:

1. Taking informed decisions;
2. Deploying resources in a sustainable manner; and
3. Working with partners and other third parties.

Against this backdrop, the Capital Strategy is divided into two sections:

Section A provides an introduction and sets out the context for the Capital Strategy. It sets out how the plan links to corporate priorities and shows how they link to other key resource strategies and the related roles and responsibilities of members and officers.

Section B covers the framework within which capital financing decisions are considered and provides background to the funding sources available to meet the costs of capital projects that are included within the Capital Programme.

The Corporate Investment Plan along with the Capital Programme forms the basis of the Council's rolling plan of investment in assets. The Capital Programme spans a number of years and contains a mix of individual schemes.

Investment can include expenditure on:

- Infrastructure such as open spaces, coast protection
- New build
- Enhancement of buildings through renovation or remodelling;
- Major plant, equipment and vehicles;
- Capital contributions to other organisations enabling them to invest in assets that contributes to the delivery of the Council's priorities.

The Capital Programme is distinct from the Council's revenue budget which funds day-to-day services, but they are both linked and are managed together.

There is a strong link with the Treasury Management Strategy set out in PART 2 that provides a framework for the borrowing and lending activity of the Council.

The Council has set a de-minimus level of £10,000, below which expenditure is not classed as capital expenditure, but is charged instead to the revenue account.

SECTION A - ACHIEVING OUTCOMES/DELIVERING AGAINST PRIORITIES

CORPORATE PRIORITIES

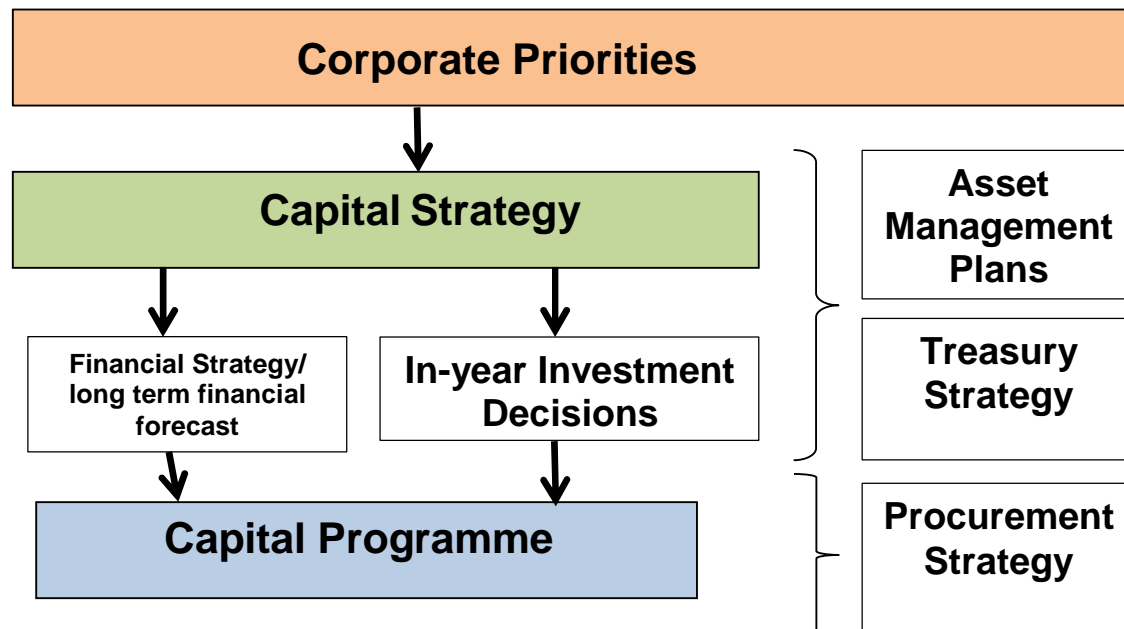
The Capital Strategy is subject to ongoing review and has a key role in supporting the delivery of the Council's Corporate Priorities

The Capital Strategy aims to set out the arrangements and processes in place to manage capital resources, the relationship with the Council's other key resource strategies and the practical/sustainable outcomes of those arrangements and processes by:

1. Setting out how schemes are evaluated and prioritised within the resources available.
2. Ensuring that any investment decision is prudent, sustainable and affordable in accordance with the prudential code and therefore represents value for money.
3. Setting out the performance processes in place to ensure that projects are delivered on time and within budget.
4. Ensuring that expected outcomes are delivered and lessons learnt from previous investment decisions.

LINKS TO OTHER KEY STRATEGIES

The ability of the Council to undertake capital investment to deliver its corporate objectives will be influenced or have direct links to a number of strategies, with the key 'links' set out below:



The above sets out the strategies/processes that are more closely aligned to the capital investment decision but are by no means exhaustive. Although subject to changes over the life of this Strategy, other key strategies and

policies may also need to be reflected in the investment decision such as those associated with workforce/staff capacity and ICT delivery. Decision-making must therefore reflect these requirements where relevant/necessary.

In respect of ICT within the Council, associated strategies or requirements set out how the Council intends to use technology to support service delivery and transform the way it delivers its services. ICT is therefore recognised as a key enabler in supporting capital investment and delivering sustainable outcomes.

The **long-term financial forecast** plays a pivotal role in developing and delivering capital investment. The long-term financial forecast not only determines the financial resources available to fund capital investment, both in terms of the initial investment and any revenue consequences of the capital investment itself, it also provides a key element within the framework for considering and prioritising capital projects. It is however recognised that to remain flexible to take advantage of investment opportunities that may arise during the year, decisions may be required in line with the Council's Financial Procedure Rules. The long-term financial forecast is reported to Cabinet each quarter, which allows this flexibility. To ensure consistency, such decisions should also follow the same requirements set out within the Capital Strategy.

The Corporate Investment Plan also forms a key element within the framework above as it forms a further link between the Corporate Priorities and the Financial Strategy and complements the development of the long-term forecast and prioritised projects that are included within the Capital Programme.

The Treasury Strategy is also highlighted above as a key influence as it sets out the Council's overall approach to debt and borrowing. This approach along with affordability form part of the investment decisions that are brought together via the long term financial forecast process on a rolling basis through the year.

Other significant influences include the Local Development Framework (LDF) which sets out the Council's vision for change and new growth in the Tendring District in the long term which could present the Council with investment opportunities for consideration alongside other investment options.

ROLES AND RESPONSIBILITIES IN RESPECT OF THE CAPITAL STRATEGY AND THE FORMULATION AND MONITORING OF THE CAPITAL PROGRAMME

Management Team – As the most senior officer team of the Council the Management Team approves the Capital /Treasury Strategy for submission to Cabinet and having regard to the Council's priorities, recommends projects for inclusion in the Capital Programme in consultation with Portfolio Holders/ Cabinet (via the long term financial forecast process). Management Team also considers all significant investment decisions via a project initiation /

development process prior to formal reporting to Members, especially those associated with in-year investment decisions.

Departments support Management Team in the above process through the development and investigation of investments opportunities and submitting reports / project initiation and development documentation in support of the associated capital projects.

Cabinet (including Portfolio Holders acting within approved delegations)

– The Cabinet recommends the 5-year capital programme to Council. The Cabinet and the Corporate Finance and Governance Portfolio Holder can, within the limits set by the Council's Financial Procedure Rules, approve supplementary estimates or approve virements between schemes during the year as part of separate investment decisions. The Cabinet is required to approve the Capital / Treasury Strategy each year.

Council – Approves a multi-year Capital Programme as part of the budget setting process in February each year and approves the Capital / Treasury Strategy in March each year or as soon as possible thereafter.

Subject to the limits set out in the Council's Financial Procedure rules, Council may be required to approve supplementary estimates to increase the costs of approved schemes or add new schemes over and above amounts that individually or on aggregation are over and above those amounts ordinarily agreed by Cabinet as part of in-year investment decisions.

CONSULTATION

The views of the local community and stakeholders are an important element in developing the priorities for the Council and identifying capital investment opportunities. This can be achieved in a number of ways depending on the specific investment that is considered, which should be complemented by wider consultation exercises such as those associated with the development of corporate priorities and the long-term forecast/corporate investment plan where necessary.

In addition to the above, Departments are expected to review the need to undertake consultation and the scale of that consultation, as appropriate, as part of the investment decision-making process.

MONITORING OF THE CAPITAL INVESTMENT/CAPITAL PROGRAMME

In terms of performance and monitoring the delivery of capital investment, this is primarily achieved through the existing and comprehensive financial processes such as the long-term financial forecast and budget setting process, outturn review and the quarterly financial performance reporting. In respect of the quarterly financial performance reports, an update on the delivery of projects and the position against the budget is included, which is reported to both Cabinet and the relevant Overview and Scrutiny Committee during the year. Some capital projects may also form part of the Council's

separate Performance Monitoring process that is also reported to Members during the year.

Where capital investment is material, the scheme or project may be subject to review by internal audit which would be at the discretion of the Internal Audit Manager as part of the annual Internal Audit Plan or if required by other key stakeholders.

SECTION B – CAPITAL INVESTMENT AND SOURCES OF FUNDING

CAPITAL INVESTMENT CONSIDERATIONS

The Council's capital investments are made in accordance with the Prudential Code, which aims to ensure that the capital investment plans of local authorities are affordable, prudent and sustainable, which should also include where necessary a prioritisation and appraisal process. Under the Code the Council is free to determine the amount it borrows to finance capital investment.

All of the Council's capital investment is managed in accordance with the requirements of the Prudential Code. The prioritisation of capital investment is directly linked to the long-term financial forecast and/or in-year budget amendment processes as previously explained, which is complemented by the Corporate Investment Plan, all of which will be undertaken in an open and transparent manner.

Schemes that are agreed but not funded as part of the long-term financial forecast process will be considered a prioritised list within a wider Corporate Investment Plan approach and be a 'live' schedule of investment opportunities against which further investment opportunities should be considered during the year.

The Council faces ongoing significant financial challenges over the period of this Capital Strategy due to the significant reductions in Government Funding over recent years, *the current high levels of inflation* and the potential longer impact of the COVID 19 pandemic on Council funding. The latest long-term financial forecast for 2023/24 to 2026/27 reflects annual deficits, albeit on a reducing basis over the remaining period of plan, which is supported by the Forecast Risk Fund. To deliver the level of efficiencies and transformation that will in turn support the delivery of the long-term forecast, the following key principles have been identified which should be a key consideration of capital investment decisions:

Design schemes/projects to limit as far as possible any negative impact on the Council's on-going revenue budget.

Promote capital investment which allows either invest to save outcomes or generates a revenue and/or capital return and/or generates additional

external grant (e.g., new homes bonus) or core funding (e.g. Business Rates) whilst clearly setting out how it contributes to the Council's Corporate Priorities.
Foster effective working relationships with potential funders/partners.
Carefully consider value for money and efficiency of projects and associated outcomes.
Project risk is fully explored, and mitigating actions identified and taken as necessary.
Ensure appropriate project management tools and documentation are used and that project timescales are adequately matched to the capacity to deliver the project, both internally and externally (where internal, this needs to include services such as Legal, Finance and HR).
Responsibility for the delivery of the project is clearly defined and understood.
How the proposed investment contributes to the Council's commitment to be carbon neutral by 2030.

Although not always necessarily subject to formal reporting, as part of the Council's project management processes, Departments are expected to evidence the outcome from any investment undertaken against the key criteria set out within this Capital Strategy to inform future investment decisions with high level information being available within the usual performance/budget monitoring reports.

To promote consistency, a quick reference guide for detailed information that is expected to form part of any investment decisions is set out as **Annex 1**.

As highlighted above, the Corporate Investment Plan forms part of the overall governance framework in terms of linking corporate priorities and strategies to investment priorities. This framework takes into account a number of key priority 'drivers' such as financial viability / sustainability, non-financial consequences such as reputation / health and safety, the outcome from external assessment / regulatory reviews along with being outcome driven.

Impact Assessments

Impact assessments may be required depending on the specific capital investment decisions being considered. Therefore, as part of the Council's project management processes, Departments are expected to consider whether it is necessary to complete an impact assessment based on the Council's usual processes and documentation at the time a decision is made.

SOURCES OF FUNDING

Capital investment will have to be undertaken within the Council's limited resources and challenging financial environment.

In limited cases the cost of capital investment is supported by external grants/contributions. Any other capital investment the Council wishes to make has to be funded from its own resources or by borrowing (the revenue cost being met entirely by the Council). The Council's Financial Strategy/long term financial forecast includes consideration of a ten-year forecast, taking into account the revenue implications of capital investment plans and the resources available to fund capital investment. The level of capital investment will be constrained by the available resources identified via the long-term financial forecast process including revenue contributions or the ability to attract external funding and the generation of capital receipts. Any decision to invest in capital projects will need to match the available resources against criteria set out above, including how it meets corporate priorities within the wider Corporate Investment Plan Approach. *The process also includes consideration of, where appropriate, whether to divest any commercial investments, in accordance with the requirements of the updated Prudential and Treasury Management Codes.*

In planning any capital investment to contribute towards the achievement of the Council's priorities, the following resources are available:

- a) **Revenue Funding (Including Reserves)** – This continues to be limited each year given the challenging financial environment and on-going government grant reductions. This funding stream will need to be considered within the overall financial planning processes each year, including that for the HRA, which operates under a self-financing environment where changes in Government Policy have limited the revenue contributions available to support capital investment.
- b) **Capital grants/contributions** – These have contributed significantly to past and current capital projects and many aspects of the Council's and its partners' objectives can only be met if this funding source continues to be pursued. The delivery of the Council's priorities and commitments continue to be supported by successful grant applications. Section 106 money flowing from the planning process is also a significant source of external funding.
- c) **General Fund Capital Receipts** – It is acknowledged that the Council's current property/land holdings are not of significant high value or volume. Nevertheless, the Council recognises this important funding source and continually reviews its assets as part of separate asset management / investment plans which provide the context to consider opportunities to dispose of any assets that are surplus to requirements and/or not contributing to the delivery of the Council's priorities or where they provide alternative investment opportunities.

- d) **Borrowing within the Prudential Framework (Prudential Borrowing)** – The Council has the freedom to borrow to finance its capital expenditure provided it can demonstrate the prudence of the investment and its affordability and sustainability. During 2020/21 the rules governing borrowing from the PWLB were amended such that from 25 November 2020 no borrowing from the PWLB is allowed if an authority has purchased assets for yield in its capital programme for the following three years. Neither the General Fund nor the Housing Revenue Account capital programmes for 2023/24 to 2025/26 involve any such schemes. This means the Council is still able to access PWLB funding at preferential rates if it is prudent, affordable and sustainable.

CAPITAL STRATEGY CONCLUSIONS

The Capital Strategy sets out the high-level arrangements and processes to ensure that capital investment is managed within the Council's overall financial framework. It aims to ensure that its limited resources are applied consistently and effectively towards delivering the priorities of the Council. It links together the capital expenditure implications of various plans and strategies.

PART 1 - ANNEX 1**QUICK REFERENCE GUIDE – Information Expected to be Included in Capital Investment Decisions Where Relevant**

Formal Investment Considerations/Decisions/Business Cases
Link to priorities (including commitment to be carbon neutral by 2030) and/or 'safeguarding' of a Council Asset and what are the measurable benefits of the planned investment
Return on Investment/Net Present Value
Whole Life Costing/Revenue Consequences
Payback Periods
Key risks and how they will be managed
Alternative Options/Opportunity Costs
Sustainability
Financial Resources Available/Funding Options
Impact assessment where relevant
Capacity/Deliverability
Other considerations/important information to discuss/share with relevant internal department(s) and/or for inclusion in the formal decision making process if significant
Cash Flow Forecasts
VAT Arrangements/Implications
Insurance issues
Risk Management implications
Procurement processes

PART 1 - ANNEX 2

General Fund Capital Programme 2023/24 to 2025/26

Capital Expenditure - General Fund £000s	2021/22 Actual	2022/23 Revised	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast
Total Capital Expenditure	4,308	16,787	827	827	827
Financing - General Fund					
External contributions	(141)	(711)	-	-	-
Section 106	(1)	(253)	-	-	-
Coast protection grant	(451)	-	-	-	-
Other Government grants	(13)	(872)	-	-	-
Disabled Facilities Grant	(666)	(9,211)	(757)	(757)	(757)
Capital receipts	-	(1,000)	-	-	-
Direct revenue contributions	(222)	(863)	(70)	(70)	(70)
Earmarked reserves	(2,814)	(3,877)	-	-	-
Total Capital Financing	(4,308)	(16,787)	(827)	(827)	(827)
Net Financing need (External Borrowing)	0	0	0	0	0

HRA Capital Programme 2022/23 to 2024/25

Housing Revenue Account Capital Schemes £000	2021/22 Actual	2022/23 Revised	2023/24 Estimate	2024/25 Forecast	2025/26 Forecast
Total Capital Expenditure	4,317	10,389	7,978	3,928	3,928
Financing - Housing Revenue Account					
Major repairs reserve	(3,089)	(3,978)	(3,314)	(3,314)	(3,314)
Direct revenue contributions	(187)	(2,235)	(614)	(614)	(614)
Section 106	(774)	(333)	-	-	-
Capital receipts	(68)	(65)	(4,050)	-	-
External contributions	(199)	(3,778)	-	-	-
Total Capital Financing	(4,317)	(10,389)	(7,978)	(3,928)	(3,928)
Net Financing need (External Borrowing)	0	0	0	0	0

PART 2 – TREASURY STRATEGY

1. Introduction

The Local Government Act 2003 (the Act) and supporting regulations require the Council to 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice to set Prudential and Treasury Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. Both CIPFA Codes were revised in December 2021 with formal adoption required in 2023/24. The revised codes have the following implications:

- A requirement to adopt a new debt liability benchmark treasury indicator - *this is included below*
- They clarify what CIPFA expects a local authority to borrow for and what they do not view as appropriate, however it is important to highlight that none of Tendring's borrowing falls within the inappropriate category
- A requirement to address environmental, social and governance (ESG) considerations in the Capital Strategy and in Treasury Management Practice 1 (TMP1) - *this will be included within the updated TMPs.*
- Implementation of a policy to review commercial property, with a view to divest where appropriate - *this forms part of the investment plan process set out in the Capital Strategy part of this document*
- Create new Investment Practices to manage risks associated with non-treasury investment (for Tendring this is the single Investment Property held) that are similar to the current TMPs - *these have not been split out as Tendring only has the single property, but they will be highlighted in the TMPS.*
- Expansion of the knowledge and skills register for individuals involved in treasury management, proportionate to the size and complexity of the work involved - *this will be included within the updated TMPs.*
- All investments and investment income to be split between:
 - those held for treasury management arising from cash flows
 - those held for delivery of services such as housing, regeneration and local infrastructure – the Council has none in this category at present
 - those held for commercial return – i.e. investment property

The list above summaries all of the proposed changes but some will apply to only the Capital Strategy, Treasury Strategy or both.

In accordance with the advice of CIPFA, the Council will ensure that future decisions will adhere to the new provisions and therefore will seek to avoid undertaking any new investments, which would not be consistent with the changes.

Members will be updated on how all these changes will impact our current approach and any changes required will be formally adopted within the 2023/24 Capital and Treasury Management report.

The Act ~~therefore~~ requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy (as required by Investment Guidance issued subsequent to the Act) which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

The Council's risk appetite is low, and it takes a risk-averse approach to Treasury Management, with the security and liquidity of the investment the prime concern, and the budget for income from investments being formulated on this basis. The Annual Strategy for 2023/24 is based on this risk-averse approach continuing.

For a number of years, the Council has engaged the services of treasury advisors to provide its officers with advice on treasury management issues. The current advisors are Link Asset Services, Treasury solutions. However, the final decision and responsibility for the actions taken sits with the Council's own officers after considering that advice.

The details of the delegations and responsibilities for treasury management are contained within the Council's Constitution as follows: -

- Part 3 – delegated powers – The Executive / Corporate Finance and Governance Portfolio Holder
- Part 5 – Financial Procedure Rules

2. Treasury Limits for 2023/24 to 2025/26

It is a statutory duty under Section 3 of the Act and supporting regulations for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the "Affordable Borrowing Limit". In England and Wales, the Authorised Limit represents the legislative limit specified in the Act.

The Council must have regard to the Prudential Code when setting the Authorised Limit of external debt, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future council tax and council rent levels is 'acceptable'. Capital investment must be considered in the light of the overall strategy and resources available, with decisions made with sufficient regard to the long term financing implications and potential risks.

Whilst termed an "Affordable Borrowing Limit", the capital plans to be considered for funding must include both external borrowing and other forms of liability, such as credit arrangements. The Authorised Limit is to be set, on a rolling basis, for the forthcoming financial year and two successive financial years. Details of the Authorised Limit can be found in Annex 1 of this part of the report.

The authorised limit reflects the additional borrowing requirement as part of the Housing Revenue Account (HRA) self-financing reforms. The Housing self-financing reforms also set an overall 'debt cap' for the HRA which in itself

reflects an affordability level based on the Government's model of how much debt can be supported by the HRA after considering the forecast of income from rents and management and maintenance costs over a 30 year period. The HRA debt cap for Tendring was £60,285,000, but the Government announced the abolition of the HRA debt cap from 29 October 2018. *The updated HRA Business Plan reported to Members in December 2022 and January 2023 as part of the HRA budget, reflected the financing of a maturing loan debt via internal borrowing in 2022/23 instead of borrowing and there are no maturities in 2023/24. More loan debt matures in 2024/25 and 2025/26 and decisions to address these will need to be confirmed during the year. set out the proposal to replace maturity debt that reaches maturity in 2022/23 and 2024/25 with repayment type loans. The estimated impact of this is included within the HRA Business Plan and is included within this Treasury Strategy to enable this approach to be progressed as part of the Council's treasury activities during the year. Further reports will be presented to Members as if changes to this approach develops are required during the year such as responding to any new / future burdens or priorities which would have an which will set out the overall financial impact on the current HRA Business Plan.*

Due to a proposed technical accounting change relating to assets the Council leases in from 1 April 2022, from 2022/23 these assets will be recognised on the Council's balance sheet as right of use assets, matched by a corresponding lease liability. They will count as a type of borrowing and will be written down each year. Work is ongoing to finalise the list of assets that these changes relate to. At the present time they are all expected to be within the General Fund, be relatively short term with a maximum life of five years, so will be written down in line with the actual lease repayment made. This means that the total spend of the Council counted against the General Fund balance will be unchanged, but the spend will move to a different line in the Council's accounts and be split between Minimum Revenue Provision and interest.

The amounts currently identified suggest that at 1 April 2022 the total to bring onto the balance sheet will be some £1.385 million, although this will change as further information is obtained and when the 1 April 2022 PWLB rates are available, as these change on a daily basis. The authorised limit and operational boundary already identified are considered sufficient to cover this increase. The overall Capital Financing Requirement (CFR) of the Council for the General Fund will increase, but the loans CFR, which is referred to in the remainder of this Strategy, will not change.

The above change remains subject to a consultation process and it is possible that the implementation date may be deferred. If it is deferred, the Council will continue to apply the existing rules relating to leased assets, with updates provided as part of the in year financial performance reports / next year's Annual Capital and Treasury Strategy as appropriate.

The technical accounting change relating to assets the Council leases referred to in the 2022/23 Capital and Treasury Strategy was deferred to 1 April 2024, so this document does not include the impact of that change.

3. Prudential and Treasury Indicators for 2022/23 to 2025/26

Prudential and Treasury Indicators are relevant for the purposes of setting an integrated Treasury Management Strategy. The latest revisions to the CIPFA Code of Practice on Treasury Management and to the CIPFA Prudential Code are effectively adopted via the approval of this Strategy which reflects the most up to date codes and guidance.

4. Current Portfolio Position

The Council's treasury position at the end of *December 2022* comprised:

- *GF borrowing from The Public Works Loan Board (PWLB) of £0.140 million at fixed rates at an average rate of interest of 7.09%*
- *HRA borrowing from the PWLB of £34.730 million at fixed rates at an average rate of 3.55%*
- *Investments of cash flow surpluses, which include reserves and capital receipts, on a short-term basis (less than 1 year) totalling £88.120 million at an average rate of interest of 1.36%.*

5. Borrowing Requirement

No new, alternative or replacement borrowing is currently reflected in the budget for the General Fund *or for the HRA. but HRA replacement borrowing of £0.800 million in 2022/23 and £1.200 million in 2024/25 is reflected in the HRA 30 Year Business Plan for the period 2022/23 to 2024/25 and therefore forms part of the assumptions set out within this Strategy.*

6. Economic Position

The Council's Treasury Advisors provide economic updates during the year with their latest update summarised as follows:

World economy

Inflationary pressures following the easing of Covid restrictions in most developed economies coupled with other global events have led to large increases in energy costs affecting all economies during 2022. On the back of these pressures, interest rates have risen around the world. Labour markets remain very tight, making judgements over how far monetary policy needs to tighten very difficult. All the major economies are expected to struggle in the near term, with data suggesting all will experience at least one if not more quarters of GDP contraction.

UK economy

The Bank of England Monetary Policy Committee (MPC) has increased the bank rate over 2022 from 0.25% at the start of the year to 3.5% in December 2022, due to concerns over inflationary pressures. CPI inflation peaked at

11.1% in October 2022, although with further increases in gas and electricity prices expected in 2023, inflation could spike higher again before dropping back slowly during 2023. The UK unemployment rate fell to a 48 year low of 3.6% during 2022, although this is partially due to the labour force shrinking by some 0.5 million in the year to June 2022. Gilt yields, and therefore PWLB rates which are linked to them, rose sharply through the first 3 months of 2022, although they have since dropped back. This is the reason why the Council chose to replace the HRA loan of £0.8 million that matured during 2022 with internal borrowing. The Bank of England is forecasting declines in GDP during 2023.

7. Interest Rates

The following table gives the Council's External Treasury Advisor's view on Bank Rate movements and their forecast for the PWLB new borrowing rate based on that view. The PWLB rates are based on the 'Certainty Rate' introduced by the Government for local authorities providing improved information and transparency on their locally-determined long-term borrowing and associated capital spending plans. Investment returns rose sharply over the course of 2022 due to increases in the bank base rate, and this higher level is expected to continue through 2023 before dropping back in early 2024.

	Bank Rate	Average earnings rate projected by the Council's External Advisors			PWLB Borrowing Rate			
		3 month	6 month	12 month	5 yr.	10 yr.	25 yr.	50 yr.
Dec 2022	3.50	3.60	4.20	4.70	4.20	4.30	4.60	4.30
Mar 2023	4.25	4.30	4.50	4.70	4.20	4.40	4.60	4.30
Jun 2023	4.50	4.50	4.60	4.70	4.20	4.40	4.60	4.30
Sep 2023	4.50	4.50	4.50	4.50	4.10	4.30	4.50	4.20
Dec 2023	4.50	4.50	4.20	4.30	4.00	4.10	4.40	4.10
Mar 2024	4.00	4.00	4.10	4.20	3.90	4.00	4.20	3.90
Jun 2024	3.75	3.80	3.90	4.00	3.80	3.90	4.10	3.80
Sep 2024	3.50	3.30	3.40	3.50	3.60	3.80	4.00	3.70
Dec 2024	3.25	3.00	3.10	3.20	3.50	3.60	3.90	3.60
Mar 2025	3.00	3.00	3.00	3.10	3.40	3.50	3.70	3.50
Jun 2025	2.75	2.80	2.90	3.00	3.30	3.40	3.60	3.30
Sep 2025	2.50	2.50	2.60	2.70	3.20	3.30	3.50	3.20
Dec 2025	2.50	2.50	2.60	2.70	3.10	3.30	3.50	3.20

8. Borrowing Strategy

8.1 External v Internal Borrowing

The main Prudential Indicator relevant to capital investment is the Capital Financing Requirement (CFR). This is the total outstanding capital expenditure that has not yet been funded from either revenue or capital resources and is therefore a measure of the Council's underlying borrowing need after taking into

account the provision included in the revenue budgets for the repayment of outstanding debt.

The borrowing to finance the capital expenditure can be either from external sources or the Council can use its own internal resources.

The planned external debt compared to the CFR over 5 years is shown in the following table, the difference between the two being the amount the Council has funded from internal resources. This is also set out separately for the GF and the HRA. This excludes other long term liabilities such as long term creditors and pensions which form part of the separate Financial Strategy process of the Council from a prudential perspective.

Total External Debt

	Actual 2021/22	Revised 2022/23	Estimate 2023/24	Forecast 2024/25	Forecast 2025/26
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	38,592	36,921	34,699	33,277	30,653
Estimated repayment of debt	(1,671)	(2,222)	(1,422)	(2,624)	(2,421)
Estimated debt as at 31 March	36,921	34,699	33,277	30,653	28,232
CFR as at 31 March	41,798	40,183	38,576	36,943	35,267
Difference - internally financed	4,877	5,484	5,299	6,290	7,035

General Fund External Debt

	Actual 2021/22	Revised 2022/23	Estimate 2023/24	Forecast 2024/25	Forecast 2025/26
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	151	144	136	128	119
Estimated repayment of debt	(7)	(8)	(8)	(9)	(7)
Estimated debt as at 31 March	144	136	128	119	112
CFR as at 31 March	5,021	4,820	4,627	4,442	4,264
Forecast of internal financing	4,877	4,684	4,499	4,323	4,152

HRA External Debt

	Actual 2021/22	Revised 2022/23	Estimate 2023/24	Forecast 2024/25	Forecast 2025/26
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	38,441	36,777	34,563	33,149	30,534
Estimated repayment of debt	(1,664)	(2,214)	(1,414)	(2,615)	(2,414)
Estimated debt as at 31 March	36,777	34,563	33,149	30,534	28,120
CFR as at 31 March	36,777	35,363	33,949	32,501	31,003
Forecast of internal financing	0	800	800	1,967	2,883

In respect of the General Fund, the Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with external loans, as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy remains prudent, as investment returns are *still relatively* low and counterparty risk is relatively high, and will be continued.

In respect of the HRA, the decision not to refinance the maturity loan of £0.800 million that ended during 2022/23 means this has also been internally borrowed. Further maturity loans of £1.200 million end in 2024/25 and £1.000 million end in 2025/26, which remain subject to further decisions as part of developing the HRA Business Plan in 2023/24.

The Council's officers have made an assessment, based on advice from treasury advisors, of the amount of internal resources that it is prudent to use to finance capital expenditure and it is felt, taking into account the Council's financial position, that approximately £4m-£5m would at the present time and over the medium term be an appropriate level of internal borrowing. A **General Fund** maturity loan of £1m fell due for repayment in 2014 but this was not replaced which has led to the 2022/23 internal borrowing position running just ahead of the £5m level. *The HRA maturity loan repayment shown in the table has increased the level of internal borrowing further.* However, given the continuing low return on investments *and the* significant increases in PWLB interest rates *in 2022/23 and 2023/24*, it is felt prudent to maintain this position in the short term although this will be kept under review in consultation with the Council's external advisors.

The use of internal resources is only a temporary solution as, in time, these reserves and capital receipts will be utilised to finance service initiatives and capital investment and at that point will not be available. This will need to be balanced against the replacement external borrowing which will be required at some point in the future which may attract higher rates of interest, so timing of

such borrowing will need to consider forecasted rates of interest against the various types of borrowing structure to determine the most advantageous approach. Against this approach consideration may be required to borrow in advance of need, as set out in section 8.3 below, so as to reduce the need to borrow when interest rates may be higher.

8.2 Gross Debt v Investments

A comparison between the Council's gross and net borrowing position helps to assess the credit risk that would apply if the Council has surplus resources invested at a low interest rate which could be used to repay existing debt or to negate the need for additional new debt if at higher interest rates than that being achieved on the investments.

The table below sets out the Council's probable position taking account of both the individual GF and HRA debt figures.

Comparison of gross and net debt positions at year end	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Probable out-turn	Estimate	Estimate	Estimate
	£'000	£'000	£'000	£'000	£'000
General Fund external debt (gross)	144	136	128	119	112
HRA external debt (gross)	36,777	34,563	33,149	30,534	28,120
Investments	77,655	70,000	37,500	15,000	15,000
Net debt	(38,366)	(24,079)	20,485	19,036	17,566

The net debt positions show that the Council does not have underlying excess resources which could be used to repay long term debt – the surpluses and high current investment figures represent carry forwards and the current level of reserves / one-of budgets.

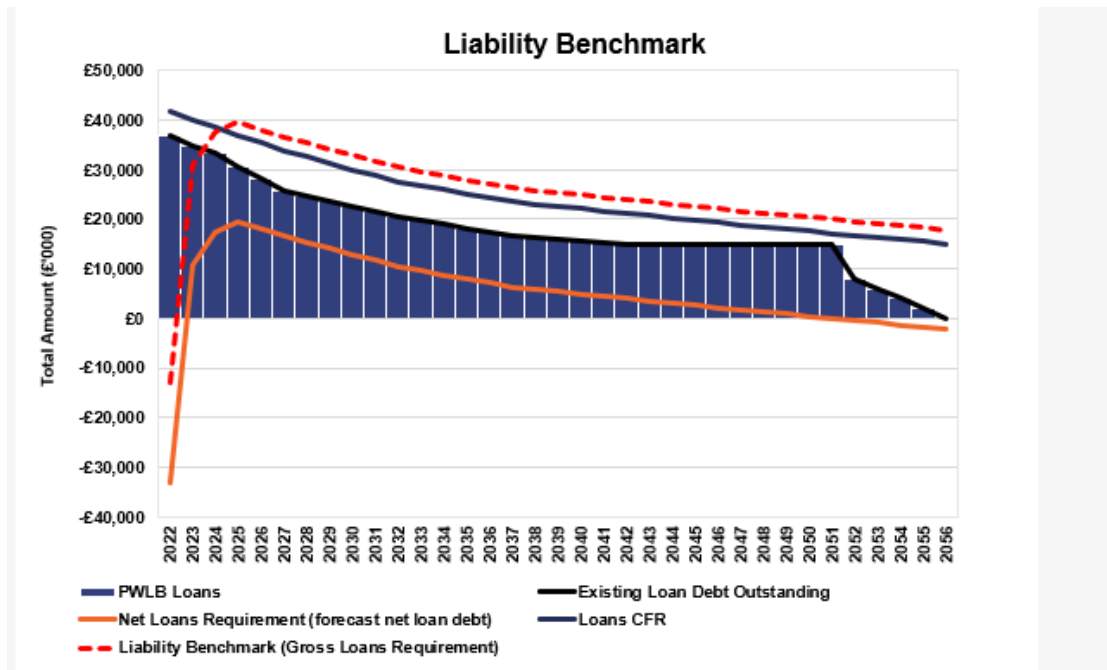
If opportunity arises, external debt will be repaid early, although this is difficult under current arrangements as set out in section 9. If borrowing is required then any requirement will be considered whilst balancing internal resources and forecasted interest rates within the parameters previously set out.

Against this background caution will be maintained within the 2023/24 treasury operations. Interest rates will be monitored and a pragmatic approach adopted to changing circumstances with appropriate action taken in accordance with the Council's Financial Procedure Rules.

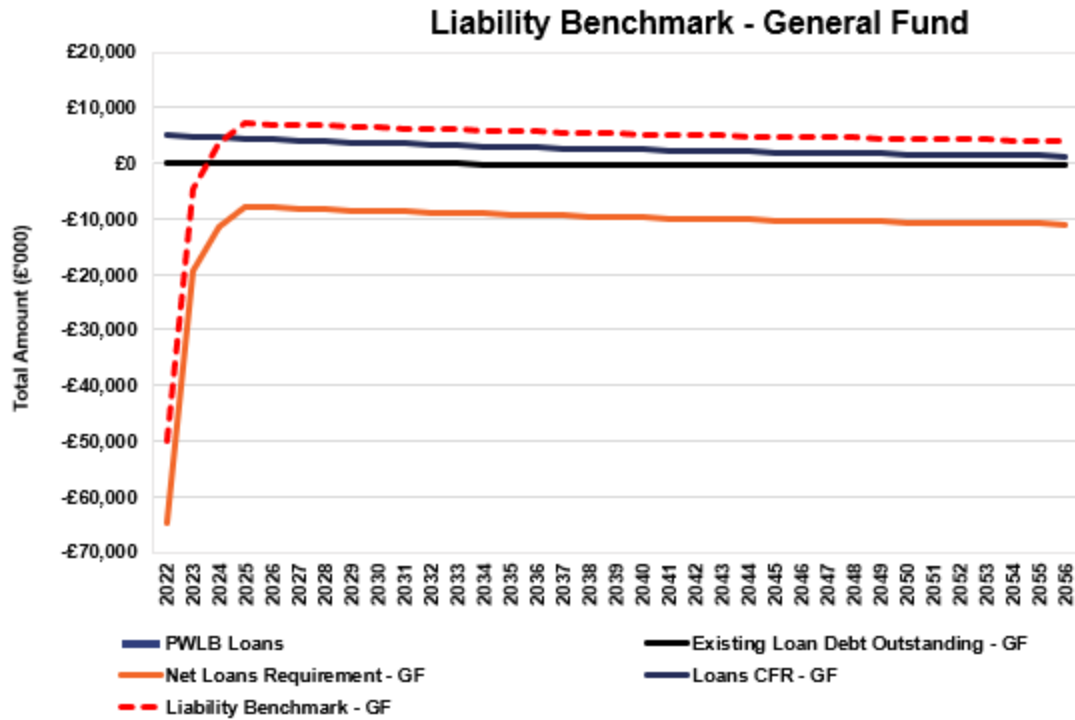
8.3 Liability Index

The tables in sections 8.1 and 8.2 are now required to be shown graphically for a minimum of 10 years and ideally to maturity of loan debt under the 2021 Prudential Code. The charts below show the overall position for the Council and then split over General Fund and HRA.

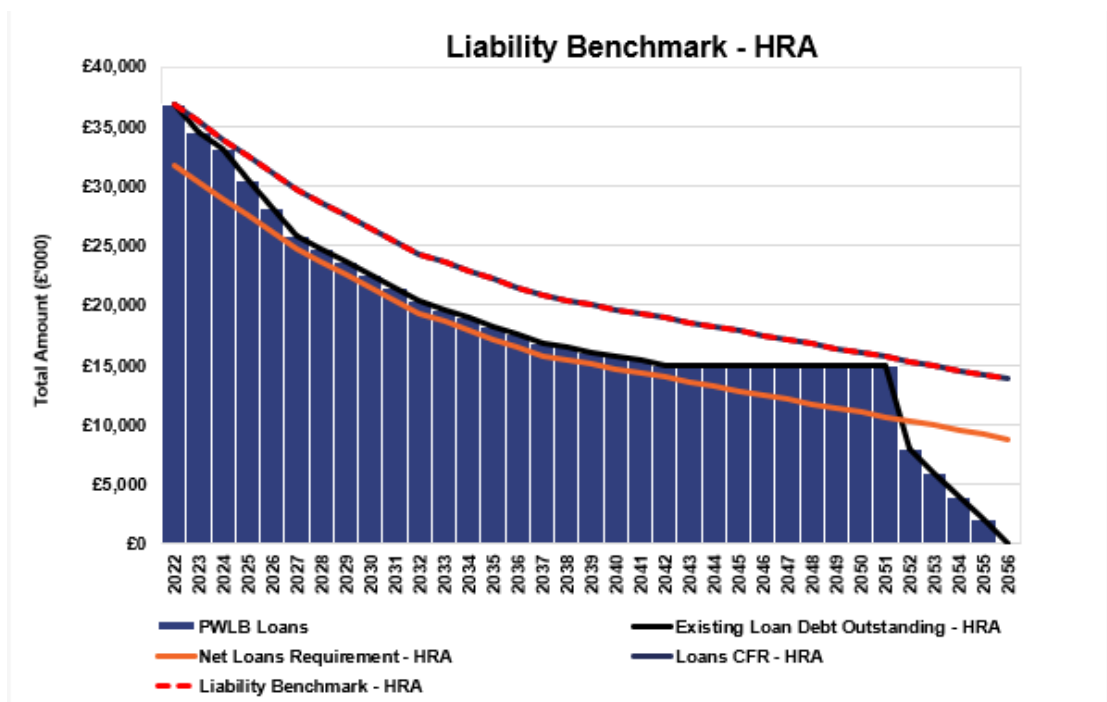
Total



The gap between the red dotted line and the PWLB loans shows the Council is under-borrowed. The net loans requirement line shows loans less anticipated investment balances. The Council needs to maintain some investment balances for liquidity purposes.



The low level of General Fund PWLB debt is demonstrated by this chart, with the bars falling below the blue PWLB loans line. Again, this shows the level of General Fund under-borrowing as set out in the table in section 8.1 above.



The HRA chart shows also that the HRA is under-borrowed, at least until 2051, unless maturity loans that end over the next few years are re-financed.

8.3 Policy on borrowing in advance of need

The Council cannot borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.

In determining whether borrowing will be undertaken in advance of need the Council will;

- ensure that there is a clear link between the capital programme and maturity profile of the existing debt portfolio which supports the need to take funding in advance of need;
- ensure the ongoing revenue liabilities created, and the implications for the future plans and budgets have been considered;
- evaluate the economic and market factors that might influence the manner and timing of any decision to borrow;
- consider the merits and demerits of alternative forms of funding;
- consider the alternative interest rate bases available, the most appropriate periods to fund and repayment profiles to use;
- consider the impact of borrowing in advance on temporarily (until required to finance capital expenditure) increasing investment cash balances and the consequent increase in exposure to counterparty risk, and other risks, and the level of such risks given the controls in place to minimise them.

9. Debt Rescheduling

Officers together with the treasury advisors examine on a regular basis the potential for undertaking early repayment of some external debt to the PWLB in order to maximise any potential financial advantages to the Council. However, the continuing and significant difference between new borrowing and repayment rates has meant that large premiums would be incurred by such action and cannot be justified on value for money grounds. This situation will be monitored in case the differential is narrowed by the PWLB or repayment rates change substantially.

As short term borrowing rates will usually be cheaper than longer term rates there may be some potential for some residual opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the size of premiums incurred, their short term nature, and the likely cost of refinancing these short term loans once they mature compared to the current rates of longer term debt in the existing portfolio.

Any opportunities for debt rescheduling will be considered if such action would be advantageous to the Council. The reasons for any rescheduling to take place will include:

- the generation of cash savings and/or discounted cash flow savings

- helping to fulfil the strategy outlined above
- enhance the balance of the portfolio

Consideration will also be given to identifying if there is any residual potential left for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt.

10. Investment Strategy

10.1 Investment Policy

The Council will have regard to the Government's Guidance on Local Government Investments, the latest CIPFA Treasury Management in Public Services Code of Practice and Guidance Notes (the Code) along with any relevant revisions or updates. The Council's investment priorities when investing are: -

- The security of capital and
- The liquidity of its investments.

The Council will also aim to achieve the optimum return on its investments commensurate with these main priorities. It is important to note that the borrowing of monies purely to invest or on-lend and make a return is unlawful.

Investment instruments identified for use in the financial year are listed in Annex 2 under the 'Specified' and 'Non-Specified' Investments categories. Counterparty limits will be as set through the Council's Treasury Management Practices – Schedules.

The majority of the Council's investments will be in Specified Investments although the Council has limited investments in Non- Specified investments.

During 2017/18 the Council purchased an investment property in Clacton, which is a Non-Specified investment (*a commercial investment*). The historic cost (including stamp duty) of this asset was £3.245 million and it is financed from revenue. The property was purchased with the aim of yielding rental income and with the potential for capital gains. This investment does not have a defined maturity date and it is an illiquid investment as the Council would need to sell the underlying asset to redeem the investment.

The property will be subject to annual revaluation to reflect current value under the requirements of the Accounting Code of Practice and this will be reported in the Statement of Accounts. *At 31 March 2022 the carrying value of the property was assessed by the Council's external Valuer at £2.108 million and at 30 September 2022 the carrying value was increased to £2.354 million.* The anticipated return on the property through rental income compared to the historic cost is forecast to remain in line with the figures included in the report

to Cabinet where the decision to purchase was made. Regardless of whether or not the property is being used for trading, the terms of the lease require payment of the rent until the end of the lease term.

The Council has adopted a Commercial Property Investment Policy which will be maintained as a separate document within the wider Capital and Treasury Strategy framework.

The Council does not intend to use derivative instruments as part of its treasury activities during the year.

~~During 2020/21 the Council opened accounts with two Money Market Funds, as the Debt Management Office interest rates became negative on occasions in late 2020 and additional liquidity flexibility was required beyond that of the call accounts. Both Money Market Funds are triple A rated and the interest paid has slowly risen from 0.01% to 0.03% since December 2021.~~

10.2 Creditworthiness Policy and changes to the credit rating methodology

This Council uses credit ratings from all three rating agencies - Fitch, Moodys and Standard and Poors. In determining the appropriate credit rating the Council will use the lowest rating available to determine the investment limits both in terms of amount and period for a particular counterparty. This is in accordance with the recommendations of The Code. Counterparties rated by only one agency will not be used.

One of the credit rating agencies may be more aggressive in giving lower ratings than the other two agencies and this could result in the Council's counterparty list becoming too restrictive. If this happens the position will be discussed with the Council's treasury advisors and the Treasury Management Practices may need to be revised in accordance with delegated powers set out in the Council's Constitution.

- All credit ratings will be monitored daily. The Council is alerted to changes to ratings of all three agencies through its use of the Creditworthiness Service provided by the Council's external advisors which is downloaded from Link Asset Services website each morning and uploaded to the Treasury Management system.
- If a downgrade results in the counterparty/investment scheme no longer meeting the Council's minimum criteria, its further use for a new investment will be withdrawn immediately.

The Code also recommends that credit ratings are not the sole determinant of creditworthiness and therefore the Council will also use available market information from a variety of sources including

1. The Creditworthiness Service utilises movements in Credit Default Swaps against the iTraxx benchmark and other market data on a weekly basis. This creditworthiness service information will be used to confirm

the assessed creditworthiness derived from the three ratings agencies. Where the information from this service indicates a lower standing for a particular counterparty than that derived via the credit ratings then the investment limits and length of investments applicable to that counterparty will be adjusted accordingly or the counterparty removed from the list.

2. Market data and information,
3. Information on government support for banks and the credit ratings of that government support

10.3 Credit Limits

Through its approved Treasury Management Practices the Council will set maximum limits for the amount that can be invested with any counterparty. This limit will be determined by reference to the counterparty's credit rating and other criteria. In addition the amount invested in building societies and Certificates of Deposit is also limited to 50% of the total investment portfolio.

100% of the Council's investments may be in Treasury Bills or Gilts or invested with the Government's Debt Management Office (DMO). Although these sums are very secure the rate of interest is usually lower than the market rate, however Treasury Bills are a valuable tool in providing security and liquidity whilst the DMO offers a variety of investment terms and is a valuable source of investment should credit ratings of other financial institutions result in a reduction in the number of counterparties that meet the Council's minimum credit rating criteria. There is no limit on the amount that can be invested with other local authorities in total, although there is a limit of £6 million with each individual local authority.

10.4 Country Limits

The Council has determined that it will only use approved counterparties from the UK and additionally those countries with a minimum sovereign credit rating of AA or equivalent from the relevant rating agencies.

In a similar way that individual counterparties have a maximum investment limit, countries other than the UK will also have a limit.

10.5 Investment Strategy

The Council's funds are managed in-house and are mainly cash flow based but there is a core balance that could be available for investment for longer periods (2-3 years). Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months) and in respect of commercial property investment, this will be limited to the amount included in the Capital Programme.

The bank rate increased from 0.25% in December 2021 through 2022 and reached 3.5% in December 2022. Further increases in the rate are forecast in

the first 2023, before stabilising and then falling in 2024 (see Section 7). The Council will avoid locking into longer term deals while investment rates are down at historically low levels *rising* unless exceptionally attractive rates are available which make longer term deals worthwhile without compromising the Council's priority of security of the investments.

For 2023/24 the Council has budgeted for investment returns based on the principles set out in this strategy including the forecast position on interest rates.

For its cash flow generated balances the Council will seek to utilise its business reserve accounts, Money Market Funds and short dated deposits (overnight to three months) in order to benefit from the compounding of interest. At the present time these short dated deposits are paying very low rates, but they provide a good level of liquidity to help manage the Council's cash flow.

10.6 Allocation of Investment returns between GF and HRA

As part of the introduction of HRA Self Financing a policy on the allocation of investments returns across the GF and HRA now forms part of the Annual Treasury Strategy.

The HRA holds balances and would benefit from cash flow advantages, which are amalgamated for the purposes of the overall investment activity of the Council. At the end of each year the transfer to the HRA of its share of the authority's overall investment returns will be agreed by the S151 Officer in consultation with the relevant officers based on the following principles:

- Equity
- Risk Sharing
- Minimising volatility between years

Returns from directly investing in commercial property will be allocated to the relevant fund where the Capital Programme / investment were made from.

10.7 End of year investment report

At the end of the financial year the Cabinet will receive a report on its investment activity.

GLOSSARY OF TERMS

Affordable borrowing limit – limit that the Council has to set under the CIPFA Prudential Code that shows how much the Council considers it can afford to borrow taking all its outgoings into consideration and how much income it considers it can generate.

Alternative financing arrangements – how the Council intends to finance its capital expenditure by other means besides borrowing.

Authorised limit – the amount the Council determines is the maximum that can be borrowed that is affordable and has been calculated in accordance with the legislation behind the CIPFA Prudential Code.

Borrowing requirement – how much the Council considers it needs to borrow to fund its spending plans.

CFR – Capital Financing Requirement – this calculation shows how much the Council needs to borrow or finance by some other measure to meet its planned capital spend.

Counterparty – the other party that participates when a loan or investment is placed.

CPI – Consumer Price Index – the Government's preferred measure of inflation, based on a set basket of goods and services. It excludes housing costs such as mortgage interest payments and council tax.

Credit arrangement – any quasi-loan, to ensure the legislation and Code pick up any unusual arrangements to provide funding other than from a straightforward loan

Credit default swap - A swap designed to transfer the credit exposure of fixed income products between parties. A credit default swap is also referred to as a credit derivative contract, where the purchaser of the swap makes payments up until the maturity date of a contract. Payments are made to the seller of the swap. In return, the seller agrees to pay off a third party debt if this party defaults on the loan. A CDS is considered insurance against non-payment. A buyer of a CDS might be speculating on the possibility that the third party will indeed default.

Credit limit – the maximum amount that can be lent to an individual organisation or group of organisations.

Credit rating – provided by one of the three credit rating agencies, an assessment of how likely the organisation is to repay any monies lent to it.

Creditworthiness - An assessment of the likelihood that a borrower will default on their debt obligations. It is based upon factors, such as their history of repayment and their credit score. Lending institutions also consider the availability of assets and extent of liabilities to determine the probability of default.

Debt cap (HRA) – the limit on the amount that can be borrowed by the HRA, set by central government.

Earmarked reserves – reserves that have been set aside for a specified purpose.

GDP – Gross Domestic Product – measures the output from the economy, if it rises then the economy is growing, if it falls the economy is in recession.

iTraxx - A group of international credit derivative indexes that are monitored by the International Index Company (IIC). The credit derivatives market that iTraxx provides allows parties to transfer the risk and return of underlying assets from one party to another without actually transferring the assets. iTraxx indexes cover credit derivatives markets in Europe, Asia and Australia.

Illiquid investment – An investment that cannot easily be sold or exchanged for cash without a substantial loss in value.

Non-specified investment – as defined in Annex 2.

Prudential indicators – a series of calculated figures specified in the CIPFA Prudential Code which are used to assess how affordable and realistic the Council's spending and financing plans are.

PWLB – Public Works Loans Board – central government lending to other public sector bodies, specifically local government.

PWLB Certainty Rate – The PWLB sets various rates for borrowing. From 1 November 2012 the Government reduced the interest rates on loans from PWLB to Councils who provide information as required on their planned long-term borrowing and capital spending by 0.20%. This reduced rate is called the Certainty Rate.

Replacement borrowing – borrowing taken out to replace other borrowing or other forms of credit that have been repaid.

RPI – Retail Price Index – another inflation index, this one includes the cost of housing.

Specified investments – as defined in Annex 2.

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Proposed Prudential Indicators 2022/23 revised, 2023/24 and forecasts for 2024/25 to 2025/26

Indicators for Prudence

CAPITAL EXPENDITURE

This is an estimate of the amount of investment planned over the period. As can be seen, not all investment necessarily has an impact on the Council Tax, schemes funded by grants, capital receipts or external contributions mean that the effect on the Council Tax is greatly reduced.

Capital Expenditure - General Fund	2021/22	2022/23	2023/24	2024/25	2025/26
£000s	Actual	Revised	Estimate	Forecast	Forecast
Total Capital Expenditure	4,308	16,787	827	827	827
Financing - General Fund					
External contributions	(141)	(711)	-	-	-
Section 106	(1)	(253)	-	-	-
Coast protection grant	(451)	-	-	-	-
Other Government grants	(13)	(872)	-	-	-
Disabled Facilities Grant	(666)	(9,211)	(757)	(757)	(757)
Capital receipts	-	(1,000)	-	-	-
Direct revenue contributions	(222)	(863)	(70)	(70)	(70)
Earmarked reserves	(2,814)	(3,877)	-	-	-
Total Capital Financing	(4,308)	(16,787)	(827)	(827)	(827)
Net Financing need (External Borrowing)	0	0	0	0	0

Housing Revenue Account Capital Schemes	2021/22	2022/23	2023/24	2024/25	2025/26
£000	Actual	Revised	Estimate	Forecast	Forecast
Total Capital Expenditure	4,317	10,389	7,978	3,928	3,928
Financing - Housing Revenue Account					
Major repairs reserve	(3,089)	(3,978)	(3,314)	(3,314)	(3,314)
Direct revenue contributions	(187)	(2,235)	(614)	(614)	(614)
Section 106	(774)	(333)	-	-	-
Capital receipts	(68)	(65)	(4,050)	-	-
External contributions	(199)	(3,778)	-	-	-
Total Capital Financing	(4,317)	(10,389)	(7,978)	(3,928)	(3,928)
Net Financing need (External Borrowing)	0	0	0	0	0

CAPITAL FINANCING REQUIREMENT

Each year, the Council finances the capital programme by a number of means, one of which could be borrowing. The Capital Financing Requirement (CFR) represents the cumulative amount of borrowing that has been incurred to pay for the Council's capital assets, less amounts that have been set aside for the repayment of debt over the years. The Council is only allowed to borrow long term to support its capital programme. It is not allowed to borrow long term to support its revenue budget.

CAPITAL FINANCING REQUIREMENT	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
General Fund	5,021	4,820	4,627	4,442	4,264
Housing Revenue Account	36,777	35,363	33,949	32,501	31,003
Total	41,798	40,183	38,576	36,943	35,267

GROSS DEBT AND THE CAPITAL FINANCING REQUIREMENT

This indicator compares the Capital Financing Requirement to the level of external debt and shows how much of the capital programme is financed from internal resources. The capital programme is partially funded in the short to medium term by internal resources when investment interest rates are significantly lower than long term borrowing rates. Net interest payments are, therefore, optimised.

PRUDENTIAL INDICATOR	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Capital Financing Requirement	41,798	40,183	38,576	36,943	35,267
External debt	36,921	34,699	33,277	30,654	28,232
Internal borrowing	4,877	5,484	5,299	6,289	7,035

OPERATIONAL BOUNDARY AND AUTHORISED LIMIT

The Council must set an operational boundary and authorised limit for external debt. The operational boundary is based on the Council's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. It reflects the decision on the amount of debt needed for the Capital Programme for the relevant year. It also takes account of other long term liabilities, which comprise finance leases, Private Finance Initiative and other liabilities that are not borrowing but form part of the Council's debt. The Council has none of these at present.

The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

PRUDENTIAL INDICATOR	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Operational boundary - borrowing	67,180	67,723	65,584	66,575	67,320
Authorised limit - borrowing	75,820	76,333	75,609	75,546	76,458

Indicators for Affordability**RATIO OF FINANCING COSTS TO NET REVENUE STREAM**

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs. *Investment income is no longer deductible from cost from 2022/23 revised onwards*

ESTIMATE OF THE RATIO OF FINANCING COSTS TO NET REVENUE	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	%	%	%	%	%
General Fund	1.63	1.65	1.41	1.35	1.30
Housing Revenue Account	40.13	45.65	42.95	41.83	40.48

RATIO OF COMMERCIAL AND SERVICE INVESTMENTS TO NET REVENUE STREAM

This is a new indicator from 2023/24 and highlights how much of the Council's net revenue spend is financed by income from commercial and service investments. The Council has one commercial investment and no service investments

ESTIMATE OF THE RATIO OF COMMERCIAL INVESTMENTS TO NET REVENUE	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	%	%	%	%	%
General Fund	n/a	-1.78	-1.60	-1.63	-1.66

INTEREST RATE EXPOSURE

Tendring District Council currently has all its borrowings at fixed rate and usually has a mixture of fixed and variable rate investments. This indicator is set to control the Council's exposure to interest rate risk.

PRUDENTIAL INDICATOR	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Upper limit for Fixed Interest Rates on debt	41,798	40,183	38,576	36,943	35,267
Upper limit for Variable Interest Rates on debt (based on 30% of the fixed rate limit)	12,539	12,055	11,573	11,083	10,580

TOTAL PRINCIPAL SUMS INVESTED FOR PERIODS LONGER THAN 364 DAYS (excluding property)

Interest rate risk is also affected by the proportion of the investments invested at fixed rates for longer periods, especially in a period when rates are expected to rise.

PRUDENTIAL INDICATOR	2021/22	2022/23	2023/24	2024/25	2025/26
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Limits on the total principal sum invested to final maturities longer than 364 days	3,500	3,500	3,500	3,500	3,500

MATURITY STRUCTURE OF FIXED RATE BORROWING

This indicator is set to control the Council's exposure to refinancing risk. The limits are set for each age range to ensure that the Council avoids too many fixed rate loans being matured at one time and spreads the maturity across several periods. The percentages for the upper and lower limits do not add up to 100% as they do not represent an actual allocation.

PRUDENTIAL INDICATOR	Upper limit	Lower limit	Estimated outstanding debt maturity % at			
	%	%	31/03/2023	31/03/2024	31/03/2025	31/03/2026
Under 12 months	25	0	4.10%	7.88%	7.90%	7.90%
12 months and within 24 months	30	0	7.56%	7.28%	7.90%	3.55%
24 months and within 5 years	60	0	17.10%	13.83%	10.67%	10.67%
5 years and within 10 years	75	0	14.60%	14.07%	14.02%	12.77%
10 years and above	95	25				
10-20 years			13.41%	11.86%	10.58%	8.27%
20-30 years			25.94%	33.06%	42.41%	48.93%
>30 years			17.29%	12.02%	6.52%	0.00%

TREASURY INDICATOR - EXPOSURE TO CREDIT RISK

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) using the rating applicable when it is taken out and taking the arithmetic average, weighted by the size of each investment. Investments in government instruments such as DMO, treasury bills and in local authorities are scored as 1.

TREASURY INDICATOR	2021/22 Actual	2022/23 to 31/12	2023/24 Upper limit
Average credit score for investments	1.18	1.19	2.00

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SPECIFIED AND NON-SPECIFIED INVESTMENTS

This schedule sets out the specified and Non-Specified investments the Council may use in 2023/24.

Investments may be in the form of direct deposits, Certificates of Deposits (CDs), property (including property funds) or the purchase of financial instruments such as Treasury Bills, Bonds and Gilts.

SPECIFIED INVESTMENTS:

An investment is a Specified Investment if all of the following apply

1. The investment is denominated in sterling and any payments or repayments in respect of the investment are payable only in sterling
2. The investment is not a long-term investment which is one that is due to be repaid within 12 months of the date on which the investment is made or one which the local authority may require to be repaid within that period.
3. The investment is not defined as capital expenditure by regulations
4. The investment is made with a body or in an investment scheme of high credit quality or the investment is made with the following public sector bodies.
 - a. UK Government
 - b. Local authority
 - c. Parish council or community council

Where an investment is being made with a UK nationalised or part nationalised bank this will be treated for the purposes of classification as a Specified or Non-specified investment as being invested with the UK Government.

High credit quality

For a counterparty to meet the high credit quality criteria for specified investments, that counterparty must meet as a minimum the ratings of the three credit rating agencies listed below, and not be the subject of any adverse indications from the following sources.

- Credit Default Swap index
- The quality financial press
- Market data
- Information on government support for banks and
- The credit ratings of that government support

Ratings	Fitch	Moody's	Standard & Poors
Short term	F1	P-1	A-1
Long term	A-	A3	A

NON SPECIFIED INVESTMENTS

A maximum of £3.5m may be held, in aggregate, in Non-Specified Investments

The only non-Specified investments that the Council will use in 2023/24 are investments for periods of longer than 12 months with any institution or investment instrument that would have been classed as a Specified Investment if the investment had been for less than 12 months or property. The Council currently holds an investment property in Clacton. The historic cost of this property (including stamp duty) is £3.245 million, but *this was revalued at 31 March 2022 at £2.108 million by the Council's external valuer and has now been revalued at 30 September 2022 at £2.364 million.* The purchase of the property was financed from revenue resources.

COUNCIL

24 JANUARY 2023

JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET

A.3 PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION (COUNCIL PROCEDURE RULES)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, to approve the recommended changes to the Constitution (Council Procedure Rules) put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for this purpose.

EXECUTIVE SUMMARY

The Cabinet, at its meeting held on 16 December 2022 (Minute 83 refers) 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 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.

Following that meeting, on 17 February 2023, Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder, which requested it to approve the recommended changes to the Constitution for referral onto Full Council put forward by the CRWP.

A summary of the proposed changes compared to the existing CPRs 11, 12 and 14 is provided in the background section of this report and in each case, the content has been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers.

RECOMMENDATION

That subject to Members' consideration of the recommendations of the Cabinet arising from its meeting on 16 December 2022, Council resolves that:

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in the Appendix attached hereto this report;**

- (b) the implementation of the new Council Procedure Rule 12 be reviewed after six months' operation;
- (c) 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 be supported;
- (d) the Monitoring Officer be requested 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) the Monitoring Officer be further requested 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.

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the outcome of the further review of the Constitution (Council Procedure Rules) and the Cabinet's recommendations arising therefrom, and in order to enable those recommendations to be approved and adopted.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not to approve some or all of the Cabinet's recommendations;
- (2) To amend or substitute some or all of the Cabinet's recommendations.

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.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The outcome of the further review of the Constitution (Council Procedure Rules) by the Review of the Constitution Portfolio Holder Working Party is reported elsewhere in this report.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority operating executive arrangements must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate.

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 make amendments to the standing orders and the Constitution rests with full Council.

Article 15 of the Council's Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance. Article 15 also provides authority to the Monitoring Officer to make minor changes to the Constitution arising from changes to the organisational structure of the Council.

Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Risk

Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements.

X **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

The Section 151 Officer has noted the proposed amendments through the review.

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

Further review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party – 23 January 2023

Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 17 February 2023.

Submission of Cabinet's recommendations to Full Council for approval and adoption – 2 March 2023.

Implementation of approved changes to the Constitution – 3 March 2023.

ASSOCIATED RISKS AND MITIGATION

Not implementing the amendments to the Constitution will negatively impact the Council's governance arrangements.

EQUALITY IMPLICATIONS

The purpose of the Constitution is to:

- 1 Provide key elements of the Council's overall governance arrangements;
- 2 Enable decisions to be taken efficiently and effectively;
- 3 Create an effective means of holding decision-makers to public account;
- 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District;
- 5 Support the involvement of the local community in the process of local authority decision making;
- 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved;
- 7 Help Councillors represent their residents more effectively;
- 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and
- 9 Provide the framework and structure in which cost effective quality services to the community are delivered.

SOCIAL VALUE CONSIDERATIONS

None

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

The Council's previous decision in March 2022 to continue with 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) before 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

At its further meeting held on 23 January 2023 the CRWP reviewed various Council Procedure Rules and the following changes are recommended (note that references to Part numbers relate to the Constitution prior to any amendments now submitted):

(a) **Council Procedure Rules – Section 1 (Full Council)(Part 4.1 to 4.24):**

Rule 11.2 – Scope of Questions on Notice at Full Council and Time Allocated in the Meeting

To establish a procedure whereby in the event that any question not disposed of at the end of the permitted time and therefore to be the subject of a written response shall, together with the relevant written response(s), also be published to the Council's website

and shall also be reported to the next meeting of the Council, as an “information only item”, by the Committee Services Manager. This provision of this paragraph will also apply in those instances when the full Council meeting has had to be cancelled.

Rule 12 (Motions on Notice) and other consequential changes

In accordance with the decision of Full Council taken at its meeting held on 29 March 2022 (Minute 150 referred), the CRWP discussed the outcome of the fundamental review by Officers of the way in which Motions on Notice submitted in accordance with Council Procedure Rule (CPR) 12 were dealt with procedurally at meetings of the Full Council.

The CRWP expressed their compliments to the drafting of a new procedure which was welcomed as being clearer and worked on the principle of a motion being debated at the Full Council meeting to which it was put, unless there were reasons not to, following Officers’ advice.

Current Rule 12 to be deleted and replaced in its entirety by the new proposed Rule 12. The CPWR also recommended that the implementation of the new CPR12 be reviewed after six months’ operation.

Rule 14 (Motions not Permitted)

To amend the list of circumstances in which Motions on Notice are not permitted in order to reflect the provisions of the new Rule 12.

*The proposed changes to the Council Procedure Rules (Section 1) are shown in **RED** in the **Appendix**.*

(b) OTHER MATTER CONSIDERED:

Review of the Procedure for Planning Committee Site Visits

Following a very difficult situation with members of the public at a site visit ahead of the meeting of the Planning Committee held on Thursday 22 September 2022 and at the request of the Monitoring Officer, the CRWP, at its meeting held on 14 November 2022, had an initial discussion on the procedure for committee site visits as set out in section 7 of the Members’ Planning Code and Protocol (February 2021).

At that particular site visit the local Parish Council had encouraged public attendance to lobby the Planning Committee members.

During that initial discussion by the CRWP the following matters had been raised:-

- (1) What was the purpose of a site visit?
- (2) Whether every planning application going before the Planning Committee did, in fact, merit a pre-meeting Member site visit;
- (3) What was the definition of “lobbying”?
- (4) Whether the attendance of parish councils and/or the public at Planning Committee site visits should be allowed to continue;

- (5) The role of the Chairman in leading the Planning Committee's site visits and whether such site visits should instead be led by a senior Planning Officer; and
- (6) Whether the Officer(s) in attendance should keep a record of the interaction between the Committee members and the public etc. at the site visits.

The CRWP subsequently, at its meeting held on 21 November 2022, was informed that a survey had been emailed to all Members of the Council to ascertain their views on this matter with a deadline for responses of 25 November 2022. In addition, Officers discussed the matter informally with members of the Planning Committee on 24 November 2022. The results of the survey were reported to the All Member Briefing in January 2023 and thence to the meeting of the CRWP held on 23 January 2023. At the invitation of the Chairman, Councillor White (Chairman of the Planning Committee) attended that meeting and participated in the discussions on this matter.

The CRWP **AGREED** that -

- (a) *"the CRWP supports 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;*
- (b) *the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Cabinet that the Monitoring Officer be requested to amend the Planning Committee's Site Visit Procedure to appropriately reflect the following points:-*
 - (1) *including a definition of "lobbying";*
 - (2) *strengthening the wording as to how the Chairman and Committee should proceed if faced at a site visit with (regardless of origin) persistent attempts at lobbying and/or persistent harassment and/or physical or verbal abuse;*
 - (3) *reflecting Members' expectations that a Drone will be regularly available for the Planning Committee's site visits and that such Drone will be employed, particularly in respect of the larger planning application sites;*
 - (4) *stating that the mandatory training for the members of the Planning Committee and its designated substitute members will include training in relation to undertaking site visits and acknowledging that this training will be offered to all members of the Council; and*
 - (5) *highlighting as a reminder to Members that Section 3.8 of the Members' Code of Conduct states that Members are required to comply with the Council's adopted rules and policies such as the Planning Code and Protocol for Member (which contains the Planning Committee's procedure for Site Visits);*
- (c) *that the CRWP further requests Cabinet (via the Portfolio Holder) to request 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."*

Cabinet, at its meeting held on 17 February 2023 decided, inter alia, that it:-

- (a) *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;*
- (b) *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*
- (c) *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.

PREVIOUS RELEVANT DECISIONS

Full Council, at its meeting held on 29 March 2022 (Minute 150 refers), decided, inter alia, that:

“the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.”

The Cabinet’s decision at its meeting held on 16 December 2022 (Minute 83 refers) was as follows:-

“RESOLVED:-

1. That Cabinet **RECOMMENDS TO COUNCIL** that:

- (a) *the Council’s Constitution be amended to reflect the proposed changes, as set out in Appendices A to D and F to N attached hereto this report, with the exception of the proposed changes to Council Procedure Rules 12 and 14... which are deferred at this time;*
- (b) *Council notes and endorses the Monitoring Officer’s firmly reiterated advice that Members using the “Approval of the previous Minutes” item on agendas as a way of raising matters from that previous meeting, whether loosely connected or not, is not acceptable as such actions did not comply with the need to give the requisite public notice of matters that would be discussed at a committee etc. meeting i.e. it breached local government law;*
- (c) *Council further notes and endorses the proposed change to Article 7.08 (Cabinet Procedure Rule 1.5); and*
- (d) *Council additionally notes that:-*
 - (i) *the Centre for Governance and Scrutiny, Lawyers in Local Government and the Association of Democratic Services Officers are proposing to issue guidance in the area of “call-ins” of Executive decisions and so it is likely that this Council will need to look further at this in 2023 (and particularly its implications for Overview and Scrutiny Procedure Rules 17 and 18) once that guidance is issued;*
 - (ii) *the practice guides prepared by the Head of Democratic Services & Elections to assist members of Overview and Scrutiny Committees and support officers to develop appropriate approaches to individual enquiries would be reviewed in Autumn 2023;*
 - (iii) *the Council’s Procurement Strategy and the Procurement Procedure Rules will need to be reviewed once the Procurement Bill (HL) currently at Report Stage in the House of Lords is enacted and come into effect; and*
 - (iv) *the review of 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) is still ongoing although at this current time no constitutional changes have been highlighted*

as being necessary.”

For Full Council’s information only the Cabinet further **RESOLVED** –

*(1) That Cabinet **resolves** that Cabinet Procedure Rule 1.5 be amended to reflect the proposed change...”*

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Notes of the meeting of the Review of the Constitution Portfolio Holder Working Party held on 23 January 2023.

Report of the Corporate Finance and Governance Portfolio Holder (A.8), which was submitted to the meeting of the Cabinet held on 17 February 2023.

Minutes of the meeting of the Cabinet held on 17 February 2023.

APPENDICES

A.3 APPENDIX – AMENDED COUNCIL PROCEDURE RULES – SECTION ONE

REPORT CONTACT OFFICER(S)

Names	(1) Ian Ford (2) Lisa Hastings
Job Titles	(1) Committee Services Manager (2) Monitoring Officer
Email/Telephone	iford@tendringdc.gov.uk (01255) 686 584 lhastings@tendringdc.gov.uk (01255) 686 561

A.3 APPENDIX – PROPOSED CHANGES TO CPR 11.2, CPR 12 AND CPR 14

CPR11. - QUESTIONS BY MEMBERS

11.2 Scope of Questions on Notice at Full Council and Time Allocated in the Meeting

Subject to Rules 11.3, 11.4 and 11.5 a Member of the Council may ask:-

- the Chairman;
- a Member of the Cabinet; and
- the Chairman of any Committee;

a question on any matter, which is within their area of responsibilities as set out in Part 3 of the Constitution, in relation to which the Council has powers or duties or which affects the Tendring District.

Only the text of the Questions will be included within the full Council Agenda and in the order in which the questions from Members were received. None of the accompanying preamble or explanatory statements (if any) submitted by the Questioner(s) will be so included.

The time allocated for receiving and disposing of questions shall be a maximum 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner. **The Question(s), together with the relevant written response(s), will also be published to the Council's website and will also be reported to the next meeting of the Council, as an "information only item", by the Committee Services Manager. The provisions of this paragraph will also apply in those instances when the full Council meeting has had to be cancelled.**

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

11.5 Reasons for rejection of Questions

- (a) the question is not about a matter for which the local authority has responsibility or which affects the District;
- (b) The Monitoring Officer will reject a question if in their judgement it could be considered to be defamatory or offensive or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);
- (c) the Monitoring Officer will reject a question if in their judgment it is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;

- (d) The Monitoring Officer will reject a question if in their judgement it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (e) The Monitoring Officer will reject a question if in their judgement it is likely to lead to a breach of the Members' Code of Conduct; or
- (f) the question is about a matter that is subject to call in or ongoing legal proceedings.

NEW COUNCIL PROCEDURE RULE 12 (MOTIONS ON NOTICE) – CURRENT CPR 12 TO BE DELETED IN ITS ENTIRETY

12.1 Scope of the Motion

Any Motion to Council submitted in accordance with this Rule must be about a matter(s) for which the Council has a responsibility, or which affects the District of Tendring, or is about a matter(s) of regional, national or international importance which could be reasonably considered to affect the residents of the District and upon which a Member wishes the Council to undertake an action or to make its views and opinions publicly known.

12.2 Notice of the Motion

No Member shall, under the provisions of this Rule, submit more than one motion for consideration at any ordinary meeting of the Council.

A maximum of two motions shall be accepted for inclusion in an agenda for an Ordinary Meeting of the Council under this Procedure Rule. Motions cannot be submitted to the annual meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

Except for a motion which can be moved without notice under Rule 13 (Motions without Notice), written and signed notice (or notice by personal e-mail) of the motion by the Member or Members submitting it, must be delivered to the Committee Services Manager by no later than the initial deadline of midday ten working days before the day of the ordinary meeting of the Council. This initial deadline is to allow a period of time for Officers to consider the wording of the motion and to offer appropriate guidance, if necessary, and as detailed below. If submitted by email the motion should be sent to democraticservices@tendringdc.gov.uk.

The Monitoring Officer and/or the Committee Services Manager (or in their absence the Head of Democratic Services & Elections) are authorised and encouraged under this Rule to offer guidance and assistance to the Member(s) as to the wording of their Motion (in order to make it clear and obvious [as also referenced in Rule 12.7 below] what the Council's powers are should the Motion relate to an Executive function and/or to generally to make the motion acceptable as a valid motion). The Member(s) submitting the Motion will be informed of the Officers' guidance as soon as possible and they will have until the final deadline of midday eight working days

before the day of the ordinary meeting of the Council to notify the Officers whether they accept the Officers' advice.

The Monitoring Officer and/or the Committee Services Manager (or in their absence the Head of Democratic Services & Elections) will then formally decide whether to accept the motion as a valid motion having had regard to the provisions of Rule 14 (Motions not Permitted).

12.3 Motion set out in the Agenda

Valid motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the Member(s) in giving that notice states, in writing, that they wish it to be included on the Agenda for a future ordinary meeting of the Council.

12.4 Withdrawal of the Motion

Prior to the publication of the Agenda for the ordinary meeting of the Council in question (which will be at least five clear, working days before the meeting) the Member or Members may withdraw their Motion by notifying the Committee Services Manager of their wish to do so. This notification must be submitted to the Committee Services Manager by a written and signed notice (or notice by e-mail to democraticservices@tendringdc.gov.uk).

Once the Agenda for the ordinary meeting of the Council in question has been published the Motion can only be withdrawn at the Council meeting itself in accordance with the provisions of Council Procedure Rule 16.7 (Withdrawal of Motion).

12.5 Professional Advice of the Council's Statutory Officers on the Motion

Once the Motion has been accepted as being valid by the Monitoring Officer and/or the Committee Services Manager a formal Advisory Note detailing any necessary initial professional advice in relation to the implications for the Council of that Motion will be prepared by the Council's Statutory Officers, with the Monitoring Officer acting as the lead officer in the compilation of that Advisory Note.

In that regard:-

- (i) the Head of Paid Service (i.e. the Chief Executive) will give any necessary professional advice on implications for the Council in respect of his responsibilities in relation to staffing matters;
- (ii) the Monitoring Officer will give any necessary professional advice on implications for the Council in respect of budgetary, constitutional or legislative requirements; and
- (iii) the Section 151 Officer will give any necessary professional advice on implications for the Council relating to budgetary, constitutional or legislative requirements.

That Advisory Note will be circulated, if possible, to all Members of the Council as part of the Council Agenda Document Pack. If this is not possible, then the Advisory Note will be circulated to Members as soon as possible thereafter but in any case no later than Noon on the working day before the date of the Council meeting.

The Advisory Note will also be published on the Council's website (unless of course the Exempt Information provisions apply).

At the meeting itself, Council must have regard to the contents of the Advisory Note in making its decision on the Motion, as set out in Section 3.7 of the Members' Code of Conduct.

12.6 Consideration of the Motion at an Ordinary Meeting of the Council

At the meeting itself the Chairman will invite the Member who submitted the motion to formally move it and then to proceed to read out the text of the Motion (for the benefit of the public who are either watching proceedings from the public gallery or via the livestream). The Member who moved the motion will not be required to explain its purpose at this stage of the proceedings.

The Chairman will then ask for a seconder for the motion. If there is no seconder then the motion will be declared by the Chairman as having failed and the Chairman will immediately move onto the next business on the agenda.

In the event that the Motion is not moved at this time by the Member who gave notice thereof, due to their absence, it will be treated as withdrawn and cannot be moved without a fresh notice given under this Rule, unless the Chairman is aware of mitigating circumstances for that Member's absence and Council, having been made aware of such circumstances, decides, with the consent of the simple majority of Members present (which will have been demonstrated, without any debate, by a show of hands) to defer the Motion to the next ordinary meeting of the Council. If the Member who gave notice of the Motion considers it a matter of urgency they can nominate another Member to move the Motion at the Council Meeting by notifying the Committee Services Manager of that arrangement by no later than Noon on the day of the meeting. That nominated Member will, from that point, take "ownership" of the Motion as far as these Council Procedure Rules are concerned.

At this point in the proceedings, and in the circumstances in which one or more of the Council's Statutory Officers has stated in their Advisory Note that the Motion should not be dealt with at the meeting, the Chairman can declare that, on the advice of the statutory officers, the Motion is either deferred until the next ordinary meeting of the Council or is referred to the relevant body or bodies, as appropriate. The Motion will thereupon stand so deferred/referred without discussion or debate. Council Procedure Rules 12.8, 12.9 and 12.10 will apply, as appropriate in the circumstances.

Otherwise, if the motion is seconded then it will be proceed to be debated in accordance with the maximum 60 minute time limit normally allocated for a Motion submitted under this Rule. This 60 minute period will commence at the point the Chairman calls on the Mover of the Motion to speak to the motion and explain its

purpose and this 60 minute period will also cover any amendments to the Motion that are accepted and debated upon by Members.

In debating the Motion the provisions, as applicable, of Council Procedure Rules 16, 19, 23, 24, 25, 28 and 29 will apply, together with the principles of decision making as set out in Article 13.02 of the Council's Constitution.

12.7 Powers available in respect of the Council making a decision on the Motion at an Ordinary Meeting of the Council

- 1. If the Motion relates to a matter under the purview of the Executive, as detailed within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, then the Council legally can only make a recommendation to the Executive, or give its advice/opinion to the Executive, in relation to the Motion.**
- 2. If the Motion relates to a non-executive function that is delegated to a Committee then the Council can either make a definite conclusive and binding decision, or make a recommendation to the Committee or give its advice/opinion to the Committee, in relation to the Motion.**
- 3. The Council, through its debate, can also through the amendment provisions set out in Rule 16.5 (Amendments to Motions) delay making a decision on the Motion until a future ordinary meeting of the Council if it so wishes, as long as it makes clear its reason for doing so. Reasons for such a delay could potentially but not exclusively include:-**
 - (a) a requirement for further information on the implications of the potential decision to be researched and submitted;**
 - (b) the lateness of the hour;**
 - (c) the need to hold a site visit;**
 - (d) a requirement for the attendance of an Officer and/or representative of an external organisation et cetera;**
 - (e) to enable a consultation exercise to be carried out either internally within the Council or externally;**
 - (f) to enable Political Group Leaders to informally discuss the matter;**
 - (g) to enable a public meeting or inquiry to be held; and**
 - (h) to enable the calling of a referendum (subject to the necessary financial provision being approved).**

12.8 Referred Motions – Consideration of the Motion by the Cabinet or a Committee

If the Motion is, in accordance with the provisions of Rule 12.7(3) above, formally referred to the Cabinet or a Committee for consultation, the Head of Democratic Services & Elections will ensure that the Motion is included on the agenda of the earliest practical meeting of the Cabinet/Committee. That body shall be required solely to consider such motion and to advise the Council (by no later than the

second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion as to whether such motion should be supported or not supported. That body will not be required to propose an alternative motion or an amended motion.

Prior to making its response the Cabinet/Committee may, following consultation with the relevant Officers, require further information to be presented to it for consideration on the implications of the proposed motion. Such a report must be considered by that body in a timely manner.

Once the Cabinet/Committee has considered the Motion it will be sent back to Council with that body's response.

12.9 Deferred Motions – Rights of Member submitting/Mover of the Motion

If the Motion has, in accordance with the provisions of Rule 12.6 above, been formally deferred until the next ordinary meeting of the Council (i.e. due to the "mitigating circumstances" provision or by the Chairman acting on the advice of the statutory officers) the Member who submitted the Motion will be made aware of this, as soon as possible, by the Committee Services Manager and also of the date of the next ordinary Council meeting.

The right of the Member submitting/mover of the Motion to speak to the motion and explain its purpose will be automatically reserved until that meeting.

12.10 Referred Motions – Rights of Mover of the Motion

If the Motion has, in accordance with the provisions of Rule 12.6 above, been formally referred to a relevant body or bodies (i.e. due to the Chairman acting on the advice of the statutory officers) the Mover of the Motion (or another Member nominated by them) will be, as a matter of courtesy, made aware by the Committee Services Manager of the date(s) of the meeting(s) of such body or bodies at which their Motion will be considered. The Mover of the Motion (or other Member nominated by them) will have the right to attend such meeting(s) to speak to the motion and explain its purpose. That Member will also be permitted to answer questions and/or provide clarification, if requested to do so by the Chairman of the meeting. The Member will also have a right of reply (of no more than three minutes duration) to respond to the debate at the meeting on their motion.

If the Motion has, in accordance with the provisions of Rule 12.7(3) above (i.e. following a debate at Council) been formally referred to the Cabinet or a Committee for consultation, the Mover of the Motion (or another Member nominated by them) will be, as a matter of courtesy, made aware by the Committee Services Manager of the date of the Cabinet/Committee meeting at which their Motion will be considered so that they can attend if they so wish.

As the purpose of the motion will have already been explained at the full Council meeting the Mover of the Motion (or another Member nominated by them) will not have any automatic right to speak at that meeting though they will be permitted to answer questions and/or provide clarification, if requested to do so by the Chairman

of the meeting. The Member will also have a right of reply (of no more than three minutes duration) to respond to the debate at the meeting on their motion.

12.11 Notification of the decision of the Council to the relevant Body

Once the Council has made its final decision on the Motion and if it is relevant and necessary to do so, the Head of Democratic Services & Elections will, at the earliest practical meeting of the Cabinet/Committee, as appropriate, formally report that decision of the Council in order that that body can note the Council's decision and consider what action, if any, that it now needs to take.

12.12 Consideration of a Motion at an Extraordinary Meeting of the Council

At an Extraordinary Meeting of the Council any Motion listed on the Agenda will be dealt with at that meeting in accordance with the provisions, as applicable, of this Rule 12 and Rules 16, 19, 23, 24, 25, 28 and 29 together with the principles of decision making as set out in Article 13.02 of the Council's Constitution.

14. **MOTIONS NOT PERMITTED**

No motion shall be submitted on a matter that relates to an item which;

- (a) is not about a matter for which the local authority has a responsibility or which does not affect the District **or is about a matter of regional, national or international importance that could not be reasonably considered to affect the residents of the District;**
- (b) is to be considered on the same Council agenda;
- (c) is substantially the same as a motion already received to be put to the ordinary meeting of the Council in question;
- (d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
- (e) has been the subject of a Key Decision in the previous six months;
- (f) is included within the work programme of an Overview and Scrutiny Committee;
- (g) is, at the time of submission, subject to call-in or on-going legal proceedings or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);
- (h) the Monitoring Officer will reject a motion if in their judgment it is likely to lead to a breach of the Members' Code of Conduct.

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COUNCIL

2 MARCH 2023

REFERENCE FROM THE CABINET

A.4 CYBER SECURITY FOR THE COUNCIL

(Report prepared by Ian Ford and Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

Further to the decisions of Council on 22 November 2022 (Minute 55 refers), to receive recommendations arising from the Overview and Scrutiny enquiry into cyber security together with the outcome of the consideration of those recommendations by Cabinet on 17 February 2023 (Minute 122 refers).

EXECUTIVE SUMMARY

In accordance with the above decision of Council on 22 November 2022 (referred to above), the Resources and Services Overview and Scrutiny Committee extended its work programme enquiry cyber security to include reviewing the different proposals of Members' access to emails, in line with the Council's Risk Management Framework. The enquiry was undertaken by a Task and Finish Group comprised of Councillors Clifton (Chairman), Amos, Coley, Griffiths and Wiggins. The Task and Finish Group met four times and submitted its report to the Resources and Services Overview and Scrutiny Committee at a meeting of that Committee on 1 February 2023.

The Resources and Services Overview and Scrutiny Committee, pursuant to the decision of Council on 22 November 2022, submitted its recommendations arising from the cyber security enquiry to Cabinet on 17 February 2023 and also to this meeting of Council. That Committee 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 at its meeting held on 17 February 2023 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 [Note: as set out above].

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 and recommendations of the Corporate Finance & Governance Portfolio Holder thereto, Cabinet:-

"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 Tendring 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."

A copy of the published reference report (and its appendices) from the Resources and Services Overview & Scrutiny Committee to the Cabinet meeting held on 17 February 2023, are attached as appendices to this report.

RECOMMENDATIONS

That Council considers the outcome of the enquiry into cyber security undertaken through the Resources and Services Overview and Scrutiny Committee and determines whether to adopt the following as recommended by Cabinet –

- (a) 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;**
- (b) subject to (a) 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 that Cabinet's recommendations arising therefrom are submitted to a future meeting of Full Council;**
- (c) subject to (a) and (b) above, Full Council continues to acknowledge the ongoing risk to the Council that, in acting as Data Controller, it could potentially be in breach of the Data Protection Act 2018 and that risk will remain whilst the auto-forwarding of Councillors' emails practice continues; and**
- (d) whilst the above work in (a) and (b) is ongoing, all Members elected in May 2023 be advised of this and of the Council's Information Governance requirements through their Members' induction programme.**

BACKGROUND

Council will recall that, at its meeting held on 22 November 2022 (Minute 55 refers), it had considered a report of the Portfolio Holder for Corporate Finance and Governance, which presented to it an update on proposals for IT changes. That ongoing work was aimed at reaching an outcome whereby Members could undertake their role effectively, whilst ensuring that information held by the Council was safe, secure and compliant with relevant legislation. This work would also include looking at various different IT solutions and the

associated costs.

Council had been informed at that meeting that the Department of Levelling Up, Housing and Communities (DLUHC) had commenced local authority security resilience audits in 2021. In December 2021, the DLUHC 'Health Check' scan had identified this Council's auto-forwarding of emails practice as a risk and had recommended that the practice be phased out as soon as possible.

Members had also been informed that the original proposal to cease the auto-forwarding of emails had also emerged from an information governance / GDPR review undertaken by Internal Audit. The associated review, which supported that approach, had been undertaken in line with the Council's existing risk management processes and had included input from the Council's Data Protection Officer, Section 151 Officer, Internal Audit Manager and Senior Information Risk Owner (SIRO).

Members had been made further aware that Internal Audit's findings had been considered and agreed by the Audit Committee who, after considering the matter at its meeting held on 30 January 2020 (Minute 20 refers), had resolved that:

"The Committee supports the implementation, as soon as possible, of the proposal set out within the report for providing the necessary IT equipment and training to Members to ensure that only Council equipment is used when conducting Council business in order to reduce the financial and reputational risk associated with processing personal data."

Subsequently, the March 2022 Corporate Risk Register had reported the need to cease the practice of auto-forwarding of Councillors' emails.

Council had been advised that the UK Data Protection legislation (6th Principle) required that information and data were processed in a manner that ensured appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss/ destruction/ damage through using appropriate technical or organizational measures (integrity and confidentiality). In all matters of council business, the Council was the Data Controller and had legislative responsibility to ensure, and to evidence, that information was being managed and protected in accordance with the principles of the legislation.

It had been noted at that Council meeting that the original proposal of ceasing auto-forwarding of emails had been met with concern from some Members as they felt that it might curtail their ability to access information and fulfil their role. Therefore, the Portfolio Holder had instructed Officers to explore different solutions (including some new processes of creating an app for Members to be able to access their emails securely on their own devices), whilst being mindful of ensuring the security of such information and protection against cyber-attacks.

Members had also been made aware that the Resources and Services Overview and Scrutiny Committee had included Cyber Security in their work programme. In consultation with the Chairman of that Committee, (Councillor M E Stephenson), it had been proposed that their remit be extended to include the issue of Members' access to their information and the alternative solutions available, mindful of the recommendations of the Audit Committee and the issues of confidentiality, Data Protection and cyber security.

In terms of the proposed review by the Resources and Services Overview and Scrutiny Committee, it had also been highlighted that the Council's existing adopted Risk Management Framework sought to address a number of key elements such as the

identification of risks, the analysis of those risks and whether they could be 'tolerated' or needed to be 'treated etc., with the latter including reviewing potential options. With that in mind, it had felt logical / pragmatic to structure the proposed review around those existing risk management principles, which formed part of the original work undertaken by Officers and the Audit Committee. That approach also complemented a wider review of various cyber related issues as part of the Cyber Assessment Framework recently published by the National Cyber Security Centre (NCSC) that had been considered at the first meeting of the Resources and Services Overview and Scrutiny Committee's Cyber Security Task and Finish Group held on 27 October 2022.

At its meeting held on 22 November 2022 and in respect of this matter, Full Council had decided, inter alia, that:-

- "2. the Resources and Services Overview & Scrutiny Committee extend its work programme of cyber security to include reviewing the different proposals of Members' access to emails, in line with the Council's Risk Management Framework, and make recommendations to Cabinet and Council along with relevant costings;*
- 3. such proposals be mindful of the recommendations of the Audit Committee, Data Protection Act requirements and cyber security;"*

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Full Council held on 22 November 2022.

Published Minutes of the meeting of the Cabinet held on 17 February 2023.

APPENDICES

Published Reference Report (and Appendices) (A.6) of the Resources and Services Overview & Scrutiny Committee for the meeting of the Cabinet held on 17 February 2023.

A.4 APPENDIX 1

CABINET

17 FEBRUARY 2023

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.6 SCRUTINY OF CYBER SECURITY FOR THE COUNCIL

(Report prepared by Keith Durran and Keith Simmons)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee (RSOSC) on 1 February 2023, it considered a report submitted by its own Task and Finish Group (T&FG) on Cyber Security.

In accordance with the RSOSC mandate the Cyber Security T&FG were tasked to:

- 1) To challenge/ better understand the cybersecurity risks, defences, and mitigations the Council has in place.

Following Full Council 22nd November 2022, the T&FG mandate was extended to additionally:

- 2) Review different proposals of Members' access to emails and the current practice of auto-forwarding to personal email accounts, in line with the Council's Risk Management Framework, and make recommendations to Cabinet and Council along with relevant costings.

During its first meeting the Cyber Security T&FG agreed to use the Department of Levelling Up Housing and Communities (DLUHC) Cyber Assessment Framework (CAF) document template as a self-assessment, auditing, and reporting framework template to review council cyber-security as referenced above.

The DLUHC CAF proved relevant to the review of Members' access to emails, auto-forwarding of council official business emails to personal devices and council data stored on personal devices as it includes a number of National Cyber Security Centre (NCSC) compliance statements covering: data security and understanding, data protection in transit across the UK network, data storage security, mobile device data security, media equipment sanitisation and disposal, secure device configuration.

CAF Explanatory Notes

The DLUHC Cyber Assessment Framework (CAF) provides the pragmatic basis to 'self-assess' the Council's own cyber security performance across the following activities:

- 1) Managing Cyber Security (organisational structures, policies, processes, understanding).
- 2) Protecting Against Cyber Attack - security measures to protect networks and systems.
- 3) Detecting Cyber Security Events ensuring effective security defences/ event detection.
- 4) Minimising The Impact of cyber security Incidents and their adverse impact.

The self-assessment CAF is a National Cyber Security Centre (NCSC) assessment document that has been a mandatory cyber-security 'readiness state audit' document for critical UK national infrastructure providers since 2021. During 2022 the CAF has become mandatory for every central government department and whilst CAF completion is currently

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voluntary for local government DLUHC have repeatedly advised that it will become mandatory during 2023/24.

In this sense the CAF will replace the now defunct Public Services Network (PSN) IT Health Check annual audit/ certification process reporting local government cyber-security capabilities and fitness to remain securely connected and sharing data with central government Department of Works & Pensions (DWP). The reader should note that several council statutory service functions are completely reliant upon this connectivity, for example: Council Tax, Housing Benefit administration. Loss/ exclusion from central government connectivity would quickly stop these services from functioning.

With regards to the outcome, outlined recommendations were made by T&FG Members with due regard and consideration to:

- The Full Council background information report.
- All Members' subject matter comments received considered 23rd Jan'23.
- A newly published Information Commissioner's Office Freedom of Information (FOI) guidance note considered 23rd Jan'23.
- The four costed options provided and their respective financial, cyber-security and Member-user working practicality satisfaction and non-satisfaction implications considered 23rd Jan'23.
- A full copy of the Council's Cyber Assessment Framework (CAF). For simplicity, CAF compliance was reviewed utilising 'traffic light' red, amber and green representing non-compliance, improvements required and full compliance respectively.

Following CAF cyber-security compliance self-assessment, the T&FG identified that the council generally has robust cyber-security arrangements and working practices in place to manage, protect and safeguard the data that it holds to deliver both statutory and non-statutory services.

Its cyber-security event(s) detective arrangements utilising business industry-standard multi-vendor best-of-breed products are similarly robust and well managed.

However, the cyber-security self-analysis review also identified some areas of CAF cyber-security non-compliance, some areas where improvements could be made to further strengthen the Council's cyber-security.

The T&FG recommendations reflect improvements necessary to resolve CAF self-assessment key areas of non-compliance. Key areas considered by the T&FG were:

- **Recruitment and resourcing** key IT vacancies.
- **Risks unresolved** for prolonged periods.
- **Information retention** with data (including personal and sensitive data) stored for long periods of time with no clear business need.
- **Generic account used** or shared or default name accounts.
- **Training and understanding** individuals' contribution to essential cyber security.
- **Formal Adoption** of the new Cyber Incident Response Plan (CIRP).
- **Members' email auto-forwarding to personal/ mobile devices**, including; identification and data management, data security in transit, physical and/or technical security protection against unauthorised access, lack of knowledge around which

A.4 APPENDIX 1

mobile devices hold data, allowing data to be stored on devices not managed by your organisation or to at least equivalent standard, lack of security on mobile devices, device disposal without data sanitisation, security builds that conform to your baseline or the latest known good configuration version.

RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATION(S) TO CABINET

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;**

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- 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).

PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET:

The response of the Corporate Finance and Governance Portfolio Holder, together with his recommendations to Cabinet, will be circulated to Members prior to the meeting.

A.4 APPENDIX 2

FULL COUNCIL

22 NOVEMBER 2022

REPORT OF DEPUTY LEADER & PORTFOLIO HOLDER FOR FINANCE AND CORPORATE SERVICES

A.9 INFORMATION GOVERNANCE

Report prepared by Richard Barrett and John Higgins

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present to Full Council an update on proposals for IT changes. The ongoing work is aimed at reaching an outcome whereby members can undertake their role effectively, whilst ensuring that information held by the Council, is safe, secure and compliant with relevant legislation. This work will also include looking at various different IT solutions and the associated costs.

EXECUTIVE SUMMARY

Like all modern twenty-first century organisations, the Council is reliant upon information, data and digital services to deliver all our services. The Council securely stores and holds guardianship over some 60 terabytes of residents', customers', visitors', members' and officers' personal and special category data. To put this into context, 60 terabytes of data represents the equivalent of 390 million document pages or 15 million digital photos.

Members are reliant upon access to their emails to undertake their role as a Councillor. Members also have a responsibility to ensure that the sometimes sensitive personal or organisational information they are sent is kept safely and respects its confidentiality.

Throughout 2018-2021 the Council's IT Service implemented and achieved compliance with increasing NCSC technical security standards. The UK adopted its UK Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) legislation on 25 May 2018.

The key Principles of UK Data Protection legislation require that the data is stored: **lawfully, fairly and transparently, adequate and relevant and limited** to what is necessary, **accurate** and where necessary kept up to date, **kept for no longer than is necessary** in a form which permits identification of data subjects, **ensuring 'integrity and confidentiality'** protecting against unauthorised or unlawful processing and against accidental loss/ destruction/ damage **through using appropriate security**.

Processing of personal data - means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

The Department of Levelling Up Housing and Communities (DLUHC) commenced local authority security resilience audits in 2021. In December 2021 the DLUHC 'Health Check' scan identified the Council's auto-forwarding of emails practice and recommended that the practice be phased out as soon as possible. These DLUHC local government cyber-security audits are being rolled-out to all authorities during 2023.

The DLUHC audit was considered and agreed by the Audit Committee and the March 2022 Corporate Risk Register reported the need to cease the practice of auto-forwarding of Councillors' emails. The minutes of the Audit Committee were reported to Full Council in July 2022.

The UK Data Protection legislation (6th Principle) requires that information and data are processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss/ destruction/ damage through using appropriate technical or organizational measures (integrity and confidentiality). In all matters of council business, the Council is the Data Controller and has legislative responsibility to ensure, and to evidence, that information is being managed and protected in accordance with the principles of the legislation.

The risk of cyber-attack is not new, but it is escalating in terms of frequency, severity and complexity. To counter these sophisticated attacks the Council's protected domain uses a range of best of breed, commercial-grade security services from multiple vendors.

The original proposal of ceasing auto-forwarding of emails was met with concern from some members as they felt it might curtail their ability to access information and fulfil their role. Therefore, the Portfolio Holder has instructed Officers to explore different solutions (including some new processes of creating an app for members to be able to access their emails securely on their own devices), whilst being mindful of ensuring the security of such information and protection against cyber-attacks.

Scrutiny has included Cyber-security in the work programme. In consultation with the Chair of Scrutiny, (Councillor Mark Stephenson), it is proposed that the remit be extended to include the issue of members' access to their information and the alternative solutions available, mindful of the recommendations of Audit Committee and the issues of confidentiality, Data Protection and cyber security. With all members having the opportunity to have an input and recommendations being brought back to a future Council meeting.

The original proposal to cease the auto-forwarding of emails emerged from an information governance / GDPR review undertaken by Internal Audit. The associated review, which supported this approach, was undertaken in line with the Council's existing risk management processes and included input from the Council's Data Protection Officer, S151 Officer, Internal Audit Manager and Senior Information Risk owner (SIRO). The risk management process highlighted above included the Council's Audit Committee, who after considering the matter at its January 2020 meeting, resolved that:

The Committee supports the implementation, as soon as possible, of the proposal set out within the report for providing the necessary IT equipment and training to Members to ensure that only Council equipment is used when conducting Council business in order to reduce the financial and reputational risk associated with processing personal data.

Although in a wider context, the matter also formed part of a report that was considered by the Resources and Services Overview and Scrutiny Committee at its meeting in January 2021.

Whilst this additional work is being explored, Members acknowledge that the ongoing risk of the Council, acting as Data Controller, potentially in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues. Individual Councillors may however voluntarily request that auto-forwarding is ceased for their email account, which is maintaining the status quo and has been adopted by 20 councillors.

The Council has all-out elections in May 2023, so it is proposed that all changes be implemented for the new Council in 2023.

It is also proposed that a workshop be scheduled for all members to highlight the requirements of Data Protection and the prevalent issues cyber breaches and security requirements. This will assist in mitigating the risks of breaches.

In terms of the proposed review by the Resources and Services Overview and Scrutiny Committee, it is worth highlighting the Councils' existing adopted Risk Management Framework seeks to address a number of key elements such as the identification of risks, the analysis of those risks and whether they can be 'tolerated' or need to be 'treated etc., with the latter including reviewing potential options. With the above in mind, it would seem logical / pragmatic to structure the proposed review around these existing risk management principles, which would have formed part of the original work undertaken by Officers and the Audit Committee. This approach would also complement a wider review of various cyber related issues as part of the Cyber Assessment Framework recently published by the National Cyber Security Centre (NCSC) that was considered at the first meeting of the relevant Resources and Services Overview and Scrutiny Committee Task and Finish Group on 27 October 2022.

Subject to the recommendations below, members are invited to submit any comments or thoughts on the subject of cyber security and email forwarding for the Resources and Services Overview and Scrutiny Committee Task and Finish group to take into consideration. This can be done via email to Democratic Services

RECOMMENDATION(S)

It is recommended that:

- 1. Full Council acknowledges that the ongoing risk of the Council, acting as Data Controller, potentially in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues;**
- 2. the Resources and Services Overview & Scrutiny Committee extend its work programme of cyber security to include reviewing the different proposals of Members' access to emails, in line with the Council's Risk Management Framework, and make recommendations to Cabinet and Council along with relevant costings;**
- 3. such proposals to be mindful of the recommendations of the Audit Committee, Data Protection Act requirements and cyber security;**
- 4. a workshop be scheduled for all Members to ensure awareness of the requirements of the Data Protection Act 2018 and cyber security; and**
- 5. the implementation be planned for no later than 1st April 2023 in readiness for the commencement of the new Council, following the elections in 2023 and the new Councillors be given the training as detailed in 3 above.**

BACKGROUND & PREVIOUS DECISIONS

As communicated to Members recently, one of two key actions relating to Members use of IT, which has been deferred, is as follows:

Stopping the practice of auto-forwarding council emails and official data to personal email accounts outside of the Council's protected domain.

The other key action recently implemented was as follows:

Locking down access to all council applications and non-public facing systems to council managed devices only within our council protected domain. (which came into effect on 29 July 2022)

Both actions should be viewed as complimentary actions, as auto forwarding of emails would present an immediate conflict, as emails sent to an official Tending email account would instantly leave the Council's 'protected' domain. This point underpins the recommendation raised via the audit process below which concentrates on the underlying issue of only using a Council managed device when undertaking Council business.

A summary of the background to the associated governance and reporting actions within the Council to date are as follows:

20 January 2020 - Following an information governance / GDPR review, a report of the Head of Internal Audit was considered by the Audit Committee. Within that report, the following issue was set out.

An issue of non-compliance with the Data Protection Act 2018 was identified for consideration along with proposed actions by the Audit Committee.

There have been occasions in the past where personal and special category TDC data has been forwarded to personal emails by both Officers and Members. It is however recognised that this is for

ease of use rather than anything malicious. However Data Protection Act 2018 legislation, particularly Article 5, Paragraph 1(f), requires personal data to be “processed in a manner that ensures appropriate security of the personal data”. We are unable to demonstrate compliance in this regard as personal devices and their cyber-security remain outside of the sphere of Council knowledge, control and management. It is therefore recommended that Officers be reminded of the need to ensure that TDC data be retained within TDC encrypted, secure ‘official’ emails and not forwarded to personal emails. In respect of Members, the recommended control is that only Council issued equipment and email addresses should be used to prevent the need of forwarding data to personal emails and increasing the risk of non-compliance and the wider financial and reputational consequences if personal data is not secure.

Following consideration of the above, the Audit Committee resolved:

The Committee supports the implementation, as soon as possible, of the proposal set out within the report for providing the necessary IT equipment and training to Members to ensure that only Council equipment is used when conducting Council business in order to reduce the financial and reputational risk associated with processing personal data.

The minutes from the above meeting were included within the Full Council agenda on **15 September 2020**.

29 May 2020 – As part of a review of the Council’s Constitution, Cabinet considered an associated report where the following resolution was agreed:

That Cabinet endorses that all Councillors conduct all Council business through their Tending District Council online accounts using the corporate IT kit supplied to them for the smooth facilitating and running of remote meetings.

15 September 2020 – The above was included within the various documents considered by Full Council as part of formally agreeing a number of changes to the Council’s Constitution.

3 December 2020 - Members may also recall various discussions relating to using Council managed devices, when previous devices such as Microsoft Surface GO’s were replaced with laptops, a key action in supporting the move to restricting system access to only Council managed devices. This was a matter that was considered by the Resources and Services Overview and Scrutiny Committee at its meeting its meeting in December 2020.

The record of the discussion as set out in an extract from the minutes of the meeting is as follows:

The emerging digital picture was therefore, perceived as an opportunity to assist councillors in their community leadership role. Through providing each councillor with a standard, managed device backed up by IT training and supported via the Council’s IT service desk intended benefits and improvements were, and remain, as follows:

- *To assist Councillors to improve their efficiency and access to stored digital information.*
- *Strengthen cybersecurity (and cybersecurity awareness) and further reduce any possibility of a data breach and Information Commissioner’s Office (ICO) data loss.*
- *Enhance Councillors’ digital engagement.*
- *Enhance mobile working and flexible working capabilities and thereby work/ life balance*

- *Further reduce reliance (and the costs) of printed information.*
- *Councillor IT equipment standardisation would in turn enable officers council-wide to standardise the range services that they provide which would achieve efficiency savings for both Councillors and Officers.*

Members heard how the strategy had been to purchase high quality Microsoft Surface Go tablets during 2019 and at the beginning of 2020 for Councillors to undertake their council-related duties. With some Councillors struggling with the tablet screen size Officers had additionally offered Councillors: connection hubs, full size keyboards, 24" screens, cabled mouse. This gave Councillors a blend of home-based digital access with the ability to go mobile with their tablets when required.

As a result of COVID-19 and an emerging understanding as to its longevity, officers had become conversant with new face-to-face restrictive working arrangements and the use of virtual Microsoft Skype meetings had become a key 'new working norm'. Likewise, virtual meeting MS Skype capabilities had needed to be extended to Councillors to enable them to perform their duties, which was not an intended original use of the previously purchased tablets.

The Committee was informed that the Council now had a pressing financial, technological and support need to migrate fully from Microsoft Skype to Microsoft Teams. Teams offered a range of additional meeting business functionality benefits over Skype but it was far more demanding in terms of computing processing power. As such, it was close to the limit and was very likely to become beyond the processing capabilities of councillor tablets as Microsoft invested in further enhancing Teams functionality.

With a view to giving Councillors the very best experience possible during multi-party video conference calls, the decision had now been taken to allocate funding to quickly replace Councillors' tablets with the same Lenovo laptops that officers used. Those laptops were tried and tested, high specification devices that had enabled officers to perform the full range of council business demands.

The Committee was also informed in addition, and based upon approaches from several senior Councillors, that providing Members with a council tablet had unintentionally been seen as an 'imposition' by some Councillors, despite Officers' best intentions. Likewise, Officers had now acknowledged Councillors' desire to be increasingly involved in their use of digital technology and how they worked and engaged with council business.

With engagement firmly in mind but reflecting the need to standardise equipment across Officers and Councillors as far as was possible, Councillors would now be asked on an individual basis whether they would benefit more from having a smaller, lighter more portable 13" council laptop, or a larger 15" laptop with a bigger screen and near full-size keyboard. Council provided ancillary devices – keyboards, screens, mice, hubs – would continue to be offered to Councillors and those who already had them would be able to connect and continue to use them with their replacement laptops.

Following the consideration of the above, the Committee resolved:

That the Cabinet be informed that this Committee endorses the principle that Councillors be consulted on the IT kit that is to be provided to them to fulfil their roles as Members.

29 January 2021 - The consultation process was undertaken as highlighted above along with Cabinet considering the above comments from the Resources and Overview and Scrutiny Committee at their meeting in January 2021, where the following comments from the Portfolio Holder for Corporate Finance and Governance were included and endorsed:

I thank the Committee for their comments, and I am delighted to state that all Members of the Council have now been furnished with a brand new device of their individual choice. The roll out of these during the current lockdown has been carried out impeccably by our IT guys, who going by the comments I have personally received and fed back from colleagues, have done this in safest possible manner, and for which I am very grateful."

The Council maintains a Corporate Risk Register that is reviewed on a 6 monthly cycle by the Audit Committee. The two relevant risks included within the register are as follows:

- Ineffective communication / management of information
- Ineffective Cyber Security Physical and Application (software) Based Protection Management

Updates against the Committee's earlier recommendation from their January 2020 meeting have been included within these reports with the following extracts worth highlighting:

27 May 2021 - *Whilst our information governance continues to strengthen, the Information Commissioner's Office (ICO) continues to 'raise the bar' on compliance matters. We are currently reviewing how Councillors access, utilise and manage personal and sensitive information and we must work to introduce changes to Councillor working practices to strengthen this aspect of Council information governance during 2021 or risk being found potentially in breach of General Data Protection Regulation legislation by the ICO. The key issue here is that having provided every councillor with a managed council device we must cease the councillor practice of forwarding council emails to personal email accounts where we have no control over cyber security protective measures. Ongoing vigilance with regard to Information Governance resources and training and budget to minimise the risk of an information breach or failure to comply with legislation as this work area volume increases significantly.*

31 March 2022 – *The above matter was highlighted during a cybersecurity audit by the Department for Levelling Up Housing and Communities (DLUHC) as a significant cybersecurity risk that must be ceased. We will therefore work to achieve this during early 2022 in a supportive manner with additional training provided if required.*

12 July 2022 - The minutes of the above Committees were reported to subsequent Council meetings, with the latest minutes being presented to their meeting in July 2022.

In support of the above, a note was recently sent to all Members as part of the Chief Executive's regular member briefings to provide advance notice of the proposals to cease the automatic forwarding of emails and access to the Council's network from a non-TDC managed device.

The culmination of the above was the email recently sent to Members highlighting the proposed implementation of the two key actions set out at the beginning of this section of the report. The deferral was requested by Members to allow a debate at Full Council to take place.

Comments Received from Members Including Additional Comments / Response

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Comments Received	Additional Comments / Response
<p>Councillors are independently elected individuals, they are not employees of the council - as such they are entitled to be provided with information that allows them to fulfill that duty. For clarification, if they were employees and subject to the organisations employee policy then they would also be entitled to pensions, holiday and sick - which they are not.</p>	<p>Agreed. This was acknowledged in the report considered by Full Council on 22 November 2022.</p> <p>The Monitoring Officer has responded that Tendring District Council comprises of 48 members, otherwise called Councillors. One or more Councillors will be elected by the voters in Wards in accordance with a scheme drawn up by the Local Government Boundary Commission for England, and approved by the Secretary of State. Once elected Members form part of the Council, their roles are different to employees but collectively form the Council and become part of the public authority environment and framework in which local government sits.</p> <p>Article 2.04 of the Council’s Constitution states that:</p> <ul style="list-style-type: none"> • Councillors will at all times observe the Members’ Code of Conduct and protocols set out in Part 6 of this Constitution. • Councillors are also expected to comply with the requirements of any risk assessments issued by the Council in performance of their functions
<p>They have the right to have that information sent to their own personal devices in order to fulfill their duties - This is a protected right under protocol 1, Article 1 HRA 1998.</p>	<p>Protocol 1, Article 1 protects your right to enjoy your property peacefully - <i>every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.</i></p> <p>Property can include things like land, houses, objects you own, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. A public authority cannot</p>

	<p>take away your property, or place restrictions on its use, without very good reason.</p> <p>This right applies to companies as well as individuals.</p> <p>The Monitoring Officer has responded that it's unclear how the right to own a personal device is impacted upon by this subject area. It is not intending to take away the property, or place restrictions on its use, the Council is considering ceasing automatic forwarding to a personal device, from its own systems. However, the right is not an absolute right and can be interfered with, upon justification, such as compliance with legal requirements. The UK Data Protection legislation (6th Principle) requires that information and data are processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss/ destruction/ damage through using appropriate technical or organizational measures (integrity and confidentiality). In all matters of council business, the Council is the Data Controller and has legislative responsibility to ensure, and to evidence, that information is being managed and protected in accordance with the principles of the legislation.</p> <p>As part of previous considerations, the recommendation to stop the forwarding of emails has always been based on risk / best practice and compliance. Please see comments elsewhere in this report / appendices that set out the risks of members using their own personal devices.</p> <p>It is also important to highlight that the continuation of allowing the forwarding of emails to personal devices may prevent the Council connecting to the Government's network as this may be deemed a 'failure' against the associated Cyber Assessment Framework (CAF) that is currently being trialled / piloted.</p>
<p>It is down to the Council to make sure no information is shared that would constitute a breach of DPA - it doesn't matter if it is on council equipment or not, they send it to an independent person not in the organisation so have to comply every time an email is</p>	<p>As highlighted in the report to Full Council on 22 November 2022 the UK GDPR 2018 legislation, particularly Article 5, Paragraph 1(f), requires personal data to be processed in a manner that ensures appropriate security of the personal data. The Council is unable to demonstrate compliance in this regard as personal devices and their cyber-security remain outside of the sphere of Council knowledge, control and management.</p>

<p>sent. Those emails then being forwarded is irrelevant to this legal requirement.</p>	<p>The Monitoring Officer has responded, it is important to recognise is the difference between the Council, as Data Controller auto-forwarding, without an assessment of the content of the email, and an individual forwarding manually with intention knowing the content of the email.</p> <p>However, potential alternative options are set out in Appendix D, that may address the wider point.</p>
<p>Officers need to comply because the Council is the data controller for the data they use and they do handle sensitive personal data - councillors generally do not and are their own data controller.</p>	<p>Please see comment above.</p> <p>The Monitoring Officer has responded the proposed recommended action of ceasing auto-forwarding emails was to ensure the Council did not breach the requirements of the Data Protection Act 2018.</p> <p>Paragraphs 3.3 and 3.8 of the Members' Code of Conduct state that Members:</p> <p>3.3 must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.</p> <p>3.8 Must observe the law</p> <p>The Council received advice and recommended action from the Audit Committee, Portfolio Holder for Corporate Finance and Governance and those Officers responsible for Audit, IT and Governance on a way forward to protect the Council, as Data Controller and mitigating Cyber Security risks. If Members wish to retain auto-forwarding of emails, they are the decision makers setting Policy in this regard on behalf of the Council, as Data Controller.</p>
<p>Most information in emails is in fact in the public domain anyway.</p>	<p>Unfortunately, this is more often not the case. Personal information is included in various emails from the public to Members, which can also be 'repeated' as part of longer email 'strings' if forwarded on more than once. Members are provided with considerable amount</p>

	of confidential information.
Forwarding emails is not a major cyber security issue - it is a perfectly normal and safe activity which has been available for many decades, which is why it's an available function.	Similar to the above, this is no longer the case, which has been highlighted by a recent security incident. As previously discussed, the auto-forwarding of emails can easily create additional points of attack for cyber attackers who can for example 'harvest' information that can be used in various activities, such as social engineering and "Spear phishing" and "Whaling" (digitally enabled fraud through social engineering).
The council system is already overly restrictive with many residents emails being sent to spam or they get emails back saying that their email is undeliverable - councillors need to be able to receive emails from outside the council unhindered.	<p>This has also been an issue raised directly by the Task and Finish Group with recommendations set out in the main body of the report.</p> <p>In the event that the forwarding of emails was ceased, Members can still use their personal email accounts to receive emails from the public for example. They may then wish to forward them onto their TDC account.</p>
Government Department's opinion on the law is no more relevant than anyone else's - they do not make or interpret law and have no powers to enforce their opinion - nothing the background info is relevant.	<p>Please see earlier response.</p> <p>The Monitoring Officer has responded that the information contained within the Background Section of the Report to Full Council in November, included occasions that matters related to this subject has been considered by Members in various meetings, including the Audit Committee and the Resources and Services Overview and Scrutiny Committee.</p> <p>With regards to not following the relevant Government's department for Local Government (currently DLUHC) guidance and policy, this will have an adverse and detrimental impact on the Council's reputation and access information held on the Government's network and to external funding streams to deliver projects for the local area.</p> <p>As the UK's technical authority for cyber security, the National Cyber Security Centre (NCSC) developed the Cyber Assessment Framework (CAF) to support the UK's implementation of the European Union's Network and Information Systems (NIS) Directive in 2018.</p>

	<p>It is mandatory for critical infrastructure providers to achieve CAF latest NCSC cyber-security compliance standards. Similarly during 2022/23 central government departments are working towards CAF compliance. With this in mind, the new Government Cyber Security Strategy set out plans to adopt the CAF as the assurance framework for government, providing a systematic and comprehensive approach to assessing the extent to which cyber risks to essential functions are being managed.</p> <p>The strategy explains how the government will ensure all public sector organisations will be resilient to cyber threats and sets out plans to ensure that the government assesses its cyber resilience consistently and comparably. This includes adopting the NCSC's CAF as a standard way of assessing cyber risk.</p> <p>Whilst CAF compliance is today voluntary for local government, DLUHC have advised that during 2023/24 they are undertaking a number of local government voluntary compliance audits and Tendring is engaged in this process from a feedback perspective. It remains DLUHC's declared intention to mandate local authority CAF completion and compliance submission review and audit annually.</p> <p>This future CAF compliance regime will in essence replace the now defunct annual Public Services Network (PSN) Code of Connection cyber-security certification compliance review. CAF compliance failure and the possibility of disconnection from the PSN (which connects and facilitates data sharing between the council and government departments) would significantly affect and possibly even stop the council's ability to deliver key statutory services.</p>
<p>There is nothing illegal (breach of DPA) in forwarding information to independent elected people that are not part of the organisation and handle their own data - that's the only legal position that matters.</p>	<p>Please see earlier response. Similarly Appendix C, the ICO's note outlining legal responsibilities around the use of personal email accounts and Freedom Of Information (FOI) enquiries is additionally relevant.</p>
<p>The practice of auto-forwarding emails MUST stop, regardless of any arguments put forward by councillors.</p>	<p>The ceasing of the forwarding of emails would reflect best practise.</p> <p>Options to address the associated risks are set out in Appendix D.</p>

<p>I think it was mentioned at an AMB that we are the only Council in Essex to allow it.</p>	
<p>Local Authorities are now experiencing requests for information, emails etc. that are held on 'private devices', where they relate to Council business. This could become an issue going forward, and despite it being said that Councillors are not subject to FOIA, they are if they are conducting Council business from a private device.</p> <p>This is something that might need to be clarified with our FOIA person.</p>	<p>Councillors would not be subject to FOI on their personal emails / devices if it did not relate to Council business, but once they have chosen to use their personal emails to correspond with the Council and act on behalf of the Council, a search of their emails may be necessary to respond to such requests. This is likely to be a matter that is eventually determined by the ICO going forward in the event that a requestor is unsatisfied with a Local Authorities response to withhold such information. Members who continue to have auto-forwarding in place, are in effect accepting that their personal email accounts are being used for Council business.</p> <p>The Monitoring Officer has responded that the Information Commissioner's Office has produced a Guidance Note on the topic of Freedom of Information Act 2000 to official information held in private email accounts and is attached as Annex Bi. The Note is helpful as it refers to a Councillor holding information relating to local authority business in her/her private email account on behalf of the local authority. It would be useful for this note to be circulated to all Members for information.</p>
<p>Council business should not be being done between Councillors on private email, look what happens at government level! There is, in my opinion, no valid reason that anyone needs to have their emails forwarded.</p> <p>Just because it has been done in the past, does not mean that it is still the right thing to be done, as has been highlighted by officers, government, and our own Audit Committee in the last few months</p>	<p>This reflects best practice - please see comments.</p>

<p>Maybe officers should start to refuse to act on any emails that come in from councillors private email addresses. Maybe that could be a recommendation by your Task and Finish Group.</p>	<p>This is covered in previous recommendations that council business should be undertaken on council-managed equipment. Should an email be received from a member's personal email account then officers should routinely respond to their TDC official address.</p>
<p>Whilst I think the IT team do an excellent job I still think there are areas where the use of personal equipment is not addressed. I understand that some councillors are not happy with having to use council equipment as they are use to their own but I think there are ways the council can look at facilitating this if everyone has Microsoft office on their own computers or laptops with inbuilt security.</p> <p>Has the option of using webmail rather than forwarding of emails been used? I have another outlook account accessed this way that I can pick up on my phone as well and I am asked to sign in every 7 days with random requests to verify my id via a code sent to my phone.</p>	<p>Potential alternative options are set out in Appendix C.</p>
<p>I do not think that emails addressed to councillors should be automatically directed to their personal accounts – whilst I doubt there is anything amiss happening I don't think the council should be in a position that there could be.</p> <p>If the use of personal email addresses/equipment is to continue then I</p>	<p>Please see comments above.</p>

feel there should be some sort of signed agreement to mitigate risk.	
There needs to be compulsory initial training for all councillors in the first instance, then those that do/don't need more can be identified?	Training for Councillors is already in place. However further recommendations from the Task and Finish Group are set out in the main body of the report.

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Official information held in private email accounts

Freedom of Information Act

The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.

An overview of the main provisions of FOIA can be found in [the Guide to Freedom of Information](#).

This is part of a series of guidance, which goes into more detail than the Guide to FOIA, to help you as a public authority to fully understand your obligations, as well as promoting good practice.

This guidance is intended to clarify the legal status under FOIA of information relating to the business of a public authority held in private email accounts in particular, but also other media formats. This is an emerging area of FOIA compliance and so the guidance may be updated in due course.

This guidance does not deal with exemptions which might be applicable to information held in private email accounts, only whether it may be held for the purposes of FOIA.

Overview

- FOIA applies to official information held in private email accounts (and other media formats) when held on behalf of the public authority. Such information may be exempt and will not necessarily have to be disclosed.
- It may be necessary to request relevant individuals to search private email accounts in particular cases. The occasions when this will be necessary are expected to be rare.
- Adherence to good records management practice should assist in managing risks associated with the use of private email accounts for public authority business purposes.

What FOIA says

Section 3 sets out the two legal principles by which it is established whether information is held for the purposes of FOIA.

3.

(2) For the purposes of this Act, information is held by a public authority if—

(a) it is held by the authority, otherwise than on behalf of another person, or

(b) it is held by another person on behalf of the authority.

Under section 3(2)(a) information will be held by the public authority for the purposes of FOIA if it is held to any extent for its own purposes. Only if information is held solely on behalf of another person will the public authority not hold it for the purposes of FOIA.

Section 3(2)(b) provides that in circumstances where information is held by another person on behalf of the public authority, the information is considered to be held by the authority for the purposes of FOIA. It is this sub-section that is of relevance to information held in personal email accounts.

The Commissioner's approach

Information held in non-work personal email accounts (e.g. Hotmail, Yahoo and Gmail) may be subject to FOIA if it relates to the official business of the public authority. All such information which is held by someone who has a direct, formal connection with the public authority is potentially subject to FOIA regardless of whether it is held in an official or private email account. If the information held in a private account amounts to public authority business it is very likely to be held on behalf of the public authority in accordance with section 3(2)(b).

This can apply to any public authority. For example, a Councillor may hold information relating to local authority business in his/her private email account on behalf of the local authority. The Commissioner is aware that the issue has also arisen in a central government context in relation to the use of non-work systems. There is a need to have a clear demarcation between political and departmental work. In the local government context, there is a

need to have a clear demarcation between Council business and work for individuals as their local representative.

Information in private email accounts that does not relate to the business of the public authority will not be subject to FOIA.

Situations where information legitimately requested under FOIA includes relevant information held on private email accounts will be rare. However, when a request for information is received, public authorities should consider all locations where relevant information may be held. This may include private email accounts.

The ICO recommends that, as a matter of good practice, public authorities establish procedures for dealing with such situations. These should outline the relevant factors to be taken into account in deciding whether it is necessary to ask someone to search their private email account for information which might fall within the scope of an FOI request the public authority has received. Relevant factors are likely to include:

- the focus of the request, indicated by the words used by the requester;
- the subject matter of the information which falls within the scope of the request;
- how the issues to which the request relates have been handled within the public authority;
- by whom and to whom was the information sent and in what capacity (e.g. public servant or political party member); and
- whether a private communication channel was used because no official channel was available at the time.

Where a public authority has decided that a relevant individual's personal email account may include information which falls within the scope of the request and which is not held elsewhere on the public authority's own system, it will need to ask that individual to search their account for any relevant information.

The enquiries made should be directed towards deciding whether any information which is so held was generated in the course of conducting the business of the public authority. If it was, it is likely to be within the scope of the request. It will therefore be held by the individual on behalf of the public authority for the purposes of FOIA.

Where members of staff or other relevant individuals have been asked to search private email accounts for requested information,

there should be a record of the action taken. The public authority will then be able to demonstrate, if required, that appropriate searches have been made in relation to a particular request. The Commissioner may need to see this in the event of a section 50 complaint arising from the handling of the request.

Relevant information in other forms

Although the main emphasis of this guidance is on information held in private email accounts, public authorities should be aware that it applies to information in other forms. The definition of information under FOIA is provided at section 84 and states that “information” ... means information recorded in any form”. Therefore, official information recorded on mobile devices, including text messages on mobile phones, or in any other media, may also be considered to be held on behalf of the public authority in the circumstances outlined in this guidance. Again, this does not necessarily mean that such information will be disclosable, but, on receipt of a valid FOIA request, public authorities should consider all locations where the requested information may be found.

Concealment and deletion

Public authorities should also remind staff that deleting or concealing information with the intention of preventing its disclosure following receipt of a request is a criminal offence under section 77 of FOIA. For example, where information that is covered by a request is knowingly treated as not held because it is held in a private email account, this may count as concealment intended to prevent the disclosure of information, with the person concealing the information being liable to prosecution.

Records Management

The Lord Chancellor’s Code of Practice under section 46 of FOIA stresses the importance, and benefits, of having good records management. As such, public authorities are strongly advised to use their records management policies to clarify the types of information that could be considered as records relating to the public authority’s business. These policies should include clear advice to staff that recorded information held by individuals, regardless of the form in which it is held, and which relates to the business of the authority, is likely to be held on behalf of the authority and so subject to FOIA.

In order to avoid the complications of requesting searches of private email accounts, and other private media, records management policies should make clear that information on authority-related business should be recorded on the authority's record keeping systems in so far as reasonably practicable.

It is accepted, that in certain circumstances, it may be necessary to use private email for public authority business. There should be a policy which clearly states that in such cases an authority email address must be copied in to ensure the completeness of the authority's records. In this way, records management policies will make it easier for public authorities to determine whether information is held and to locate and retrieve it in response to requests. If the information is contained within the public authority's systems it can also be subject to consistently applied retention and destruction policies.

Other considerations

Additional guidance is also available if you need further information on:

- Records Management

⇒ see [the Code of Practice under section 46](#)

⇒ see our guidance on [Section 46 Code of Practice – records management](#)

- Holding information

⇒ see [Information held by a public authority for the purposes of the FOI Act](#)

⇒ see [When is information caught by the FOI Act?](#)

More information

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts.

It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of freedom of information or data protection, please

<https://ico.org.uk/global/contact-us/>

Members Access to Emails – Opportunities / Options

Option / Description	Financial Implications	Positive Considerations	Negative Considerations
<p>OPTION ONE</p> <ul style="list-style-type: none"> ▪ Each Member is provided with a Council-managed Laptop Only. ▪ Cabinet Members are also provided with Council-managed mobile telephone. ▪ Council systems/ communications / emails are <u>only</u> accessible by a Council-managed devices. <p>Page 709</p>	<p>Already budgeted</p>	<p>Optimum Data Protection and Full UK Data Protection Legislative Compliance in terms of transparency, security protective measures and data destruction that can be evidenced by the council as the Data Controller for all council official business purposes.</p> <p>Member’s personal devices would not be subject to council related Freedom Of Information (FOI) requests nor Information Commissioner’s Office investigation as Members have no council official business information on their personal device(s).</p> <p><u>Strongest Possible/ Least Vulnerable Cyber Security Position</u> - a managed device is the safest and strongest cyber-security position that the council can realistically adopt in consideration to;</p> <ol style="list-style-type: none"> 1) The ever increasing risk of a major cyber-security attack and subsequent loss of services, multi-million pound financial cost of recovery, loss of reputation, risk of harm to residents and particularly vulnerable residents and potentially loss-of-life. 2) It accords with the cyber-security industry direction of travel towards a ‘zero trust model’ where each user, each device security-health/ integrity and access to every service(s) is constantly being verified by automated cyber-security system ‘handshakes’ through security and authorisation policies. <p><i>NOTE: The Zero-trust model, or zero trust network access (ZTNA), Introduction to Zero</i></p>	<p>User Dissatisfaction as some users may prefer to use a personal device(s) that they feel most comfortable with.</p> <p>User Dissatisfaction as does not facilitate some member’s requirements to work whilst working remotely along with delays in responding to emails etc.</p>

		<p>Trust - NCSC.GOV.UK or Why the time has come for Zero-Trust model of cybersecurity World Economic Forum (weforum.org) direction of travel is increasingly being adopted by every security aware organisations including many local authorities where users are distributed on different networks e.g. home and office.</p> <p>Cyber-security Management/ Risk Control. This model removes cyber-security protective decisions and actions away from ‘the individual’ through security update automation, management and robust enforcement of cyber-security standards and best-practice.</p> <p>Council IT Servicedesk support during operational hours.</p> <p>Council IT Standard Model option with <u>no</u> additional council resourcing requirements in terms of officer resource, training and support. All officers work in this manner using the same standard specification laptop/ smartphones.</p>	
<p>OPTION TWO</p> <ul style="list-style-type: none"> ▪ As per ‘Option One’ <p>But additionally that;</p> <ul style="list-style-type: none"> ▪ All Members to be offered a standard model council managed smartphone to use and access emails whilst mobile. 	<p>Additional revenue (ongoing) corporate council costs of £8,000k per annum (for 40 members)</p> <p>Alternatively Members meet the on-going cost of the smartphone from their Member’s Allowance (£200 per annum)</p>	<p>As Option One in addition to:</p> <p>Provides an alternative device to support Member’s working remotely</p>	<p>User Dissatisfaction as some users may prefer to use a personal device(s) that they feel most comfortable with. Also the TDC supplied device would not necessarily be the latest Samsung device.</p> <p>User Dissatisfaction as users may be unwilling to carry two mobile phones i.e. their new TDC phone and a personal phone.</p> <p>If the cost is not met from Member’s own allowances, then there would be an additional cost that would have to be met from within the financial forecast.</p>

<p>OPTION THREE</p> <p>Members' continue to use their own personal devices e.g. laptops / tablets / smartphones of choice but managed within a Bring Your Own Device (BYOD) Service Framework</p> <p>This framework would require the installation of Mobile Device Management (MDM) security software onto any personal devices used.</p> <p><i>Notes: BYOD services are designed to offer the same level of IT security to corporate data (only) as a managed device. Due to this the device is locked down with high level encryption. The council cannot see your personal information. When you enrol a device, you give us permission to view certain pieces of information on your device only, such as device model and serial number and security settings.</i></p>	<p>Estimated One-off setup costs of £22,000.</p> <p>Estimated On-Going Revenue costs of potentially up to £50k to £70k per annum.</p>	<p>Meets ALL Member's home-based and working mobile requirements accessing council official business emails from any personal device(s).</p> <p>Strong Microsoft Cyber Security position that meets National Cyber Security Centre (NCSC) and Department of Levelling Up and Housing Communities (DLUHC) current minimum standards. <i>NOTE: Members should consider the National Cyber Security Centre (NCSC) 'Bring Your Own Device (BYOD)' guidance text included below.</i></p> <p>Only provides some of the information governance and cyber-security protective measures as set out in Option one and Two above.</p>	<p>Only provides some of the information governance and cyber-security protective measures e.g.</p> <p>Limited data protection and UK data protection legislative compliance. Confidentiality is <u>not guaranteed</u> and remains the responsibility of each Member. Similarly the issue of auto-forwarding and legislative transparency is <u>not resolved</u>.</p> <p>Limited Council IT Servicedesk support during operational hours.</p> <p>Member's personal devices would potentially remain subject to council-related Freedom Of Information (FOI) requests and Information Commissioner's Office investigation as they will hold council official-business information.</p> <p>Not all users may agree to have Council MDM software loaded and updated on their personal device(s) so this may only provide a partial solution.</p> <p>User Dissatisfaction - With members accessing services through different personal devices <u>the user-experience cannot be guaranteed</u> and there is a risk that it may impact on the functioning of personal applications which cannot be supported by the in-house IT team, which could include the loss of personal data.</p> <p>It is relatively expensive to implement and the additional cost would have to be met from within the financial forecast. Costs include:</p> <ul style="list-style-type: none"> • licensing costs • technical / admin support costs <p>Not necessary a long term solution e.g. NCSC/DLUHC cyber-security hardening may necessitate additional software controls being added to Member's</p>
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			<p>personal device(s) to continue access or it becomes an option that is no longer deemed to reflect best practice.</p> <p><i>* Please also see the note at the end of this table that sets out the NCSC view on such options.</i></p>
<p>OPTION FOUR</p> <p>A Member Web-Portal App accessible by all Member's personal devices from anywhere in the UK</p> <p>(Would negate the need for auto-forwarding of emails)</p>	<p>Estimated one-off setup costs of £16,000.</p> <p>Estimated On-going Revenue costs of up to £70k per annum.</p>	<p>Option Three provides most of the information governance and cyber-security protective measures as follows;</p> <p>Strong data protection (however, confidentiality is not guaranteed and remains the responsibility of each Member.</p> <p>Full UK data protection legislative compliance.</p> <p>Member's personal devices would not be subject to council related Freedom Of Information (FOI) requests nor Information Commissioner's Office investigation.</p> <p>Council IT Servicedesk support during operational hours.</p> <p>Meets Member's home-based and working mobile requirements accessing council official business emails from any personal device(s).</p> <p>Strong Microsoft Cyber Security position that meets National Cyber Security Centre (NCSC) and Department of Levelling Up and Housing Communities (DLUHC) current minimum standards.</p>	<p>Reduced Cyber Security Strength - A Members' Web Portal cannot provide the full protection of a fully council-managed device only solution. It also opens another 'attack vector' for cyber-aggressors to attack (industry best-practice seeks to minimise not expand attack-vectors). Similarly, a ZTNA model cannot be fully achieved.</p> <p>Cyber-Security Complexity And Resourcing - It further complicates the council's cyber-security arrangements requiring additional management, monitoring, support and training resources.</p> <p>User Dissatisfaction - each Member would have to agree to have a Multi-Factor-Authenticator App loaded onto their personal device(s) to access the service.</p> <p>Not necessary a long term solution e.g. NCSC/DLUHC cyber-security hardening may necessitate additional software controls being added to Member's personal device(s) to continue access or it becomes an option that is no longer deemed to reflect best practice.</p> <p>User Dissatisfaction – the Web Portal will have to provide a standard 'look and feel' regardless of Member's personal device choice(s) so there may be differing views on the 'standard user experience' it offers.</p> <p>Cyber-security Management/ Risk Control remains the responsibility of each Member with some</p>

			<p>Member's devices remaining unpatched with weak passwords leaving them open to a successful cyber-attack and in turn hostile-use of their device(s) to attack the council.</p> <p>It is relatively expensive to implement and the additional cost would have to be met from within the financial forecast. Costs include:</p> <ul style="list-style-type: none"> • licensing costs • technical / admin support costs
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*The use of personal devices for government official business is permitted - with reference to the use of personal mobile phones/ computers the National Cyber Security Centre (NCSC) 'Bring Your Own Device (BYOD)' guidance states: *"No BYOD deployment will protect corporate data as effectively as corporately managed devices, so consider what would happen if the services you intend to expose were compromised and the business impact it would cause. ... it comes with a conflicting set of security risks and challenges. ... You should understand what your IT department will be able to cope with. Supporting all the devices that can be used for BYOD will almost certainly prove problematic. ... Usability will be a focus for the device owners themselves, desiring no disruption of their usual experience of a device. They will also likely have concerns over the privacy of their personal data, the impact of which will vary depending on the degrees of corporate control you intend to implement. ... Because the organisation will have less control and visibility of a user's personal device than of a corporately owned and managed one, BYOD faces greater security risks."* <https://www.ncsc.gov.uk/collection/device-security-guidance/bring-your-own-device>

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DETECTING CYBER SECURITY EVENTS
The organisation monitors the security status of the networks and systems supporting the operation of essential functions in order to detect potential security problems and to track the ongoing effectiveness of protective security measures.

Not achieved - At least one of the following statements is true	Partially achieved - All of the following statements are true	Achieved - All the following statements are true	
Data relating to the security and operation of your essential functions is not collected.	Data relating to the security and operation of some areas of your essential functions is collected but coverage is not comprehensive.	Monitoring is based on an understanding of your networks, common cyber attack methods and what you need awareness of in order to detect potential security incidents that could affect the operation of your essential function (e.g. presence of malware, malicious emails, user policy violations).	
You do not confidently detect the presence or absence of Indicators of Compromise (IoCs) on your essential functions, such as known malicious command and control signatures (e.g. because applying the indicator is difficult or your logging data is not sufficiently detailed).	You easily detect the presence or absence of IoCs on your essential function, such as known malicious command and control signatures.	Your monitoring data provides enough detail to reliably detect security incidents that could affect the operation of your essential function.	
You are not able to audit the activities of users in relation to your essential function.	Some user monitoring is done, but not covering a fully agreed list of suspicious or undesirable behaviour.	You easily detect the presence or absence of IoCs on your essential functions, such as known malicious command and control signatures.	
You do not capture any traffic crossing your network boundary including as a minimum IP connections.	You monitor traffic crossing your network boundary (including IP address connections as a minimum).		

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<p>Not achieved - At least one of the following statements is true</p>	<p>Partially achieved - All of the following statements are true</p>	<p>Achieved - All the following statements are true</p>
<p>It is possible for logging data to be easily edited or deleted by unauthorised users or malicious attackers.</p>	<p>Only authorised staff can view logging data for investigations.</p>	<p>The integrity of logging data is protected, or any modification is detected and attributed.</p>
<p>There is no controlled list of who can view and query logging information.</p>	<p>Privileged users can view logging information.</p>	<p>The logging architecture has mechanisms, processes and procedures to ensure that it can protect itself from threats comparable to those it is trying to identify. This includes protecting the function itself, and the data within it.</p>
<p>There is no monitoring of the access to logging data.</p>	<p>There is some monitoring of access to logging data (e.g. copying, deleting or modification, or even viewing.)</p>	<p>Log data analysis and normalisation is only performed on copies of the data keeping the master copy unaltered.</p>
<p>There is no policy for accessing logging data.</p>		<p>Logging datasets are synchronised, using an accurate common time source, so separate datasets can be correlated in different ways.</p>
<p>Logging is not synchronised, using an accurate common time source.</p>		<p>Access to logging data is limited to those with business need and no others.</p>
		<p>All actions involving all logging data (e.g. copying, deleting or modification, or even viewing) can be traced back to a unique user.</p>
		<p>Legitimate reasons for accessing logging data are given in use policies.</p>

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<p>Not achieved - At least one of the following statements is true</p>	<p>Partially achieved - All of the following statements are true</p>	<p>Achieved - All the following statements are true</p>
<p>Alerts from third party security software is not investigated e.g. Anti-Virus (AV) providers.</p>	<p>Alerts from third party security software are investigated, and action taken.</p>	<p>Logging data is enriched with other network knowledge and data when investigating certain suspicious activity or alerts.</p>
<p>Logs are distributed across devices with no easy way to access them other than manual login or physical action.</p>	<p>Some, but not all, logging datasets can be easily queried with search tools to aid investigations.</p>	<p>A wide range of signatures and indicators of compromise is used for investigations of suspicious activity and alerts.</p>
<p>The resolution of alerts to a network asset or system is not performed.</p>	<p>The resolution of alerts to a network asset or system is performed regularly.</p>	<p>Alerts can be easily resolved to network assets using knowledge of networks and systems. The resolution of these alerts is performed in almost real time.</p>
<p>Security alerts relating to essential functions are not prioritised.</p>	<p>Security alerts relating to some essential functions are prioritised.</p>	<p>Security alerts relating to all essential functions are prioritised and this information is used to support incident management.</p>
<p>Logs are reviewed infrequently.</p>	<p>Logs are reviewed at regular intervals.</p>	<p>Logs are reviewed almost continuously, in real time.</p>
		<p>Alerts are tested to ensure that they are generated reliably and that it is possible to distinguish genuine security incidents from false alarms.</p>
<p>Not achieved - At least one of the following statements is true</p>	<p>Partially achieved - All of the following statements are true</p>	<p>Achieved - All the following statements are true</p>

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<p>Your organisation has no sources of threat intelligence.</p>	<p>Your organisation uses some threat intelligence services, but you don't necessarily choose sources or providers specifically because of your business needs, or specific threats in your sector (e.g. sector-based infoshare, ICS software vendors, anti-virus providers, specialist threat intel firms, special interest groups).</p>	<p>You have selected threat intelligence feeds using risk-based and threat-informed decisions based on your business needs and sector (e.g. vendor reporting and patching, strong anti-virus providers, sector and community-based infoshare, special interest groups).</p>
<p>You do not apply updates in a timely way, after receiving them. (e.g. AV signature updates, other threat signatures or Indicators of Compromise (IoCs).</p>	<p>You receive updates for all your signature based protective technologies (e.g. AV, IDS).</p>	<p>You apply all new signatures and IoCs within a reasonable (risk-based) time of receiving them.</p>
<p>You do not receive signature updates for all protective technologies such as AV and IDS or other software in use.</p>	<p>You apply some updates, signatures and IoCs in a timely way.</p>	<p>You receive signature updates for all your protective technologies (e.g. AV, IDS).</p>
<p>You do not evaluate the usefulness of your threat intelligence or share feedback with providers or other users.</p>	<p>You know how effective your threat intelligence is (e.g. by tracking how threat intelligence helps you identify security problems).</p>	<p>You track the effectiveness of your intelligence feeds and actively share feedback on the usefulness of IoCs and any other indicators with the threat community (e.g. sector partners, threat intelligence providers, government agencies).</p>
<p>Not achieved - At least one of the following statements is true</p>	<p>Partially achieved - All of the following statements are true</p>	<p>Achieved - All the following statements are true</p>
<p>There are no staff who perform a monitoring function.</p>	<p>Monitoring staff have some investigative skills and a basic understanding of the data they need to work with.</p>	<p>You have monitoring staff, who are responsible for the analysis, investigation and reporting of monitoring alerts covering both security and performance.</p>

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Monitoring staff do not have the correct specialist skills.	Monitoring staff can report to other parts of the organisation (e.g. security directors, resilience managers).	Monitoring staff have defined roles and skills that cover all parts of the monitoring and investigation process.
Monitoring staff are not capable of reporting against governance requirements.	Monitoring staff are capable of following most of the required workflows.	Monitoring staff follow process and procedures that address all governance reporting requirements, internal and external.
Monitoring staff lack the skills to successfully perform some significant parts of the defined workflow.	Your monitoring tools can make use of logging that would capture most unsophisticated and untargeted attack types.	Monitoring staff are empowered to look beyond the fixed process to investigate and understand non-standard threats, by developing their own investigative techniques and making new use of data.
Monitoring tools are only able to make use of a fraction of logging data being collected.	Your monitoring tools work with most logging data, with some configuration.	Your monitoring tools make use of all logging data collected to pinpoint activity within an incident.
Monitoring tools cannot be configured to make use of new logging streams, as they come online.	Monitoring staff are aware of some essential functions and can manage alerts relating to them.	Monitoring staff and tools drive and shape new log data collection and can make wide use of it.
Monitoring staff have a lack of awareness of the essential functions the organisation provides, what assets relate to those functions and hence the importance of the logging data and security events.		Monitoring staff are aware of the operation of essential functions and related assets and can identify and prioritise alerts or investigations that relate to them.

The organisation detects, within networks and information systems, malicious activity affecting, or with the potential to affect, the operation of essential functions even when the activity evades standard signature based security prevent/detect solutions (or when standard solutions are not deployable).

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<p>Not achieved - At least one of the following statements is true</p>	<p>Achieved - All the following statements are true</p>	<p>Comments</p>
<p>Normal system behaviour is insufficiently understood to be able to use system abnormalities to detect malicious activity.</p>	<p>Normal system behaviour is fully understood to such an extent that searching for system abnormalities is a potentially effective way of detecting malicious activity (e.g. you fully understand which systems should and should not communicate and when).</p>	
<p>You have no established understanding of what abnormalities to look for that might signify malicious activities.</p>	<p>System abnormality descriptions from past attacks and threat intelligence, on yours and other networks, are used to signify malicious activity.</p>	<p>SOCOS</p>
	<p>The system abnormalities you search for consider the nature of attacks likely to impact on the networks and information systems supporting the operation of essential functions.</p>	<p>We prioritise (DLUHC?)</p>
	<p>The system abnormality descriptions you use are updated to reflect changes in your networks and information systems and current threat intelligence.</p>	<p>No clearly defined feedback loop</p>
<p>Not achieved - At least one of the following statements is true</p>	<p>Achieved - All the following statements are true</p>	<p>Comments</p>

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<p>You do not routinely search for system abnormalities indicative of malicious activity.</p>	<p>You routinely search for system abnormalities indicative of malicious activity on the networks and information systems supporting the operation of your essential function, generating alerts based on the results of such searches.</p>	<p>3rd party Interference contract plus in-house CISM expertise. However due to resourcing/recruitment in-house expertise resource is sporadic</p>
	<p>You have justified confidence in the effectiveness of your searches for system abnormalities indicative of malicious activity.</p>	<p>3rd party Interference contract plus in-house CISM expertise. However due to resourcing/recruitment in-house expertise resource is sporadic</p>

CAF Objective D - Minimising the impact of cyber security incidents

Capabilities exist to minimise the adverse impact of a cyber security incident on the operation of essential functions, including the restoration of those functions where necessary.

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Principle: D1 Respons e and Recovery Planning	There are well-defined and tested incident management processes in place, that aim to ensure continuity of essential functions in the event of system or service failure. Mitigation activities designed to contain or limit the impact of compromise are also in place.
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D1.a Response Plan	Not achieved - At least one of the following statements is true	Partially achieved - All of the following statements are true	Achieved - All the following statements are true
You have an up-to-date incident response plan that is grounded in a thorough risk assessment that takes account of your essential function and covers a range of incident scenarios.	Your incident response plan is not documented.	Your response plan covers your essential functions.	Your incident response plan is based on a clear understanding of the security risks to the networks and information systems supporting your essential function.
	Your incident response plan does not include your organisation's identified essential function.	Your response plan comprehensively covers scenarios that are focused on likely impacts of known and well-understood attacks only.	Your incident response plan is based on a clear understanding of the security risks to the networks and information systems supporting your essential function.
	Your incident response plan is not well understood by relevant staff.	Your response plan is understood by all staff who are involved with your organisation's response function.	Your incident response plan is based on a clear understanding of the security risks to the networks and information systems supporting your essential function.
	<i>DRAFT to be discussed/ recommended for adoption by Cyber T&F group.</i>	Your response plan is documented and shared with all relevant stakeholders.	

D1.b Response and Recovery Capability	Not achieved - At least one of the following statements is true	Achieved - All the following statements are true
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<p>You have the capability to enact your incident response plan, including effective limitation of impact on the operation of your essential function. During an incident, you have access to timely information on which to base your response decisions.</p>	<p>Inadequate arrangements have been made to make the right resources available to implement your response plan.</p>	<p>You understand the resources that will likely be needed to carry out any required response activities, and arrangements are in place to make these resources available.</p>
	<p>Your response team members are not equipped to make good response decisions and put them into effect.</p>	<p>You understand the types of information that will likely be needed to inform response decisions and arrangements are in place to make this information available.</p>
	<p>Inadequate back-up mechanisms exist to allow the continued operation of your essential function during an incident.</p>	<p>Your response team members have the skills and knowledge required to decide on the response actions necessary to limit harm, and the authority to carry them out.</p>
		<p>Key roles are duplicated, and operational delivery knowledge is shared with all individuals involved in the operations and recovery of the essential function.</p>
		<p>Back-up mechanisms are available that can be readily activated to allow continued operation of your essential function (although possibly at a reduced level) if primary networks and information systems fail or are unavailable.</p>

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	Arrangements exist to augment your organisation’s incident response capabilities with external support if necessary (e.g. specialist cyber incident responders).
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D1.c Testing and Exercising	Not achieved - At least one of the following statements is true	Achieved - All the following statements are true	
Your organisation carries out exercises to test response plans, using past incidents that affected your (and other) organisation, and scenarios that draw on threat intelligence and your risk assessment.	Exercises test only a discrete part of the process (e.g. that backups are working), but do not consider all areas.	Exercise scenarios are based on incidents experienced by your and other organisations or are composed using experience or threat intelligence.	
	Incident response exercises are not routinely carried out or are carried out in an ad-hoc way.	Exercise scenarios are documented, regularly reviewed, and validated.	
	Outputs from exercises are not fed into the organisation's lessons learned process.	Exercises are routinely run, with the findings documented and used to refine incident response plans and protective security, in line with the lessons learned.	
	Exercises do not test all parts of the response cycle.	Exercises test all parts of your response cycle relating to your essential functions (e.g. restoration of normal function levels).	

Principle: D2 Lessons Learned	When an incident occurs, steps are taken to understand its root causes and to ensure appropriate remediating action is taken to protect against future incidents.	
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D2.a Incident Root Cause Analysis	Not achieved - At least one of the following statements is true	Achieved - All the following statements are true	
When an incident occurs, steps must be taken to understand its root causes and ensure appropriate remediating action is taken.	You are not usually able to resolve incidents to a root cause.	Root cause analysis is conducted routinely as a key part of your lessons learned activities following an incident.	
	You do not have a formal process for investigating causes.	Your root cause analysis is comprehensive, covering organisational process issues, as well as vulnerabilities in your networks, systems or software.	
		All relevant incident data is made available to the analysis team to perform root cause analysis.	

D2.b Using Incidents to Drive Improvements	Not achieved - At least one of the following statements is true	Achieved - All the following statements are true	
Your organisation uses lessons learned from incidents to improve your security measures.	Following incidents, lessons learned are not captured or are limited in scope.	You have a documented incident review process/policy which ensures that lessons learned from each incident are identified, captured, and acted upon.	
	Improvements arising from lessons learned following an incident are not implemented or not given sufficient organisational priority.	Lessons learned cover issues with reporting, roles, governance, skills and organisational processes as well as technical aspects of networks and information systems.	

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		You use lessons learned to improve security measures, including updating and retesting response plans when necessary.	
		Security improvements identified as a result of lessons learned are prioritised, with the highest priority improvements completed quickly.	
		Analysis is fed to senior management and incorporated into risk management and continuous improvement.	

Principles & Related Guidance
<https://www.ncsc.gov.uk/collection/caf/table-view-principles-and-related-guidance>

A.4 APPENDIX 7

Tendring
District Council



DIGITAL CYBER INCIDENT RESPONSE PLAN (CIRP)

Issued by: Head of Digital & Assurance Services

Version: 1.0 September 2022

Agreed By Management Team 27 September 2022

Agreed By Member Task & Finish Cyber-Security Group 8th December 2022

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1. PURPOSE:

The purpose of this digital services (IT) continuity and disaster recovery plan is to document the governance, planning and procedures that will be followed during a cyber-attack incident response and recovery scenario.

This plan definitively outlines how Tendring District Council will respond when a cyber-attack occurs.

2. DIGITAL SERVICE RECOVERY SCOPE

The scope of this recovery plan is limited to;

- All core digital infrastructure - hardware and applications software - managed by the council's digital service and incumbent network management partners (currently Intergence Systems Ltd).
- All critical systems (software applications) managed by the council's digital service - both on-premise and cloud-based.
- All non-critical systems managed (as above).

Council departments have out-sourced some specialist applications to third parties with whom they have a managed service contract. These out-sourced digital services are specifically out-of-scope of this continuity and recovery plan as we are reliant upon their contractual recovery response management.

However, the council's Digital Services and Assurance Team will provide technical advice and guidance to council service-sponsors, subject to resource availability and any situation associated resource prioritisation.

3. BACKGROUND AND BUSINESS CONTINUITY OBJECTIVES

Tendring District Council seeks to provide high quality, affordable digital services that are accessible, easy to use and highly resilient for service users – residents, customers, visitors, members and officers alike.

As best practice, our Cyber Incident Planning and Response (CIPR) certificated training strongly advocates that an organisation should document, update and exercise a Cyber Incident Response Plan (CIRP) that is adopted by its management group and accords with the organisations business continuity and recovery priority goals. This ethos is echoed by the Local Government Association.

Response/ recovery incident post-situational learning taught us that 'seasoned' IT staff were 'confident' with managing and resolving a cyber-attack response. However, for newer management and operational staff this was their very first cyber-attack situation

and were keen to play their part but needed close direction and guidance. This identified the need for a document to refer to and the need to exercise and train newer staff.

Similarly, as a response becomes prolonged/ intensified and with key staff working extended hours over a number of days - stress, leadership and management fatigue and self-doubts will occur. Again, as a lesson learnt, the need for a documented/ adopted CIRP as a reference guide will aid and boosted flagging confidence levels.

This digital services Cyber Incident Response Plan (CIRP) covers the widest possible range of scenarios, addressing risks such as: network connectivity failure, failure/ destruction of hardware, data corruption, phishing, smishing, fraud, ransomware cyberattack(s).

Again, following best practice, the council’s CIRP is based upon National Institute of Standards and Technology (NIST) cyber-attack response standards (as adopted by the National Cyber Security Centre [NCSC]), this CIRP follows the 4 cyber incident response phases, as follows:

NIST 4 Phases	Activities
<p>Phase One: Preparation</p>	<p>Research, council-wide generic and specialist cyber-security staff training and education, stake-holder engagement, exercise & backup restoration recoveries, expert contractual 3rd party support arrangements.</p> <p><i>Note: This phase and all subsequent phases <u>must</u> train for and consider and undertake forensic protection of the incident ‘attack’ evidence and response activity and decision log recording to facilitate criminal investigation/ prosecution and post-incident learning and improvement.</i></p>
<p>Phase Two: Detection & Analysis</p>	<p>Training, alerting and monitoring and warning systems (infrastructure and cybersecurity) and IT Service Desk reporting through staff/ member diligence.</p>
<p>Phase Three: Containment / Eradication and Recovery</p>	<p>Subject to the type of attack and situational coordinated actions and response and recovery actions required.</p>
<p>Phase Four: Post Incident Activity</p>	<p>Debrief of staff/ consultants and learning outcomes reference any identified strengths and weaknesses of the situational response activities and outcome(s).</p>

The plan acknowledges and considers that the council has differing digital service continuity priorities at different times of the year (seasonality). For example, electoral digital service continuity has a very high priority approaching and during elections, or Emergency Planning digital services/ communications would be prioritised during an ongoing/ parallel running emergency planning response situation.

In this regard, the plan outlines early scenario engagement with the council’s Chief Executive Officer - or his designated incident strategic lead (Gold Commander) - to agree prioritisation of digital service(s) recovery of one service over another, subject to;

- a) The specific digital cyber-incident details being responded to and the nature and extent of services affected, and,
- b) Due cognisance to any corresponding system architecture and digital service-related failure dependencies i.e. we need to have basic user-access supporting infrastructure working before we can recover an application else no users could access it.

Each of the four NIST phases and the council’s arrangements are outlined, as follows.

4. PHASE ONE: PREPARATION

As initially outlined, this phase comprises officer and member stakeholder cyber awareness engagement and education. From an incident response preparatory perspective the council needs to maintain key training and is pro-active in doing so. Whilst this is an ongoing and evolving process within the council, preparatory actions will include the following:

Stakeholder Engagement/ Training	Forum/ Audience	Approach/ Frequency
E-learning	Officers and Members	<ul style="list-style-type: none"> ▪ On induction. ▪ Periodically updated/ mandated to all.
Phishing awareness education and test campaigns	Officers and Members	<ul style="list-style-type: none"> ▪ Educational emails as the opportunity arises (e.g. a new NCSC or Local Government Association warning(s). ▪ Phishing campaigns 2-3 per annum.
Management Team cyber reports	Management Team and Audit Committee	<ul style="list-style-type: none"> ▪ Quarterly (alongside the Risk Management reporting regime). ▪ As urgency requires.
Senior Managers’ Forum events	Senior Officers	Minimum of annually
All staff briefings	Officers	Minimum of bi-annually (every 2 years) in association with Essex Police Cyber-Crime Division.
All Member Briefings	Members	Minimum of annually

Cyber Incident Planning and Response (CIPR) certificated training	Digital & Assurance Services Team - management	Minimum of two officers trained.
Certified Information Security Manager (CISM) certificated training	Digital & Assurance Services Team – Cyber-security	Minimum one officer trained.
Certified Information Systems Security Professional (CISSP) training	Digital & Assurance Services Team– Cyber-security	Minimum one officer to be trained.
Backup recovery/ viability exercising	Digital & Assurance Services Team – Technical Operations	Minimum monthly exercise.
CIRP Exercise (and/ or participation in ERF cyber exercises[s])	Digital & Assurance Services Team & key staff e.g. Communications Mngr	<ul style="list-style-type: none"> ▪ Minimum 6 monthly. ▪ Must include log-training
CIRP Document Review	Digital & Assurance Services Team	Annually.

5. PHASE TWO: DETECTION & ANALYSIS

To maximise its cyber-defence monitoring and response capabilities the council has adopted a hybrid resourcing arrangement, comprising:

- a) A specialist managed cyber-security contract (incumbent supplier Intergence Systems Ltd), providing:
 - 24/7 alert monitoring, investigative services and incident support through the Intergence Systems Security Operations Centre (SOC).
 - Specialist configuration, management and security patching of the council's physical and cloud-based firewalls.
 - Supply, support and management/ patching of a range of best-of-breed security monitoring and anti-malware products and services.
 - Specialist consultancy and advice.

- b) A small council in-house staff resource providing;
 - An intelligent client and strategic support role.
 - Specialist council support to services in its cyber-security and contract provisioning with third parties based upon a *security-through-design* new services ethos.
 - Council-dedicated alert/ incident investigation monitoring and support.

The council's specialist team play an active, registered engagement role with UK government National Cyber Security Centre (NCSC) briefings, guidance and compliance edicts and policies.

Similarly with the East of England Warning, Advice and Reporting Point (WARP) - a community-based service where members can receive and share up-to-date advice on

information security threats, incidents and solutions. And with emerging Department of Levelling Up Housing and Communities (DLUHC) and Local Government Association guidance, briefings and new auditing regimes. The team plays a key advocacy role in the Essex Digital Partnership (EDP, previously EOLP) Cyber security group and including the Essex Resilience Forum (ERF) cyber response policy format, training/ exercising

The detection and analysis of a national or regional cyber-incident/ alert of successful cyber-breach could be cascaded downwards via NCSC, the WARP and/ or the ERF alerting process.

A Tendring District Council focussed attack or successful breach could be identified digitally through our alerting and monitoring systems or identified by a diligent member of staff.

In either event, both the in-house cyber-security and technical team and the contracted SOC play a key role in identifying and analysing the alert/ breach and escalating their assessment and recommended course of action to the Head of Service as quickly as can be achieved.

- **Vigilance, monitoring and alerting together with early and swift detection and situational analysis plays a crucial role in any cyber-attack successful response.**

6. PHASE THREE: CONTAINMENT, ERADICATION AND RECOVERY

Subject to the situational context and successful 'breadth' of infiltration and resultant outcome(s) and risks associated with the identified successful cyber-breach, the Digital Head of Service will assume the Tactical Commander/ Silver Commander role and engage with in-house service management team relevant experts - comprising the Cyber-security and Systems Manager, the Technical Operations Manager, the Information Governance and Services Manager, service-specific system sponsor manager (as appropriate) – together with expert consultancy resource available to resource and manage situation containment, eradication and recovery. The above mentioned officers will form the INITIAL core of the situation Tactical Coordination Group (TCG).

In the absence of the Digital Head of Service, the Cyber Security and Systems Manager will assume the incident lead tactical Silver Commander response role until any decision is taken by the newly-appointed situational Gold Commander to change/ revise this arrangement.

As a general 'standing order' principle BUT subject to early key corporate stakeholder engagement with the council's Chief Executive or nominated Gold Officer, the cyber incident response will prioritise and recover services in descending priority order as follows;

FIRST: Corporate Operational Enabling Infrastructure, Risk To Life and Communications

- i. **Corporate Operational Supporting Infrastructure:** Functionally the minimum and basic requirements necessary to support and commence prioritised service recovery e.g. network access, remote working capabilities and WiFi (as appropriate).
- ii. **Risk To Life Services:** Careline, consideration to other services subject to any parallel Emergency Planning operational incident response(s) e.g. a coastal flooding scenario.
- iii. **Corporate Communication Channel(s):** telephony, contact centre, website (informational services), Microsoft Office 365, mobile telephony, email.

SECOND: Vulnerability And Minimal Staff Supporting Services

- iv. **Vulnerable Persons Support Services:** Crematorium Services, Housing Benefits, Housing Services, Health & Safety.
- v. **Officer Support and Member Local Democracy Resources:** Initial consideration to minimal officer system and democratic member system supporting requirements and events. For example Team Spirit HR system access or supporting an imminent scheduled Full Council Meeting.

THIRD: Revenue Collection, Financial Accounting/ Payments

- vi. **Revenue Collection/ Income And Financial Accounting Services:** Revenues Services (C/Tax, National Non-domestic rates), *MyTendring* self-service portal, card and payment services, Exchequer (payments), interactive website services.

FOURTH: Statutory Services

- vii. **Statutory Services:** Electoral Services, Waste and Recycling, Planning Services Environmental, Legal, Licensing, Enforcement, Emergency Planning.

FIFTH: Income Generating Non-Statutory, Support And Governance And Non-Statutory (Other)

- viii. **Income Generating Non-Statutory Services:** Leisure Centres, theatre, parking services.
- ix. **Governance & Support Services:** Human Resources, Fraud, Risk Management, Internal Audit, Information Governance, Financial (non-revenue).
- x. **Non-Statutory:** Other

7. Over –Arching Plan Approach And Behaviours

Unless the scenario is a ‘business as usual’ albeit significant digital fault response situation – which doesn’t require invoking the CIRP - the council’s digital service continuity and disaster recovery response will be delivered in accordance with adopted council Emergency Planning response ‘best practice’ arrangements with reference to this CIRP as a key process and procedural guide.

With cognisance to the need to respond decisively, quickly and flexibly and subject to the scenario encountered, the following trained and exercised roles and responsibilities will be adopted:

- Strategic Commander (Gold)
- Tactical Commander (Silver)

- Tactical Coordination Group (TCG) comprising relevant expertise of both staff and contractors.

Given the council's finite digital resources, members of the TCG may well directly undertake operational response duties and/or supervise operational staff to do so.

In the event of a multi-week or further protracted digital service continuity situational response the Gold Command, Silver Command and TCG responsibilities may be passed between different individuals subject to response continuity being maintained.

Alternatively, given the specialist digital skills and knowledge required from the incident 'Digital' Silver Commander and the 'Digital' TCG, early consideration should be given to reaching-out to the Essex Digital Partnership (EDP - previously the Essex Online Partnership) for mutual aid or shared responsibilities and resources if multiple organisations are affected.

All staff engaged in the situational response will;

- ✓ Maintain an up-to-date situational understanding at all times (or as per the latest briefing engagement between Gold and Silver Commanders).
- ✓ Work collaboratively and demonstrate commitment to resolving the service continuity issue(s), recovery and resolution.
- ✓ Communicate continuously and clearly.
- ✓ Be respectful of colleagues opinions and professional judgements and provide challenge in a supportive and empathic manner.
- ✓ Maintain a written log(s) of events, actions and decisions contemporaneously (at or around the time of).
- ✓ As appropriate and where necessary, establish an iterative/ evolutionary recovery scenario response aligned to business goals and objectives with applications and systems recovered in accordance with the application prioritisation/ dependency *appendix A embedded Excel Workbook* to this plan.
- ✓ Give due consideration to Agile Project Management MoSCoW prioritisation principles, namely;
 - **Must Have** applications and infrastructure - communication channels (telephony, email, contact centre), protective and vulnerable persons services e.g. Careline, Housing Benefits, MS Office,
 - **Should Have** applications – revenue collection and income management/ payment services, local government statutory functions, MyTendring self-service portal.
 - **Could Have** applications – non-statutory services or services where reasonable workarounds can be established in the short/ medium-term to deliver services.
 - **Won't Have** applications – where application recovery is delayed, or cannot be recovered or will not be recovered for some time these should be clearly documented and communicated clearly to the strategic command structure.

6.1 Duties And Responsibilities

Key incident duties/ responsibilities are as follows;

6.1.1 Strategic Commander (Gold)

This role is nominally the council's Chief Executive Officer (CEO) or his nominated incident Gold Commander(s). The Gold Commander will;

- a) Liaise with the incident Tactical Commander (Silver) as early as can be achieved within the incident response timeline to confirm and agree clear strategic business goals/ service application recovery and continuity priorities and objectives.
- b) Assume responsibility for member stakeholder communication(s), situational updates and engagement.
- c) Liaise with the incident Tactical Commander (Silver) to agree the timing of periodic situational updates.
- d) Maintain situational awareness and provide business strategic guidance.
- e) May be called upon by the Tactical Commander to marshal and ensure that service System Sponsors / Application Asset Owners are fully engaging with the recovery and prioritising and resourcing their system testing responsibilities.

6.1.2 Tactical Commander (Silver)

This role is nominally the council's Head of Digital and Assurance Services or his nominated specialist incident Silver Commander(s) should the situation require mutual aid support. The Silver Commander will;

- a) Adopt and enforce working to the NIST categories 2-4 - Detection and Analysis, Containment/ Eradication (As Appropriate), and Recovery/ repair and Post Incident Activity.
- b) Establish a Tactical Coordination Group (TCG) comprising the relevant expertise(s) to effectively respond to the situation or event and resolve it – both in terms of technically and ongoing communication to stakeholders, customers and partners.
- c) Establish a 'battle rhythm' and chair periodic TCG meetings (virtual or physical) that meets the pace of the evolving incident and TCG agreed actions. *Note: The Gold Commander situational update should ideally be timed to take place following these meeting(s).*
- d) Liaise with the incident Strategic Commander (Gold) as early as can be achieved within the incident response timeline to;
 - i. Explain the digital service continuity issue(s) and their resultant business continuity outcomes in a non-technical manner.
 - ii. Discuss and agree any key strategic goals/ service application recovery and continuity priorities.
- e) Ensure that any attack evidence is forensically protected/ safeguarded for potential use by future criminal investigation parties.
- f) Ensure that the TCG and operational staff engaged in the incident commence and complete an event and decision log(s) of the incident.
- g) Ensure that the Essex Resilience Framework (ERF) Cyber Incident Response Policy is followed in terms of communicating with partners and the National Cyber Security Centre (NCSC) and that policy escalation processes are adhered to.
- h) Establish and maintain an awareness of the event/ situation and agree appropriate response(s), actions and lead and own the tactical response decision making process.

- i) Engage with council's Emergency Planning Team to raise their awareness of the situation and to secure any relevant expert guidance.
- j) Consider the need and establish rest periods and 'down time' for each facet of the TCG and operational supporting staff, together with the need to ask for additional mutual aid staffing resources – both from the Essex Digital Partnership and the National Cyber Security Centre (NCSC) or other third party specialist response organisations.
- k) Lead and coordinate the TCG response to situational resolution in terms of: following strategy and guidance, compliance with council adopted policies and procedures/ plans, providing clear instructions and roles and responsibilities, any relevant contracts and contractual responses, partner and external body policies and engagement, response resourcing, health and safety.
- l) Maintain situational awareness minute-to-minute, hour-to-hour and provide business response tactical guidance throughout the situation/ event.
- m) In consultation with the Gold Commander, take ownership of declaring the end of each NIST phase and commencement of the next NIST phase in collaboration with the TCG specialists.
- n) Lead and coordinate the TCG response until recovery/ resolution.
- o) Organise the post-situational de-briefing.

6.1.3 Tactical Coordination Group (TCG)

Membership of the Tactical Coordination Group will be assigned by the Silver Commander based upon available skillsets, resources and the tactical response requirements.

Initially, the TCG is likely to comprise: digital expertise (staff and contractors), cybersecurity expertise, communication expertise, service application expertise. However, as the situation evolves additional expertise may be required or stood down, rested or replaced.

6.1.4 System Sponsors / Application Asset Owners

The System Sponsors / Application Asset Owners will play a key service continuity and disaster recovery response role in terms of coordinating expert system user resources to quickly test applications recovered, document any post-recovery issues and be fully engaged with the response/ recovery.

They will additionally play a key recovery TCG support role in terms of identifying, testing and communicating any necessary application workarounds.

6.1.5 Communications

Initial communications will be the responsibility of the Tactical Coordination Commander/ Silver Commander in consultation with the Gold Commander until such times as a communications expert(s) are engaged within the TCG group.

For the protection of the council's reputation all short-term communications will refer to 'technical difficulties' and specifically not a cyber-attack. This includes all internal and external communications posted on the website or using social media with the explicit exception of communications between the Silver Commander and the Gold Commander, the management Team group and Cabinet.

The Gold Commander plays a key role in leading communications/ engaging with Members so that the Silver Commander and IT resources can focus on Detection Containment / Eradication and Recovery.

All external communication with partners will be in accordance with the adopted Essex Resilience Forum (ERF) cyber incident policy.

6.2 Wider Incident Response Planning And Situational Evolution Considerations

Subject to the specific incident response, the recovery longevity and wider council service business continuity effects the Gold Commander, in consultation with Silver Commander may wish to engage-with and empower the 'wider' council corporate Emergency Planning standing arrangements.

By doing so the Digital Head of Service Silver Commander may be replaced/ undertake and incident hand-over to a newly nominated, incoming 'corporate' Silver Commander - who in-turn will work with the council's Emergency Planning officers to form a new Tactical Co-ordination Group (TCG) with each of the relevant specialist cells.

In this scenario it is envisaged that the Digital Head of Service and/or the Cyber-security and Systems Manager (or their nominees) will assume the TCG role of Scientific and Technical Advisory Cell (STAC).

Corporate Emergency Planning plans and processes will take primacy in all things with the specific exception of the Digital Team working to delivering the NIST phases and operating in accordance with the ERF Cyber Security Reporting Policy.

6.3 Infrastructure And Application Restoration

The council's digital infrastructure is a complex hybrid blend of digital hardware supporting infrastructure comprising both on-premise private cloud supported applications (5%) together with public cloud supported applications and services (90%). The remaining 5% of applications are supported on private clouds under separate managed service agreements by third parties.

Given the above digital complexity, only a small amount of digital infrastructure and applications are delivered in isolation and without co-dependencies. The majority of council applications and services are reliant upon supporting infrastructure or have a range of application co-dependencies in-turn necessitating a strict order of service recovery/ re-instatement.

As outlined previously, adopting MoSCoW agile prioritisation and iterative recovery principles, and giving due consideration/ prioritisation to establishing base-line communications then vulnerable persons and protective services, then revenue collection and payment services, statutory services and finally non-statutory services the Appendix A Excel workbook (inserted below) provides an initial assessment guide for prioritised application recovery from which the TCG can work to with due cognisance to any Chief Executive/ Gold Commander business goal prioritisation guidance.

7 PHASE FOUR: POST INCIDENT ACTIVITY

The council's corporate Emergency Planning Team is well-versed in leading and undertaking post-incident reviews and documenting lessons learnt.

In this regard this CIRP proposes that the Emergency Planning Team are engaged to lead and deliver a cyber-attack post incident review meeting and resultant lessons learnt.

The Digital Head of Service will be responsible for ensuring that lessons learnt are incorporated into this CIRP document revision and adoption.

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COUNCIL

2 MARCH 2023

REPORT OF THE CHIEF EXECUTIVE

A.5 TERM OF OFFICE FOR MEMBERS OF THE COUNCIL'S INDEPENDENT REMUNERATION PANEL

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to consider an extension to the term of office for the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 24 January 2023.

EXECUTIVE SUMMARY

The term of office for the existing Independent Remuneration Panel lasts until Annual Council in May 2023.

Following a reference report from the Standards Committee, Council approved on 22 November 2022 (minute no. 52):

- (a) that alternative arrangements for the Independent Remuneration Panel are explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment; and*
- (b) that the term of office for those Independent Persons, who express an interest in doing so, be extended for a further year without an application process, in order to allow the review within recommendation (a) above to be undertaken.*

The reason for only extending the Independent Person part of the role was on the basis that, in January 2023, it was anticipated, the Independent Remuneration Panel would present to Full Council, a Scheme of Members' Allowances for 2023/24 until 2027/28. Therefore, should Council approve such a Scheme, joint working could be explored until the recommendations of the IRP would be required.

At its meeting in January 2023, the Council received the Report of the Head of Democratic Services and Elections following the Review of the Scheme of Members' Allowances by the IRP. It was moved by Councillor Stock OBE and seconded by Councillor M E Stephenson that (note: extract only for the purposes of the report) –

- (a) the report of the Independent Remuneration Panel (set out in the Appendix to this report), following that Panel's review of the appropriate uplift to be applied to Basic and Special Responsibility Allowances in the scheme for 2022/23 and the Scheme of Allowances for Councillors for 2023/24 (and until 2027/28) be welcomed and duly noted;*
- (b) that the recommendations from the Independent Remuneration Panel set out on pages 10-13 of the Appendix be agreed in full;*

...

One of the recommendations from the IRP (No. (6)) stated:

“That there be an expectation that no Councillor be eligible to claim more than two separate Special Responsibility Allowances; Reason: The Allowances Scheme needs to set remuneration at an appropriate level and the undertaking of different roles by an individual Councillor should be recompensed appropriately. It is important to preserve the capacity of Councillors to undertake their Ward related activities with resident casework. Under this expectation, a Councillor otherwise eligible for more than two Special Responsibility Allowances should not normally take that/those further Allowances. However, if they make the specific case and lodge this with the Council’s Chief Executive (who may seek the views of the Independent Remuneration Panel), that/those further Allowances may be paid with the approval of the Chief Executive”.

Councillor I J Henderson opined that the procedure for determining a Councillor’s request to receive a third or subsequent Special Responsibility Allowance should be altered, because he felt this placed an undue, and potentially politically controversial, burden on the Chief Executive and he therefore suggested the following alternative:-

“...However, if they make the specific case and lodge this with the Council’s Chief Executive (who will then seek the views of the Independent Remuneration Panel) that/those further Allowances may be paid with the approval of the Full Council, who will have had regard to the views of the IRP in making its decision”.

Councillor Stock OBE and Councillor M E Stephenson both concurred with Councillor Henderson’s suggestion and agreed to incorporate it within the original motion pursuant to the provisions of Council Procedure Rule 16.6(b) (Alteration of Motion).

Councillor Stock’s motion, as now amended, following the vote was declared **CARRIED** (Minute 77).

Currently, post May 2023, the Council would be unable to action the approval of any additional allowances, because the Chief Executive, would not have an IRP to consult with following the expiry of their term of office. Therefore, to be able to comply with Council’s intentions, if such a situation arose, an extension to the term of office for those Independent Remuneration Panel members, who expressed an interest in doing so, is necessary. The proposal is to extend for a further year without an application process, in order to allow the joint working review to be undertaken.

RECOMMENDATION

That Council approves that the term of office for those Independent Remuneration Panel members, who express an interest in doing so, be extended for a further year without an application process.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meetings of full Council held on 22 November 2022 and 24 January 2023.

COUNCIL

2 MARCH 2023

REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

A.6 PAY POLICY STATEMENT 2023/24

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Council's Pay Policy Statement for 2023/24.

EXECUTIVE SUMMARY

The Localism Act 2011 Section 38 (1) requires the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement must articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (*or 'Chief Officers'*) and its lowest paid employees.

The matters that must be included in the statutory Pay Policy Statement are as follows:

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

The Pay Policy Statement 2023/24 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework is based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework also aims to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

The Conditions of Employment with Tendring District Council, including pay, in the main conform to those established for local government generally by the National Joint Committee (NJC). Agreements reached by the NJC are 'collective agreements'.

There is limited change reported in the 2023/24 Statement with the exception of the application of the agreed 2022/23 pay award. There are particular significant changes at the bottom end of the pay spine following agreement between National Employers and National Unions of an increase of £1,925 on all NJC pay points 1 and above (*a percentage increase of between 10.5% and 4.04% across the pay spine*).

Furthermore, as part of the 2022/23 pay award, the NJC has agreed that from 1 April 2023, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine. Therefore,

any employees currently placed on SCP 1 will be assimilated across to SCP 2 from this date. This Statement will be published on the Council's website following each review and approval by Full Council.

The Human Resources & Council Tax Committee will consider the Pay Policy Statement 2023/24 at its meeting due to be held on 23 February 2023 and its decision on this matter will be circulated, as soon as possible, to Members following that meeting.

RECOMMENDATION(S)

It is recommended to Full Council that, subject to the consideration of the Human Resources & Council Tax Committee's recommendations made at its meeting held on 23 February 2023, the Pay Policy Statement 2023/24, as set out in the Appendix to this report, be adopted.

REASON(S) FOR THE RECOMMENDATION(S)

In order to comply with the requirements of the Localism Act 2011, Section 38, (1) the Council must adopt and publish an annual Pay Policy Statement.

ALTERNATIVE OPTIONS CONSIDERED

There is no alternative option to consider, as this is a statutory requirement that the Council must comply with.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's annual consideration and formal adoption of a Pay Policy Statement is part of the Council's governance framework and provides transparency for the residents of Tendring, therefore, contributing to the Corporate Plan 2020/24 priority requirement of 'strong finances and governance'.

The framework identified in the Pay Policy Statement aims to ensure the ability of the Council to recruit talented individuals, thus contributing to the Corporate Plan 2020/24 priority of 'delivering high quality services'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Schedule 2 of Part 3 of the Constitution delegates to Full Council the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Supplementary provisions relating to Statements

- (1) A relevant authority's Pay Policy Statement must be approved by a resolution of the authority before it comes into force.
- (2) Each Statement must be prepared and approved before the end of the 31 March immediately preceding the financial year to which it relates.

- (3) A relevant authority may by resolution amend its Pay Policy Statement (*including after the beginning of the financial year to which it relates*).
- (4) As soon as is reasonably practicable after approving or amending a Pay Policy Statement, the authority must publish the Statement or the amended Statement in such manner as it thinks fit (*which must include publication on the authority's website*).

FINANCE AND OTHER RESOURCE IMPLICATIONS

The Conditions of Employment with Tendring District Council in the main conform to those established for local government by the NJC, commonly known as the 'Green Book'. Agreements reached by the NJC are 'collective agreements' and if they are incorporated into employees' contracts of employment, then the changes take effect automatically.

The Pay Policy for 2023/24 provides updated information on the Council's pay spine and remuneration arrangements.

There is limited change reported in the 2023/24 Statement with the exception of the application of the agreed 2022/23 pay award. There are particular significant changes at the bottom end of the pay spine following agreement between National Employers and National Unions of an increase of £1,925 on all NJC pay points 1 and above (*a percentage increase of between 10.5% and 4.04% across the pay spine*).

At the time of writing, the position regarding the pay award for 2023/24 remains outstanding between National Employers and National Unions.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council's decision making:

- A) *Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
- 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.*

As such, set out in this section the relevant facts for the proposal set out in this report.

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>Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be of an adequate level in order to secure and retain high quality employees dedicated to the service of the public, whilst ensuring value for money to the public purse.</p> <p>The primary aim of the Pay Policy is to set a</p>
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	framework to attract, retain and motivate staff to ensure the organisation can perform at its best.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	<p>Publication of the annual Pay Policy Statement is a statutory requirement for the authority. In line with the Localism Act 2011 section 38 (1), this must be approved by Full Council and published on the Council's website.</p> <p>The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015.</p> <p>The Council's annual Statement of Accounts is published on the authority's website this includes a detailed analysis of the pay, benefits and pension entitlements for Chief Officers.</p> <p>Our transparency pages also include a full list of monthly salaries information across all pay bands.</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.	As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice, including ensuring fairness in the way that it pays and rewards its existing and future employees.
MILESTONES AND DELIVERY	
<p>(a) Human Resources & Council Tax Committee - 23 February 2023</p> <p>(b) Full Council - 2 March 2023</p> <p>(c) Publication to TDC Website - 3 March 2023</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>By not adopting the Council's Pay Policy Statement 2023/24, the Council would be in breach of legislation thereby risking reputational damage.</p> <p>The Council would also not be able to comply with Section 41 of the Localism Act 2011 (<i>requirement for determinations relating to terms and conditions of Chief Officers to comply with Pay Policy Statement</i>) in appointing officers on such reasonable terms and conditions as the authority thinks fit.</p>	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
Full consultation has taken place with the local Unison Branch Executive and they are supportive of the proposed statement for 2023/24 and its adoption.	
EQUALITIES	
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.	

In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The Council is committed to being an inclusive employer in all of its people policies and practices.

In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation.

The Council ensures its pay structures and all pay differentials can be objectively justified through the use of the NJC job evaluation mechanism (*with the exception of Chief Officer remuneration*) which directly determines the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

Since 2018, the Council has been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (*Specific Duties and Public Authorities*) Regulations 2017.

Data for the 2023/24 reporting period shows the following:

- At an organisational level, male and female employees represent 43% and 57% respectively.
- Each reporting quartile is broadly representative of the overall staff ratio for the organisation, within a tolerance of 3%.
- There is no material disparity at each pay level within the organisation, when viewed within the context of the UK average (*ONS October 2021*).

The Council's pay gap will continue to be subject to review and if any substantial gaps are identified as the Council interprets data, a suitable action plan will be prepared.

SOCIAL VALUE CONSIDERATIONS

The Council aims to lead by example as a major local employer. This includes following recognised best practice and keeping up to date with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

This report has no direct implication on the Council's aspiration to be net zero by 2030.

OTHER RELEVANT 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	N/A
Health Inequalities	N/A

Area or Ward affected	None directly.
ANY OTHER RELEVANT INFORMATION	
There are no background papers associated with this report.	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
The Localism Act 2011 required this Council to produce a Pay Policy Statement by 31 March 2012 and every subsequent financial year thereafter.
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
Full Council adopted the Pay Policy Statement for 2022/23 at its meeting on 25 January 2022.
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
Chief Officer Structure Chart.

APPENDICES
Appendix – Pay Policy Statement 2023/24.

REPORT CONTACT OFFICER(S)	
<i>Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.</i>	
Name	Katie Wilkins
Job Title	HR & Business Manager
Email/Telephone	kwilkins@tendringdc.gov.uk 01255 686315

Tendring District Council

Pay and Reward Policy

2023/24

A.6 APPENDIX



Introduction

Section 38 (1) of the Localism Act 2011 requires local authorities to produce an annual Pay Policy Statement. The provisions within the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however, it emphasises the need to deliver value for money for local taxpayers.

This statement is approved by Full Council and published on the Council's website at the earliest opportunity.

Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be of an adequate level in order to secure and retain high quality employees dedicated to the service of the public, whilst ensuring value for money to the public purse. The Council's vision includes the provision to adopt a reward strategy that is modern, sustainable, fair and transparent and rewards its workforce appropriately for their contribution to the Council.

The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015. This Code was issued to meet the government's desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision-making process and help shape public services.

Part of the Code includes publishing information relating to the remuneration of senior officers within a local authority. A full list of senior remuneration and monthly salaries information across all pay bands is available and published on the Council's website www.tendringdc.gov.uk.

The Council's Statement of Accounts includes details of all Chief Officers pay.

The HR Committee has responsibility for the terms and conditions of service for all staff and ensures that remuneration is set within the wider pay context giving due consideration to the relationship between the highest and lowest paid in the organisation.

The matters that must be included in the statutory Pay Policy Statement are as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer (*for Tendring District Council this comprises the Chief Executive, and Management Team for the authority, which includes the Monitoring Officer and the Section 151 Officer*).
- A local authority's policy on the remuneration of its lowest-paid employees (*together with its definition of "lowest-paid employees" and its reasons for adopting that definition*).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

Purpose of the Statement

The Pay Policy Statement 2023/24 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework aims to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

Tendring District Council requires high calibre leaders within the organisation to deliver high quality public services, especially in difficult fiscal conditions. Taxpayers should be assured of value for money, with public resources not used inefficiently on excessive senior salaries. The primary aim of the Pay Policy is to set a framework to attract, retain and motivate staff to ensure the organisation can perform at its best. Research shows that individuals are attracted, retained and engaged by a range of both financial and non-financial rewards, so a coherent link between reward and the overall approach to people management leads to the best possible outcome.

Managing Remuneration

Tendring District Council has a fair, equitable and transparent approach to remuneration in accordance with equal pay legislation. This includes incremental progression based on length of service and more proactively on:

- Achieving annual performance levels;
- Development progression against defined frameworks (Career Progression for many posts).

Determination of Grade and Salary for Chief Officers and lowest paid Employees

The Council's Pay Policy is influenced by a number of factors which include market information, market forces and budgetary position. Pay ranges are revisited from time to time to ensure they remain appropriate when benchmarked against external independent appropriate compensation surveys, applicable to each role.

The Council has adopted the National Pay Grades, as set out by the National Joint Council (NJC), and is subject to the national negotiations regarding pay and conditions of service (*commonly known as the 'Green Book'*). Within the current pay structure there are 21 Pay Bands and 81 Incremental Pay Points.

However, as part of the 2022/23 pay award, the NJC has agreed that from 1 April 2023, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine. Any employees currently placed on SCP 1 will be assimilated across to SCP 2. Therefore, from this date, there will be 80 Incremental Pay Points.

Apprentices are not included as they have a contract for learning and training with the Council, rather than an employment contract and are paid according to the Government approved apprenticeship pay rates.

The values of the SCP's are updated by the national pay awards and the Council is notified of any changes by the National Joint Council for Local Government.

Employees who are new to the Council and Local Government are usually appointed at the first point of the salary banding, save for exceptional circumstances.

National Single Status and the NJC Job Evaluation Scheme have been adopted by the Council with locally agreed conventions, which at the time of adoption were negotiated and agreed with local union officials. Training has been provided by the Regional Employers (EELGA) to ensure that there are a sufficient number of managers and union officials within the organisation who have the skills to implement and apply job evaluation within the Council. This Job Evaluation Scheme is recognised by employers and trade unions nationally and the scheme allows for robust measurement against set criteria resulting in fair and objective evaluations.

Chief Officers are not subject to the NJC Job Evaluation Scheme. Chief Officers pay is subject to benchmarking, with pay rates set to attract and retain key employees. The agreement of pay is subject to Equal Pay legislation.

As part of the Senior Management Review undertaken in 2020, it was agreed that Chief Officers would move away from incremental progression to career graded posts, whereby performance is assessed and reviewed annually according to the competency criteria within the job description and career grade. This process includes a panel evaluation process and moderation.

The authority's highest paid employee is the Chief Executive with a salary range of £130,203 - £139,365.

With effect from 1 April 2020, an allowance for the role of Deputy Chief Executive was introduced. This allowance is payable if/when the Chief Executive requires a Deputy Chief Executive to cover particular roles and functions in their absence. The current rate of this allowance is £3,000 per annum. From April 2022 and moving forward, this allowance and that paid for the Statutory Officer roles (*Monitoring Officer and Section 151 Officer*) are index linked to the NJC inflationary awards.

Car mileage, motorcycle and bicycle payments for all employees are paid at the Inland Revenue Rate. This is currently £0.45/mile (*for the first 10,000 miles, after which a rate of £0.25/mile is applicable*) for car mileage, £0.24/mile for motorcycles, and £0.20/mile for bicycles.

Use of the Inland Revenue Rate enables the Council to have a fair and consistent rate of reimbursement for business mileage across the Council.

On official business, and to encourage Officers to car share on business journeys, the Council has also adopted the additional 5p per passenger, per mile in accordance with Inland Revenue guidance.

Other allowances payable within the Council include the following:

- Committee Attendance
- Overtime Payments
- Standby Payments

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- Disturbance Payments
- First Aider Payments

The Council's Allowances Policy, supplements the Pay Policy Statement this, recognises that on occasion officers will be required to respond outside of standard working hours to provide services to its residents.

The principles of this policy are as follows:

- To ensure staff are paid in a consistent way throughout the organisation;
- To compensate staff providing a contractual out of hour's standby service to meet the Council's statutory duties;
- To ensure that payment structures are fair and sustainable for the future;
- The Council wants to be a responsible employer to meet the health and safety and well-being needs of staff by encouraging the use of TOIL for recovery from supporting service delivery outside of standard working hours.

Within Tendring District Council there are three distinct categories of service provision:

- 1) Services that have 24 hour, 7 day a week scheduled provision;
- 2) Services that are delivered predominantly during standard office hours, but also provide a standby service outside of these hours. Standby is used to address calls that require attention which cannot wait until standard opening hours;
- 3) Services delivered during standard office hours, occasionally needing to provide an extra response on an ad hoc basis.

In addition, the Council has a statutory requirement to maintain an Emergency Response service for the district. Officers who support this service (*in an on-call capacity*) are referred to as First Call Officers.

Furthermore, the Council's Emergency Planning Manager holds a staff call down list, whereby, staff are stood up when an emergency incident occurs.

A review of the Emergency Planning allowances is currently being undertaken, any changes to rates of payment will be fully outlined in the Council's Allowances Policy.

The following overtime arrangements were introduced from 1 April 2018:

- Staff up to SCP 43 (the top of Grade 11) can claim overtime. Overtime will only be paid if the time off is not an option for operational service delivery. Overtime must be authorised in advance by the relevant Corporate Director;
- Overtime will be paid at plain rate only for Category 2 and 3 services;
- Category 1 services may be paid enhanced rates of overtime for evenings, weekends and bank holidays for those staff having already worked 37 hours any one week.

The Council does not currently operate any bonus schemes.

With effect from 1 April 2020, the Council adjusted subsistence rates to mirror HMRC rates of reimbursement and to ensure alignment with mileage payments. Any payment is made on production of actual receipts and subsistence payments are only allowable when an Officer is working outside of the District.

The current rates of reimbursement are as follows:

Working outside of the District for more than 5 Hours - £5

Working outside of the District for more than 10 Hours - £10

Working outside of the District for more than 15 Hours, or if the travel is ongoing after 8pm - £25

In a personal capacity as (Deputy/Local/Acting) Returning Officer, the holder of the post of Chief Executive is separately remunerated in respect of his statutory duties at Parliamentary, European Parliamentary, Referendums, County, Police and Crime Commissioner and District and Parish Council Elections.

Fees for conducting Parliamentary, European Parliamentary Elections, Police and Crime Commissioner Elections and National Referendum are determined by way of a Statutory Instrument.

In respect of acting as Deputy Returning Officer at elections of County Councillors, reference is made to the Scale of Fees and Expenses payable at Elections of County Councillors determined by Essex County Council.

The fee for undertaking the role of Returning Officer in respect of District and Parish Council Elections is by reference to the Scale of Fees and Expenses payable to the Returning Officer at elections of District and Parish Councillors.

During the 2021/22 financial year, remuneration received by the holder of the post of Chief Executive in relation to Returning Officer duties was £12,224.

The Council is an admitted body of the Local Government Pension Scheme and Essex County Council administers the Pension Scheme for the Council.

Transparency within Tendring District Council

Existing legislation already requires the Council to publish statements regarding remuneration each year. The Council's Statement of Accounts includes a detailed analysis of the pay, benefits and pension entitlements for all Chief Officers.

The Council will continue to publish this information on an annual basis and it is readily available to view on the Council's website www.tendringdc.gov.uk. This information also includes a structure of the Council's Chief Officers.

Following the 2022/23 pay award, remuneration for the lowest spinal column point on the authorities' pay scale is £20,258 per annum, which is equivalent to £10.50 per hour. Following the deletion of SCP 1 (*as outlined above*) this will rise to £20,441 per annum, which is equivalent to £10.60 per hour.

By comparing the midpoint of the highest paid post (£134,784) and the lowest SCP on the latest agreed pay scale, post April 2023, £20,441, a multiple of 6.60 can be calculated, which is comfortably in range of the pay multiple cap for Local Government pay as detailed in the Hutton Review of Fair Pay in the Public Sector.

The Council aims to keep this multiple under review to ensure that it is kept at an appropriate level.

The current median pay for 'Chief Officers' (*excluding the Chief Executive*) is £79,717 (*this is based on full time equivalent annual salary, excluding election fees*).

The current median pay for employees (*excluding Chief Officers and the Chief Executive*) is £31,681.

The Council publishes a monthly report of salaries paid, by pay band and the number of staff within each pay band on the Tendring District Council website- www.tendringdc.gov.uk.

Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

Since 2018, the Council has been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (*Specific Duties and Public Authorities*) Regulations 2017. The Council has a requirement to publish data including the following:

- The mean gender pay gap;
- The median gender pay gap;
- *The mean bonus gender pay gap;*
- *The median bonus gender pay gap;*
- *The proportion of males and females receiving a bonus payment;*
- The proportion of males and females in each quartile band.

Three of the above requirements will not be applicable, as the Council does not operate bonus schemes for Officers.

The challenge within Tendring District Council and across the UK is to eliminate any gender pay gap. If any gaps are determined, as the Council interprets data, an action plan will be prepared.

Data for the 2022/23 reporting period shows the following:

Mean difference across Gender

The difference between the male and female mean hourly rate is £0.78. The male mean hourly rate is 5.8% higher than the female mean hourly rate.

Median difference across Gender

The difference between the male and female median hourly rate is £0.00.

At an organisational level, male and female employees represent 43% and 57% respectively.

Each reporting quartile is broadly representative of the overall staff ratio for the organisation, within a tolerance of 3%.

Our data shows there is no material disparity at each pay level within the organisation, when viewed within the context of the UK average (*ONS October 2021*).

This information is published on the Council's website as well as a designated Government website.

Off-Payroll working in the Public Sector (IR35)

Due to the requirement for particular specialist skills or due to peaks in workloads, the Council occasionally engages the services of agency workers or consultants for short term assignments.

With effect from 1st April 2017, HMRC updated the requirements and regulations for off payroll workers within the public sector. From this date, individuals working through their own company in the public sector are no longer responsible for determining the application of intermediaries' legislation and paying the relevant tax and NICs. This responsibility was moved to the public sector employer.

The Council has undertaken and reviewed the current status of all workers with individual agencies and HMRC, all of which are compliant with the legislation.

Severance Payments

The Council has adopted policies regarding severance payments. Full details can be found in the following;

- Organisational Change and Redundancy Policy;
- Flexible Retirement Policy.

In the case of the Organisational Change and Redundancy Policy the authority looks to ensure that the policy is workable, affordable and reasonable having regard to foreseeable costs.

For severance, all policies and payments are the same for the "lowest paid employee" and the Chief Officers of the Council.

Tendring District Council needs to ensure sufficient flexibility in order to respond to unforeseen circumstances and there may be occasions when the Council has to take a pragmatic approach to severance. Any enhanced severance agreements will not be entered into without the advice of the External Auditor and will adhere to current legislation.

Other Rewards

The Council has both financial and non-financial rewards for staff; in order to reflect the different expectations and priorities of staff as follows:

- Access to the Local Government Pension Scheme for all staff;
- Learning & Development;
- 'Salary Sacrifice' schemes, such as a cycle to work scheme (*being tax efficient and at nil cost to the Council*);
- Health schemes – the Council has been able to offer a number of Weight Management courses and Health Checks for employees in partnership with ACE and PROVIDE and at nil cost to the Council;
- Occupational Health and a fully funded Employee Assistance Programme;
- Additional career development opportunities – secondments, special projects, flexible working and recognition through awards such as the Celebration of Success and STARS events;
- Free car parking;
- Flexi time scheme;
- Discounted gym membership;
- Additional days annual leave granted after 5 years of continuous service with Tendring District Council.

There are no rewards that only benefit Chief Officers within the Council.

Review of the Pay Policy Statement

The Localism Act stipulates that the Council's Pay Policy Statement should be kept under regular review on an annual basis. This includes a publication of the salaries of the most senior employees within the organisation compared to the lowest paid employees.

The Human Resources & Council Tax Committee and Full Council approve this Policy.

The Human Resources & Council Tax Committee will take responsibility for the role of the Council's Remuneration Panel. In fulfilling this role the Committee will ensure that decisions will be based on the following:

- Supporting the achievement of the Council's aims;
- Taking account of wider public sector pay policy and good practice;
- Are proportionate, fair and equitable and support equal pay principles;
- Taking account of appropriate pay differentials;
- Attracting, retaining and motivating Officers of the right quality and talent;
- Taking account of the resources required in transitioning to any revised arrangements.

Other Policies

The Council has a number of policies that could have a financial benefit and should be read in conjunction with this Pay Policy Statement including the following:

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- Allowances Policy;
- Organisational Change and Redundancy Policy;
- Market Forces Policy;
- Flexible Retirement Policy;
- Acting Up Policy;
- Relocation Policy;
- Long Service and Retirement Gifts Policy.

All of the above policies apply equally to all employees of Tendring District Council irrespective of their seniority.