



CABINET

DATE:	Friday, 21 July 2023
TIME:	10.30 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor M Stephenson	- Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor I Henderson	- Deputy Leader of the Council; Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor Baker	- Portfolio Holder for Housing & Planning
Councillor Barry	- Portfolio Holder for Leisure & Public Realm
Councillor Bush	- Portfolio Holder for Environment
Councillor Kotz	- Portfolio Holder for Assets
Councillor Placey	- Portfolio Holder for Partnerships

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DATE OF PUBLICATION: THURSDAY, 13 JULY 2023

AGENDA

1 Apologies for Absence

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

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

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 23rd June 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registrable Interests or Non-Registrable Interests, and the nature of it, in relation to any item on the agenda.

4 Announcements by the Leader of the Council

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

5 Announcements by Cabinet Members

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

6 Matters Referred to the Cabinet by the Council

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

7 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.1 - Scrutiny of Children Missing from Education (Pages 15 - 16)

To enable the Cabinet to consider the recommendations submitted to it by the Community Leadership Overview & Scrutiny Committee following the scrutiny of children missing from education.

8 Leader of the Council's Items - A.2 - Treasury Management Performance 2022/23 (Pages 17 - 34)

To report on the Council's treasury management activities and Prudential Indicators for 2022/23.

9 Leader of the Council's Items - A.3 - Creation of a Subsidy Scheme for the purposes of direct grant funding to Citizens Advice Tendring (Pages 35 - 102)

To create a subsidy scheme for directly allocating grant funding from Tendring District Council to Citizens Advice Tendring (CAT) as part of the core funding under a Service Level Agreement (SLA) and the Mental Health Hub. An approved Subsidy Scheme will ensure the Council is compliant with the Subsidy Control Act 2022 by providing justification for direct granting funding to CAT should the funding fall under the new legal definition of a subsidy.

To agree an updated SLA with CAT for 2023/24 and to provide funding in relation to the Mental Health Hub.

10 Leader of the Council's Items - A.6 - Developing a new Corporate Plan 2024-2028 (Pages 103 - 116)

To seek approval to commence the process of preparing a new Corporate Plan for the period 2024-2028.

11 Leader of the Council's Items - A.8 - Overview of the Financial Outturn 2022/23 and proposed allocation of the General Fund variance for the year (Pages 117 - 126)

To seek approval of the allocation of the overall 2022/23 General Fund revenue variance.

12 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.4 - Elmstead Neighbourhood Plan and Neighbourhood Development Order - Proposal for Public Consultation (Pages 127 - 400)

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

13 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.5 - Update on the Tendring Education Strategic Board (Pages 401 - 408)

To provide an update on the work of the Tendring Education Strategic Board.

14 Management Team Items - Report of the Deputy Chief Executive & Monitoring Officer - A.7 - External Audit delays causing delays to the publication of certified Accounts for 2022/23 (Pages 409 - 416)

To inform Members of a breach of a statutory reporting deadline along with the associated circumstances and the actions being taken in response.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 6 October 2023.

Information for Visitors

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 23RD JUNE, 2023 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL,
STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors M Stephenson (Chairman), I Henderson, Baker, Barry, Bush, Kotz and Placey

Group Leaders Present

by Invitation: Councillors G I Scott (Leader of the Liberal Democrats Group), P Honeywood (Deputy Leader of the Conservatives Group) and G Steady (Deputy Leader of the Independents Group).

Also Present: Councillor Geeta Sudra (Chairman of the Audit Committee), Councillor Michael Talbot (Chairman of the Standards Committee) and Councillor Ann Wiggins (Vice-Chairman of the Licensing & Registration Committee; Vice-Chairman of the Standards Committee; Deputy Leader of Liberal Democrats Group)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), William Lodge (Communications Manager), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

140. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jayne Chapman BEM, Leader of the Independents Group, (with Councillor Graham Steady, the Deputy Group Leader substituting) and Councillor Carlo Guglielmi, Leader of the Conservative Group, (with Councillor Paul Honeywood, the Deputy Group Leader substituting).

141. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 17 March 2023, be approved as a correct record and were signed by the Chairman.

142. DECLARATIONS OF INTEREST

Councillor Bush declared an Interest in relation Agenda Item 11 (Report A.5) as he was a Member of the Great Oakley Parish Council and recused himself from the meeting whilst this item was being heard.

143. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no announcements by The Leader on this occasion.

144. ANNOUNCEMENTS BY CABINET MEMBERS

Councillor Gina Placey (Portfolio Holder for Partnerships) informed Cabinet of three successful action days carried out by the Council's Community Safety Team, in conjunction with Essex Police, over the last week prior to the meeting and she gave special thanks to Adam McGoldrick (the Council's Antisocial Behaviour Officer) for organising the event.

The Leader also stated that he had attended the event and that he had been very impressed.

145. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - MOTION TO COUNCIL: RING-FENCING OF CAPITAL RECEIPTS ARISING FROM THE DISPOSAL OF SURPLUS LAND

Members considered a motion by Councillor Graham Steady that had been submitted to the Full Council meeting held on 2 March 2023, proposing that future capital receipts from the disposal of surplus land be reinvested in the respective town or parish where the land was located. At that Council meeting Councillor Steady had presented reasons for discussing the motion on the night, highlighting the timing, the ongoing land disposal in Brightlingsea, potential funding opportunities, and the ability to deliver projects more efficiently. Councillor Chapman BEM had seconded the motion, emphasizing the experience of present Members and the collaboration between councils. However, the then Leader of the Council, former Councillor Stock OBE, had argued that the motion should be referred to the Cabinet, citing concerns about distribution of resources and the motion's limited impact. The Chairman of the Council had then ruled in favour of referral to the Cabinet, considering it an Executive function. Councillor Steady and Councillor Chapman BEM had then explained the purpose of the motion, focusing on fiscal devolution, local project completion, collaboration, and preventing funds from being centralized.

Under the Council Procedure Rules, Councillor Steady was granted the opportunity to answer questions and provide clarification at the Cabinet meeting, with a right of reply to the subsequent debate.

Cabinet was informed that Asset Management was an executive function delegated to the Cabinet collectively and, depending on the decision required, to the Portfolio Holder for Assets, as stated in Schedule 3 of Part 3 of the Council's Constitution. The Executive's overall responsibility, in accordance with the Council's Budget and Policy framework, was to carry out all functions of the Council, including "local choice functions," except for those functions that were excluded by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other legislation.

The Council's Property Dealing Procedure was outlined in Part 5 of the Constitution, which had been previously approved by the Full Council.

The Principles of Decision Making, as detailed in Article 13 of the Constitution, were followed for all decisions:

(a) Proportionality, ensuring that the action was appropriate for the desired outcome.

- (b) Consideration of all relevant factors and options, including consultation results and professional advice from Officers.
- (c) Respect for human rights, equality, and diversity.
- (d) A presumption in favor of openness.
- (e) Clarity regarding aims and desired outcomes.
- (f) Transparency, including an explanation of considered options and the reasons for the decision.

Having duly considered the contents of the submitted documentation and to comply with the Council's Constitution (Council Procedure Rule 12):-

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

RESOLVED that Cabinet, following the explanation of the motion and in accordance with the current Council Procedure Rule 12.8, does not recommend that the Council should support this motion in its original format.

146. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.2 - SCRUTINY OF PROCUREMENT AND CONTRACT MANAGEMENT

Cabinet considered the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's Procurement and Contract Management.

That Committee had recommended that -

- a) *"will bring the Council's Contract register up to date as soon as possible; with services across the Council providing the necessary data on contracts held within their respective areas; and*
- b) *a Social Value Policy for Procurement be produced for consultation with the Resources and Services Overview and Scrutiny Committee at a future meeting".*

Cabinet also heard the following statement from the Portfolio Holder for Assets.

"Thank you to the Resources and Services Overview and Scrutiny Committee for its review in this area and to the previous Portfolio Holder for Corporate Finance and Governance being responsible for the Council's procurement function. I endorse and support the recommendations from the Committee, the existing arrangement with Essex Council Council's Procurement Team and the identified wider Shared Procurement Service project reported to Cabinet in March 2023, and I will update Cabinet and Members further throughout the year. We are committed to the Social Value Policy for Procurement Purposes, and this will form a work-stream for the team with our colleagues across Essex and workshops will be discussed".

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

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Assets Portfolio Holder thereto be endorsed.

147. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.3 - SCRUTINY OF PLANNING ENFORCEMENT

Cabinet considered the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's Planning Enforcement Policy.

That Committee had recommended Cabinet -

- a) *"To note that, in recent months, following the establishment of the Working Group and the introduction of a new Planning Manager and a new Planning Enforcement Team Leader, and with the full cooperation of the Planning Portfolio Holder and key Officers, notable improvements in the Council's planning enforcement function have already been made in response to issues raised and suggestions put forward. These include:*
- *the update and subsequent adoption of a new Planning Enforcement Policy and associated harm risk assessment to replace the previous version that had not been reviewed or updated since 2010;*
 - *an initial review, update and tidying of the Council's database of live enforcement cases to remove cases that have been closed, incorrectly recorded or otherwise superseded by events in order to establish a more accurate baseline of information;*
 - *more positive engagement of Planning and Planning Enforcement Officers in the Council's Corporate Enforcement and Operation Enforcement Groups to improve working across services on a wide range of enforcement matters;*
 - *a notable improvement in the willingness of Officers to engage and communicate with Councillors, members of the public and other interested parties in recognition of the concerns raised previously;*
 - *a notable reduction in the Planning Enforcement Team's reliance on the Council's legal Officers for advice and assistance in carrying out planning enforcement duties; and*

- *a concerted effort to recruit new Officers to the Planning Enforcement Team on a permanent basis and by utilising channels to attract ex Police and armed services personnel with relevant transferable skills.*
- b) *to act to retain the planning enforcement function in-house and to support continued efforts to reduce the Council's reliance on temporary staff employed through agencies and to recruit permanent staff to the Planning Enforcement Team by utilising channels aimed at targeting ex Police and armed forces personnel with transferable skills and with the offer of on-the-job training and development;*
- c) *To require Officers to undertake a specific and immediate update to the Planning Enforcement Policy and associated harm risk assessment to incorporate changes, that are aimed at improving clarity, relevance and effectiveness and for the updated version to be reported to the Planning Committee for its consideration and approval at the earliest meeting practicable;*
- d) *To thereafter require Officers to undertake an automatic review of the Planning Enforcement Policy and associated risk harm assessment every four years for the Planning Committee's consideration and approval to ensure it is kept up to date and responds accordingly to changes in law, policy, circumstances and trends in enforcement-related activity – allowing for earlier reviews where necessary;*
- e) *To empower the Director of Planning, in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to escalate and expedite (as appropriate) enforcement action where there are considered to be exceptional matters of public interest with implications for the reputation of the Council that are not necessarily identified through the standard scoring approach in the harm risk assessment;*
- f) *To require Officers to prepare quarterly reports on enforcement caseload and performance to go to the Planning Committee, for information, which will contain data on the:*
- *number of complaints received/registered in the quarter;*
 - *number of cases closed in the quarter;*
 - *number of live cases presented by category, electoral ward and time period since receipt; and*

- *enforcement-related appeal decisions;*

- g) *To support the continued work of the Council's internal Corporate Enforcement Group and Operational Enforcement Group in considering cross-service and cross-body enforcement matters;*

- h) *To require Officers to continue the process of reviewing cases recorded on the database system to remove closed/irrelevant cases and re-categorising them to provide an accurate baseline for case management and reporting of data going forward;*

- i) *To require Officers to provide an annual training session, held in person, for all District Councillors covering the powers, policy and processes around planning enforcement together with case-study examples and exercises – with the first training session to be held within the two months following the May 2023 local elections (and following subsequent local elections);*

- j) *To reiterate that any Councillor who is a member of the Planning Committee (either as a permanent or designated substitute Member) must attend the planning enforcement training as a mandatory requirement;*

- k) *To request the Director of Planning offer or facilitate similar training sessions for Town & Parish Councils;*

- l) *To ensure that Officers incorporate within internal systems, reminders to automatically update complainants, interested Ward Councillors and other relevant parties (where appropriate) every 21 days with information on the progress of cases – even if it is to advise of no or limited progress – unless earlier or more frequent updates can be given or are required (these 21-day reminders will follow the initial 21-day notification currently in place following the receipt of a complaint);*

- m) *To ensure that Officers respond within 48 working hours, to emails from Councillors relating to planning enforcement matters so they can be suitably informed when advising members of the public;*

- n) *To note that a significant proportion of live enforcement cases in the District relate to breaches of occupancy conditions at caravan and holiday*

parks, many of which are complex, sensitive and long-standing with a variety of issues to be taken into account. To resolve these breaches in full and deal with the implications thereafter would require significant additional and dedicated resources. It is therefore recommended that the Planning Policy and Local Plan Committee be asked to consider developing a strategy or policy to guide a coordinated and long-term approach to the application and enforcement of occupancy conditions across the District having regard to matters such as impact on the tourism industry, flood risk, health and safety, quality of life, ecology, disability and homelessness;

- o) To ensure that for site inspections, Officers:*

 - i. must always use Council equipment for capturing photographs and other data;*
 - ii. and are supplied with hi-visibility clothing (preferably labelled 'Tendring District Council Enforcement')*

- p) To ensure that Officers pro-actively monitor compliance with planning conditions and obligations wherever practical and where resources allow – and work constructively with owners, developers and applicants to identify and resolve potential future compliance issues before they give rise to a breach of planning control and possible enforcement action;*

- q) To ensure that the Planning Service consider incorporating standard advice into pre-application responses and validation requirements for applications setting out, and seeking agreement to, the Council's expectations for development to be carried out with the necessary consents and compliance thereafter with any planning conditions or obligations imposed;*

- r) To ensure that Officers review and update the form on the Council's website for reporting enforcement complaints to make it more user-friendly and to allow complainants to provide as much information as they can to describe the issue they wish to report; and*

- s) To request the Director of Planning considers, on a case-by-case scenario and in liaison with the Council's Communications Manager, publicising successful enforcement outcomes to demonstrate the Council's commitment to planning enforcement.*

- t) *To request the Monitoring Officer to consider the appropriate body to which individual recommendations are/should be directed and, where appropriate, refer those recommendations to those bodies. The outcome of this process shall be reported to Cabinet when it receives the reference report from this Committee on the outcome of this enquiry”.*

Cabinet also heard the following statement from the Portfolio Holder for Planning:

“I look forward, as the new Portfolio Holder for Planning, to working with the Planning Service to bring forward an action plan to deliver on the recommendations in this report. That action plan will be brought back to the Resources and Services Overview and Scrutiny Committee, working alongside the Audit Committee. We are already seeing big improvements in the work of our Planning Enforcement team in the last few months and I am confident that we can build upon these going forward.”

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

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Planning Portfolio Holder thereto be endorsed.

148. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.4 - CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLANS FOR GREAT CLACTON, LAWFORD, BRADFIELD AND RAMSEY

Cabinet considered the recommendations submitted to it by the Planning Policy and Local Planning Committee following that Committee’s consideration of the Conservation Character Appraisals and Management Plans for Great Clacton, Lawford, Bradfield and Ramsey.

Cabinet also heard the following statement from the Portfolio Holder of Planning:-

“I thank the Planning Policy and Local Plan Committee for its consideration of these latest Conservation Area Character Appraisals and Management Plans and I sincerely welcome, once again, its recommendation to Cabinet that these be published for public consultation. Reviewing all of the District’s Conservation Areas is one of the key actions in the Council’s Heritage Strategy and the progress so far has been very good, with now only three Conservation Areas remaining to be considered. Ensuring we have an up-to-date appraisal for each and every Conservation Area will enable residents, developers, planners and our Planning Committee to understand the key characteristics that make each area special and which need to be preserved and enhanced when making planning applications and determining them. They will also enable us to reconsider the boundaries of each area and determine whether any Article 4 Directions are needed to provide an extra level of protection and control.”

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

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

RESOLVED That Cabinet resolves that the new Great Clacton, Lawford, Bradfield and Ramsey Conservation Area Appraisals and Management Plans (Appendices 1 to 4 to report A.4) be approved for consultation with the public and other interested parties.

149. LEADER OF THE COUNCIL'S ITEMS

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

150. CABINET MEMBERS' ITEMS - REPORT OF THE ASSETS PORTFOLIO HOLDER - A.5 - PETITION: SUSPEND PROPERTY DEALING AND DEVELOPMENT OF TDC LAND PARCELS IN GREAT AND LITTLE OAKLEY AND OFFER THE LAND TO THE PARISH COUNCILS

Earlier on in the meeting, as reported under Minute 142 above, Councillor Bush had declared a Declaration of Interest in relation to this matter insofar as he was a Member of the Great Oakley Parish Council. He thereupon withdrew from the meeting whilst this item was considered and determined and he then subsequently rejoined the meeting.

Members were reminded that an e-petition had been submitted by Tom Howard, as lead petitioner, on 12 May 2023. That petition had been signed by 46 persons and stated:-

"We call on Tendring District Council to immediately suspend the property dealing procedure and any plans to develop or sell for development the following sites in the Great Oakley and Little Oakley: • Woodlands, Great Oakley – Ref GO001G • Sparrows Corner, Great Oakley – Ref GO002G • Seaview, Little Oakley – Ref LO001H • Bayview Crescent – Ref LO002BH • Bayview Crescent, Little Oakley – Ref LO002CH. Furthermore, we request that Tendring District Council explores alternative options that would retain this important amenity land in these rural Parishes. We specifically request, that Tendring District Council initiates discussions with Great Oakley Parish Council and Little Oakley Parish Council to explore options for them to take on all of these sites either via purchase for a nominal fee (e.g. £1 per plot) or a 99 year lease with a nominal peppercorn rent (e.g. £1 per annum) in exchange for the Parish Councils taking on the maintenance liability".

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

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

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

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

A report for Cabinet consideration was prepared identifying the sites and inviting determination of in respect of which of them to commence the property dealing procedure. Three previously identified sites were identified for priority disposal action, two of the then identified sites were identified for action.

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

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

On 04 November 2022 Cabinet considered a report outlining the Council's financial outlook including a number of housing and property investment requirements that could not be funded.

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

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

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

"These five sites have been identified as part of a process to review potential development or other options throughout the District that identified a total of 69 sites for some potential action with the consideration of three others already under way. They should not be considered in isolation or outside of that process. No decision has been taken to build on or dispose of any land. This process was begun following questions raised at the full Council and has consumed considerable time and effort to get to this stage. Given the Council's financial position and aspirations for housing and public space improvement the Authority must look towards careful use and rationalisation of its properties in order to reduce costs, avoid clinging to unproductive space and facilitate investment in services and facilities. I recommend that Cabinet notes the petition, thanks the petitioner and requests that these views, including potential transfer to parish councils, and others are taken into account as and when the property dealing procedure unfolds, subject to available resources".

The lead petitioner, Tome Howard, attended the meeting and presented his petition to Cabinet.

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

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

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

151. CABINET MEMBERS' ITEMS - REPORT OF THE DEPUTY LEADER OF THE COUNCIL & ECONOMIC GROWTH, REGENERATION AND TOURISM PORTFOLIO HOLDER - A.6 - CLACTON CIVIC QUARTER LEVELLING UP FUND (LUF) BID, DOVERCOURT TOWN CENTRE IMPROVEMENT CORRIDOR CAPITAL REGENERATION PROJECT (CRP) BID

Cabinet considered a report of the Deputy Leader of the Council & Economic Growth, Regeneration and Tourism Portfolio Holder.

It was reported that the Council's Corporate Plan 2020-24 was committed to developing vibrant town centres and public spaces, managing its own homes, and offering joined-up public services. In line with this commitment, the Council had published the 'Love Clacton' Plan in 2020 and 'Dovercourt Revisited' in 2019, which outlined proposals for town centre regeneration. In August 2022, the Council had submitted two applications to Round Two of the LUF (Levelling Up Fund). The first application had requested £19,958,224 for the Clacton Civic Quarter, and the second application sought £6,652,251 for Dovercourt Town Centre. Those projects aligned with the funding opportunities provided by the Love Clacton and Dovercourt Revisited proposals. Essex County Council (ECC) had collaborated with this Council in developing the bids, providing resources, owning land and buildings within some of the projects, and committing £8 million of matched funding.

Members were informed that the Clacton Civic Quarter bid aimed to create 28 new homes, offices, and shops along Carnarvon Road, as well as a covered market of 'maker spaces' to support local businesses. Additionally, the bid had included plans to redevelop the ECC library site into a new library and Adult Community Learning Centre, with the University of Essex establishing a Centre for Coastal Communities in Clacton. This Council had received notification from the Government on January 19 2023, stating that it had been successful in securing the funding for the Clacton LUF. Cabinet approval had been granted on March 17 2023, to accept the awarded amount of £19,960,000 and to authorize the signing of the associated Memorandum of Understanding (MOU). The Council and the Government had subsequently signed the MOU, indicating an agreement to proceed with the project.

Members were also informed that regarding the Dovercourt CRP, the Council had initially received notice in January 2023 that its bid for the Dovercourt Town Centre Improvement Corridor had been unsuccessful under the Levelling Up Fund. However, on March 15 2023, the Government had announced that the bid had been successful under the 'sister' fund called 'Capital Regeneration Projects' (CRP). The funding for the Dovercourt CRP included investments in improving the appearance of Dovercourt Town Centre, refurbishing the library for Adult Community Learning, and constructing nine new social homes by demolishing an outdated multi-storey carpark. The Council had received an MOU for the Dovercourt CRP and was required to sign and return it to the Government. The funding allocated for the Dovercourt CRP needed to be spent by March 2026. The Council was currently drafting Heads of Terms for agreements with Essex County Council to ensure compliance with the obligations stated in the MOUs with the Government.

For project delivery, the Council would programme manage the Clacton LUF and Dovercourt CRP schemes, reporting to the Regeneration Board and the LUF Delivery Programme Board, which included members from both this Council and ECC. The Council planned to engage with Essex County Council for its support in delivery whilst

maintaining appropriate oversight and control. Agreements with ECC would be signed to deliver the projects where the Council owned the land and ran services, and grant agreements would be signed for projects where ECC owned the land and ran services.

It was reported to Cabinet that financial risk management and value engineering had been considered during the design stage of the projects. The Council had reviewed funding and delivery schedules before signing agreements with contractors to mitigate financial risks. Lessons learned from similar projects, such as the Jaywick Starter Homes project and the Jaywick Sunspot project, had informed the Council's approach to delivering the LUF and CRP schemes.

Overall, the Council had actively worked towards the regeneration of Clacton and Dovercourt town centres, leveraging government funding and collaborating with Essex County Council to achieve the desired outcomes.

The Cabinet was reminded that the Council was reliant on its partners, such as Essex County Council, for the successful delivery of both the Clacton and Harwich Schemes.

The Leader of the Council noted and appreciated the hard work of the previous Administration in bringing these successful bids to the District.

It was moved by Councillor I Henderson, seconded by Councillor Bush and:-

RESOLVED that Cabinet –

- a) notes the five projects for delivery across the Clacton Civic Quarter and Dovercourt Town Centre bids, as set out in the submissions to Government and confirms its endorsement to both schemes progressing within the context as set out;
- b) accepts the £6,652,251 awarded to the Council for delivery of the Dovercourt Town Centre Improvement Corridor, following a successful Capital Regeneration Project award from Government, and authorises the Section 151 Officer to sign the associated Memorandum of Understanding with the Department for Levelling Up Housing and Communities (DHLUC);
- c) agrees the draw-down of £250,000 from the Council's Levelling Up Fund Budget of £2.291m to support the early preparation phases for development of the scheme for Dovercourt;
- d) authorises the Corporate Director (Place & Economy), in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree any associated expenditure for both Dovercourt and Clacton schemes, within the context of this report;
- e) agrees to the proposed approach for delivering the projects, as set out in this report, working in close partnership with Essex County Council, as an integral partner, noting subject to further business case approvals by Essex County Council;

- f) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism, in consultation with the Corporate Director (Place and Economy) and the Section 151 and Monitoring Officers, to approve the Heads of Terms for the various agreements;
- g) authorises the Corporate Director (Place and Economy) to approve the final terms and conditions of the agreements in consultation with the Section 151 and Monitoring Officers; and
- h) endorses the Portfolio Holder for Economic Growth, Regeneration and Tourism in forming a cross party 'Levelling Up' Working Party to receive project management updates at least four times a year on progress with the schemes, with particular attention to risk management for each individual project, budget and costings and delivery progress.

152. MANAGEMENT TEAM ITEMS

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

The Meeting was declared closed at 11.07 am

Chairman

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CABINET

21 JULY 2023

REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

A.1 SCRUTINY OF CHILDREN MISSING FROM EDUCATION

(Report prepared by Keith Durran)

BACKGROUND

On 7 March 2023 (minute 26 refers) the Community Leadership Overview & Scrutiny Committee (“the Committee”) received a report on the progress made since the Committee’s meeting on March 21, 2022 (minute 53 refers) in relation to Children Missing from Education.

Members had previously heard from representatives of Essex County Council (ECC) regarding their efforts to promote measures related to education legislation with the government, which the council had decided to support. The Committee expressed a desire to revisit the issue and receive an update on the situation concerning people who were home-educated or missing from education. The Council's Executive Projects Manager, Rebecca Morton, provided information on the safeguarding and educational status of school-age children who were being home-educated instead of attending mainstream schools. She referred to an email response from the Department of Education, which confirmed their position on the matter.

The ECC representatives, Anita Patel-Lingam and Michael O'Brien, then updated the Committee on the rising numbers of children being home-educated across Essex, a trend that was also observed nationally. It was highlighted that many families had chosen to continue home education even after the COVID-19 pandemic, and the various reasons families opt for home education were explained. The Committee was presented with the statistics showing the increase in home-educated children in Essex and Tendring.

The Committee invited a group of parents who provided home education for their children to speak about their experiences. The parents shared their reasons for choosing home education, how they structured their children's education, and the benefits they perceived. They also discussed the challenges they faced, such as limited access to exam centers for subjects beyond English, Maths, and Science, as well as the cost of resources and opportunities. Anita Patel-Lingam acknowledged these issues and expressed the council's awareness and willingness to address them.

The committee further questioned the parents about the support they received from the home education community, the resources they utilized, and their views on other parents who may not be as dedicated to home education. They also discussed concerns about parents who choose not to engage with local authorities, and Anita reassured the committee that decisions regarding mainstream education placement would be made in the best interest of the child. The committee deliberated on the development of guidelines for home education, and the parents emphasized the importance of flexibility in teaching methods.

COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATION(S) TO CABINET

RECOMMENDED TO CABINET:

- a) That representations be again made to see Academies provide access to sites in the locality where those that are home schooled can take examinations in a range of subjects close to home;
- b) That efforts be made to encourage further enhancement of a positive relationship between home educators and the County Council's education service. Including in policy development and home visits; and
- c) to support the collaborative work that was being talked about to identify those that are not attending school or being effectively home educated and taking the necessary steps to get them back into education.

PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET

The response of the Partnerships Portfolio Holder is as follows:-

"I would like to thank the Committee for their comments and recommendations. I have asked Officers to raise these matters at the next meeting of the Tendring Education Strategic Board, Attendance sub-group."

RECOMMENDATIONS TO CABINET:

That the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Partnerships Portfolio Holder thereto be endorsed.

CABINET

21 JULY 2023

REPORT OF THE LEADER OF THE COUNCIL & PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.2 TREASURY MANAGEMENT PERFORMANCE 2022/23

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report on the Council's treasury management activities and Prudential Indicators for 2022/23.

EXECUTIVE SUMMARY

- Borrowing and investments have been undertaken in accordance with the 2022/23 Annual Capital and Treasury Strategy that was approved by full Council on 29 March 2022.

- Summary of the Council's Borrowing Position:**

Amount Outstanding at the end of March 2023	Average Interest Rate Paid in 2022/23	Total Interest paid in 2022/23
£0.136m (General Fund)	7.082%	£0.010m
£34.563m (HRA)	3.555%	£1.262m

No external borrowing was undertaken in 2022/23 for either the General Fund (GF) or Housing Revenue Account (HRA).

- Summary of the Council's Investment Position:**

Value of Investments held at the end of March 2023	Average Interest rate on Investments 2022/23	Interest Earned on Investments 2022/23
£79.211m	1.774%	£1.630m

The amount of interest earned from investments increased greatly during the year due to the successive bank base rate rises of either 0.25% or 0.50% from 0.75% at the start of 2022/23 to 4.25% at the end of the year. As most investments are fixed for 6 months at a time, the increases did not feed immediately through to the investments held but did allow for a 'laddering' of deposits to lock in the increase. Estimated income was increased through the quarterly financial performance and budget reports during the year - from **£0.087 million** at the start of the year to **£1.150 million** at the end of the year, with the outturn figure being **£1.630 million** as set out in the table above.

- The Council continues to hold one property within its Commercial Investment Portfolio, which had a balance sheet value at 1 April 2022 of **£2.108 million**. This ‘book value’ was increased by the Council’s appointed valuers to **£2.364 million** at the end of 2022/23. However, this is an ‘accounting’ valuation and not a direct value that would be achieved on the market if it was sold. In-line with the budget, rental income of **£0.224 million** was earned on the property in 2022/23, in line with estimates.
- As reported to Cabinet in November 2022, during 2022/23 the Treasury Management limit of **£1.000 million** that can be held across the Council’s various current accounts on any one day was exceeded on 24 June 2022, when a total of **£1.074 million** was held across the various current accounts. This was due to the unexpected receipt late in the day on 24 June of **£0.130 million** which was expected on 27 June and there was insufficient time to move the money to an alternative bank account/investment. On 2 August 2022, the limit for the bank current accounts was again exceeded with **£1.007 million** held, due to the unexpected receipt late in the day of a payment from a developer of Section 106 monies of **£0.177 million**. Although Planning inform Finance of when they bill for Section 106 payments, in practice they are rarely paid to us on the day expected, which was the case in this instance. As no prior notification of this payment was received, no alternative arrangements could be made in time. In response to these two issues, additional ‘headroom’ is now provided against the relevant current accounts held with Lloyds Bank to enable more money to be received into the accounts without the risk of exceeding the limit.
- In addition to the above, an adjustment / intervention was also required in respect of the amount held within Money Market Funds during the year, with further details set out later on in this report.
- Treasury performance figures for the year are set out in **Appendix A** with Prudential Indicators attached as **Appendix B**.
- The impact of inflation is continuing in 2023/24, with further interest rate rises in May and June 2023, such that the bank base rate is now 5% and the latest interest rate forecast from the Council’s treasury management advisers suggests a further increase to 5.5% in autumn 2023 and then steady reductions in the rate during 2024/25 and 2025/26. Investment income budgets will be reviewed as part of the quarterly Financial Performance Reports and long-term financial planning processes.

RECOMMENDATION(S)

That Cabinet:

- a) notes the Treasury Management performance position for 2022/23; and**
- b) approves the Prudential and Treasury Indicators for 2022/23.**

REASON(S) FOR THE RECOMMENDATION(S)

To provide timely / key financial information to Members and to demonstrate compliance with the Treasury Management and Prudential Codes.

ALTERNATIVE OPTIONS CONSIDERED
Not applicable given the requirements set out elsewhere in this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
Good and effective Treasury Management supports the Council in delivery against its corporate goals and objectives.

OUTCOME OF CONSULTATION AND ENGAGEMENT
The treasury strategy for 2022/23 was consulted on with Resources and Services Overview and Scrutiny Committee before it was adopted by full Council on 29 March 2023 and this report sets out the outcome against the strategy.

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.

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2022/23. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

The Local Authorities (Capital Financing and Accounting) (England) Regulations 2003 include the requirement for local authorities to have regard to CIPFA guidance which this Council has adopted.

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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The recent Best Value Inspection Report for Thurrock Council highlights the importance of not only ensuring the Council acts in accordance with its Treasury Management Strategy but also that there is Member oversight of the transactions, with clear information on the implications of the decisions providing maximum openness and transparency. This is an annual process for Tendring District Council and accords with best practice.

FINANCE AND OTHER RESOURCE IMPLICATIONS
Treasury and Capital Management Strategies and procedures ensure that the Council's

investments and borrowing are undertaken in such a way as to minimise the Council's exposure to risk. At the same time, they 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:**

The S151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

This 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.

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. All money lent to Thurrock Council was fully repaid during the year and therefore no money remains invested with them.

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 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 any 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 Council has adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice for Treasury Management in the Public Services. The main reporting elements to comply with this code include the following:

- **An Annual Capital and Treasury Strategy approved by Cabinet after consultation with the relevant overview and scrutiny committee for recommending to Full Council.**
- **Regular monitoring reports that form part of the Council's Corporate Financial Performance Monitoring arrangements during the year.**
- **An annual treasury performance or outturn report for the preceding year that is presented to Cabinet.**

In terms of the second bullet point above, the following were reported during 2022/23.

There were two occasions where the limits that can be held in total across the current accounts were exceeded – these were reported to Cabinet on 4 November 2022.

1. The first issue occurred on 24 June 2022, when a total of **£1.074 million** was held across all the current accounts compared to the limit of **£1.000 million**. This arose as an expected payment of just over **£0.130 million** was received

too late in the day for the money to be moved to another investment or account.

2. The second issue occurred on 2 August 2022, when the total held across all current accounts totalled **£1.007 million**, which therefore exceeded the limit of **£1.000 million**. Although Planning inform Finance when they invoice a developer for Section 106 money, in practice this is never usually paid to the Council on the due date. Similarly to the above, a payment of just under **£0.177 million** was received too late in the day for the money to be moved to another investment or account.

To resolve both of the above issues, additional 'headroom' has been provided against the relevant current accounts held with Lloyds Bank to enable money to be received into the accounts without the risk of exceeding the treasury limit of **£1.000m**.

In addition to the above, due to human error, when two Money Market Funds were set up in December 2020, because they were both AAA rated the limit on each was taken to be £4 million, so a total of £8 million. However, it has now been established that the Council's treasury management policies have a separate category for Money Market Funds with the limit set at £2 million per Fund, so a total of £4 million. As soon as this was established in August, the amount held in each Fund was reduced to not more than £2 million. The Money Market Funds were set up initially to allow for greater liquidity due to the uncertainties around the Covid pandemic, grant payments received and the need to repay overpaid sums at unknown times. The Council's cash flow is now more certain and predictable.

In terms of the issues set out above, at no time was the Council's money at any greater risk given the relatively low risk tolerance taken to treasury management activities that is reflected within the treasury management practices.

This report sets out the necessary information in response to the third bullet point above and provides a summary of the treasury activities undertaken in 2022/23 (**Appendix A**) and final Prudential and Treasury Indicators at the end of 2022/23 (**Appendix B**), with revised figures for 2023/24 where relevant.

During 2022/23 the Council complied with its legislative and regulatory requirements and associated treasury management activity remained in accordance with the Treasury Strategy and Treasury Management Practices with further details in respect of specific borrowing and investment considerations set out in the next section of the report.

BORROWING AND INVESTMENTS 2022/23

Borrowing

The Base Rate set by the Bank of England rose throughout 2022/23 and has continued to rise in 2023/24, as set out in the table below.

Date of meeting	New rate	Increase
17 March 2022	0.75%	0.25%
5 May 2022	1.00%	0.25%
16 June 2022	1.25%	0.25%
4 August 2022	1.75%	0.50%
22 September 2022	2.25%	0.50%
3 November 2022	3.00%	0.75%
15 December 2022	3.50%	0.50%

2 February 2023	4.00%	0.50%
23 March 2023	4.25%	0.25%
11 May 2023	4.50%	0.25%
22 June 2023	5.00%	0.50%

The latest forecast from the Council's treasury advisors indicates that the base rate is expected to rise to 5.5% in September 2023 and to remain at that level until March 2024, with a drop back to 5.25% in June 2024, and then fall progressively each quarter to reach 2.5% in March 2026.

Public Works Loan Board (PWLB) rates have also risen alongside the base rate with the rates currently at 5.28% for 25 years and 4.97% for 50 years. These rates are all above the target rates set by the treasury advisors and have been since autumn 2022. As a result of this, an HRA maturity loan of **£0.800 million** that was repaid on 15 September 2022 has not been replaced by PWLB debt but has instead been replaced with internal borrowing. No external borrowing has therefore, been undertaken during the year. In respect of the General Fund, the Council is also 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. While interest rates remain elevated and the Council has sufficient cashflow to allow for internal borrowing, this remains the preferred strategy, with new borrowing only being considered once interest rates fall back to what the treasury advisors view as the 'long term normal level' of around 3%. The Council's current investment property was not financed by loan.

No new borrowing or restructuring of existing debt was undertaken for GF or HRA purposes in 2022/23. Principal on HRA debt continues to be repaid each year in line with the 30-year business plan. Debt rescheduling opportunities are limited in the current economic climate with no debt rescheduling taking place in 2022/23.

As reported / agreed during the year, the cost of the redevelopment of the Honeycroft site is now being met from capital receipts, as an alternative to borrowing the money, which was an initial option considered within earlier treasury reports.

No temporary borrowing from the markets was required during the year.

One of the key prudential indicators relates to the Council's Authorised Borrowing Limit. It is therefore worth highlighting that borrowing has been maintained within the Council's Authorised limit as set out below:

Key Indicator	Limit 2022/23	Amount Borrowed (Internal and External)
Authorised borrowing	£76.333m	£40.183m

Investments

The year saw continual growth over the period in cumulative investment returns compared to estimates, as set out in the table below.

Date	Estimated Amount £m	Actual amount £m
30/4/22	£0.015	£0.032

31/5/22	£0.023	£0.091
30/6/22	£0.032	£0.158
31/7/22	£0.040	£0.233
31/8/22	£0.048	£0.329
30/9/22	£0.055	£0.441
31/10/22	£0.420	£0.577
30/11/22	£0.478	£0.750
31/12/22	£0.536	£0.951
31/1/23	£0.967	£1.170
28/2/23	£1.061	£1.376
31/3/23	£1.150	£1.630

The weighted average length of investments made during 2022/23 was 44 days. This reflects the fact that most deals are placed with the DMO for short periods (total of **£587 million** over the year). The average investment interest rate for the year was **1.774%** and this has been benchmarked against average SONIA benchmarks for 2022/23 in **Appendix A**, where SONIA is the Sterling Overnight Index Average. The average rates for a range of maturities are shown in the table below, with the Council's own investment returns broadly reflecting these comparisons.

Measure	Bank Rate	SONIA 30 day	SONIA 90 day	SONIA 180 day	Tendring DC
Average rate	2.30	2.09	1.81	1.42	1.77

The Council manages its investments in-house and invests in accordance with the approved strategy. The Council invests for periods of time dependent on the Council's cash flows, the view as to future interest rate movements and the interest rates offered by counterparties whilst balancing various risks such as interest rate risk and counterparty risk.

The Council's investments continued across the following investment types:

- Deposits at fixed rates and for fixed terms with other local authorities and the Government's Debt Management Office (DMO)
- Deposits at fixed rates and for fixed terms with UK-based banks and building societies meeting the counterparty risk criteria
- Treasury bills, which are tradeable but if held to maturity are at fixed rates
- Certificates of deposit, which are tradeable but if held to maturity are at fixed rates
- Use of deposit accounts with UK banks and the two Money Market Funds for liquidity

Further details on how the investment types changed over the year is set out below.

A significant proportion of the Council's investments were still made with other local authorities. Money also continued to be placed with the Bank of England's Debt Management Facility (DMO) throughout the year and treasury bills were also purchased during the year. A total of **£700.347 million** was placed with UK government during the year (with **£688.547 million** repaid). Over the year **£16.000 million** of Certificates of deposit with banks meeting the Council's criteria were purchased, along with some fixed deposits with Building Societies and the call accounts and Money Market Funds, leading to a total of **£60.280 million** placed with UK financial institutions over the year. Both government and local authority investments fit well with the Council's low appetite for risk with the security and liquidity of the investment the prime concern.

The total invested in local authorities at 31 March 2023 was **£58.500 million** out of a total investment of **£79.337 million**, with a further **£10.300 million** invested short term with the Debt Management Office and **£3.442 million** invested in two Money Market Funds. A total of **£2.094 million** was placed in call accounts, **£2.000 million** with a Building Society and the remaining **£3.000 million** was invested in Certificates of deposit.

With lower levels of Covid grant funding, although this repeatedly went out and came back through the DMO through the year, aggregated investments reached just over **£760 million** for the year as set out in **Appendix A**.

The Council receives regular credit rating updates during the year following which the appropriate action is taken as soon as practical where the credit rating falls below the minimum ratings, which form part of the Council's Treasury Management Practices.

The UK holds an AA rating with one rating agency, AA- with a second and Aa3 with the third, with the lower grades not having a specific adverse impact on the Council's treasury activities at the present time.

In accordance with the Council's Commercial Property Investment Policy, an annual update on the portfolio is set out below.

In August 2017 the Council purchased an investment property in the District. The purchase was financed partly from capital receipts and partly from revenue resources, so there was no increase in indebtedness arising from the purchase. The purchase price, including stamp duty, was **£3.244 million**. At 31 March 2018 the property had been revalued to **£3.100 million** (the purchase price less stamp duty tax). In each subsequent year the Council's appointed valuer has revalued the property for the purposes of the Council's Statement of Accounts and the fair value has changed as set out in the table below.

Date	Comment	Value £ million	Impairment / Gain £ million
August 2017	Purchase	3.244	0.000
March 2018	Revalued – exclude stamp duty	3.100	0.144
March 2019	Revalued	2.300	0.800
March 2020	Revalued	2.155	0.145
March 2021	Revalued	1.985	0.170
March 2022	Revalued	2.108	(0.123)
March 2023	Revalued	2.364	(0.256)

A gain of **£0.256 million** is recognised in the Council's 2022/23 statement of accounts, which is charged to revenue within the Comprehensive Income and Expenditure Statement and then reversed out through the Movement in Reserves Statement so that it does not affect the amount that needs to be financed. It is worth highlighting that the above adjustments reflect the necessary end of year accounting adjustments and therefore do not necessarily reflect the value of the property on the open market. This remains as the only property in the portfolio.

In terms of the performance of the property, during the year the rental income was **£0.224 million**. The annualised amount represents an annual rate of return of over 6% compared to the purchase price including stamp duty. The property is therefore performing satisfactorily

against the financial target with the budgeted investment income achieved for the 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 any shorter-term position in isolation.

The original leasehold occupier of the property ceased trading from the property in back in November 2018 with the property remaining sublet, a position expected to remain for the unexpired period of the lease (approximately 3 years). It is 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.

Given the above, there are no current risks to the Council's long-term forecast or significant changes to the risk of holding commercial property, but this will be reviewed on an on-going basis with any changes required to be made to the forecast set out as part of the financial strategy process over the year.

Compliance with Treasury and Prudential Limits

During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Council's annual Treasury Strategy. The outturn for the Prudential Indicators is shown in **Appendix B**.

PREVIOUS RELEVANT DECISIONS

Approval of the Annual Capital & Treasury Strategy 2022/23 – Item A.5 Full Council 29 March 2022.

Financial Performance Report 2022/23 and 2023/24 – General Update at the end of Q2 – Item A.5 Cabinet 4 November 2022.

Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – Items A.3 Cabinet 16 December 2022.

Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – Items A.4 Cabinet 27 January 2023.

Executive's Proposals – General Fund Budget and Council Tax 2023/24 – Item A.1 Full Council 14 February 2023.

Executive's Proposals – Housing Revenue Account Budget 2023/24 – Item A.2 Full Council 14 February 2023.

Financial Performance Report 2022/23 and 2023/24 – General Update at the end of Q3 – Item A.3 Cabinet 17 March 2023.

Financial Outturn 2022/23 Report – To provide an overview of the financial outturn for the year 2022/23 and to seek approval of the associated financial decisions related to the end of year accounting processes. Report agreed by to the Portfolio Holder for Finance and Governance under delegated Powers – 10 July 2023.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A Treasury Performance figures 2022/23

Appendix B Prudential and Treasury Indicators 2022/23

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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1 Borrowing**1a Long Term Debt**

Principal	Opening Balance 1 April 2022 £'000	New Borrowing £'000	Principal Repaid £'000	Balance at 31 March 2023 £'000	Average Debt for Year £'000
Long Term Borrowing					
PWLB - General Fund	144	0	8	136	140
PWLB - Housing Revenue Account	36,777	0	2,214	34,563	35,541
Total Long Term Borrowing	36,921	0	2,222	34,699	35,681

Average Interest Rates	Average Interest Rate 1 April %	New Borrowing %	Principal Repaid %	Average Interest Rate 31 March %	Average Interest Rate for Year %
Long Term Borrowing					
PWLB - General Fund	7.101	0.000	7.912	7.057	7.082
PWLB - Housing Revenue Account	3.548	0.000	3.441	3.555	3.551
Overall Long Term Borrowing	3.562	0.000	3.457	3.569	3.565

Interest paid relating to 2022-23

General Fund	10
Housing Revenue Account	1,262
	<u>1,272</u>

Long term debt is defined in legislation as loans repayable over more than one year.

1b Total debt

Average debt over the year	£35,681
Interest paid relating to 2022-23	£1,272
Average interest rate for year	3.565%

This includes interest paid on temporary debt

1c Budget for Total Interest Paid

	Original Estimate £'000	Out-turn £'000	Variation from Budget £'000
General Fund	11	10	(1)
Housing Revenue Account	1,276	1,262	(14)
Total Interest Paid	1,287	1,272	(15)

2 Investments

2a Temporary Investments

Principal	Opening Balance 1 April 2022 £'000	New Investments £'000	Investments Repaid £'000	Balance at 31 March 2023 £'000	Average Investments for Year £'000
Investments less than a year					
Investments with UK Government via Treasury Bills, DMO, Local Authorities and other public bodies	57,000	700,347	688,547	68,800	
Investments with UK Financial Institutions (including Money Market Funds)	20,655	60,280	70,524	10,411	
Investments with non-UK Financial Institutions	0	0	0	0	
Total Temporary Investments	77,655	760,627	759,071	79,211	90,952



Average Interest Rates	Average Interest Rate 1 April %	Average Interest Rate 31 March %	Average Interest Rate for Year %
Temporary Investments	0.401	3.658	1.774

2b Budget for Total Interest Earned

	Original Estimate	Revised final Estimate £'000	Out-turn £'000	Variation from Revised Budget £'000
Total Interest Earned	(87)	(1,150)	(1,630)	480

3 Comparison of interest earned to SONIA benchmarks for 2022/23

	Bank rate	30 day	90 day	180 day
High	4.25	4	3.78	3.27
High Date	23/03/23	31/03/23	31/03/23	31/03/23
Low	0.75	0.57	0.39	0.23
Low Date	01/04/22	01/04/22	01/04/22	01/04/22
Average	2.30	2.09	1.81	1.42
Spread	3.50	3.43	3.39	3.04

SONIA is Sterling Overnight Index Average and these are the average rates for the periods shown

PRUDENTIAL INDICATORS

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 £000s	2022/23			Notes	2023/24 as	Amended
	2021/22 Actual	Approved budget	2022/23 Actual		agreed by full Council 2 March 2023	2023/24 for carry forwards
Total Capital Expenditure	4,308	16,498	3,931		827	12,798
Financing - General Fund						
External contributions	(141)	(902)	(505)		-	(397)
Section 106	(1)	(163)	(80)		-	(81)
Coast protection grant	(451)	-	-		-	-
Other Government grants	(13)	(951)	(242)		-	(709)
Disabled Facilities Grant	(666)	(8,730)	(993)		(757)	(8,494)
Capital receipts	-	(1,000)	-		-	(1,000)
Direct revenue contributions	(222)	(905)	(178)		(70)	(778)
Earmarked reserves	(2,814)	(3,847)	(1,933)		-	(1,339)
Total Capital Financing	(4,308)	(16,498)	(3,931)	-	(827)	(12,798)
Net Financing need (External Borrowing)	0	0	0		0	0

Housing Revenue Account Capital Schemes £000	2022/23			Notes	2023/24 as	Amended
	2021/22 Actual	Approved budget	2022/23 Actual		agreed by full Council 2 March 2023	2023/24 for carry forwards
Total Capital Expenditure	4,317	11,049	7,351		7,978	11,882
Financing - Housing Revenue Account						
Major repairs reserve	(3,089)	(4,178)	(3,940)		(3,314)	(3,764)
Direct revenue contributions	(187)	(1,570)	(43)		(614)	(2,141)
Section 106	(774)	(333)	(328)		-	-
Capital receipts	(68)	(65)	-		(4,050)	(4,114)
External contributions	(199)	(4,197)	(2,745)		-	(1,452)
Government grant	-	(706)	(295)		-	(411)
Total Capital Financing	(4,317)	(11,049)	(7,351)		(7,978)	(11,882)
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	2022/23			Notes	2023/24 as
	2021/22	2022/23	2022/23		agreed by full
	Actual	Estimate	Actual		Council 2 March 2023
	£000	£000	£000		£000
General Fund	5,021	4,820	4,820		4,627
Housing Revenue Account	36,777	35,363	35,363		33,949
Total	41,798	40,183	40,183		38,576

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	2022/23	Notes	2023/24 as agreed by full Council 2
	Actual	Estimate	Actual		March 2023
	£000	£000	£000		£000
Capital Financing Requirement	41,798	40,183	40,183		38,576
External debt	36,921	34,699	34,699		33,277
Internal borrowing	4,877	5,484	5,484		5,299

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	2022/23	Notes	2023/24 as agreed by full Council 2
	Actual	Estimate	Actual		March 2023
	£000	£000	£000		£000
Operational boundary - borrowing	67,180	67,723	67,723		65,584
Authorised limit - borrowing	75,820	76,333	76,333		75,609

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, but this is no longer net of investment income.

ESTIMATE OF THE RATIO OF FINANCING COSTS TO NET REVENUE	2021/22	2022/23	2022/23	Notes	2023/24 as agreed by full Council 2
	Actual	Estimate	Actual		March 2023
	£000	£000	£000		£000
General Fund	1.63	1.65	1.81		1.41
Housing Revenue Account	40.13	45.65	42.14		42.95

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	2022/23	Notes	2023/24 as agreed by full Council 2
	Actual	Estimate	Actual		March 2023
	%	%	%		%
General Fund	n/a	-1.78	-1.93		-1.60

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	2022/23	Notes	2023/24 as
	Actual	Estimate	Actual		agreed by full
	£000	£000	£000		Council 2
Upper limit for Fixed Interest Rates on debt	41,798	40,183	40,183		March 2023 £000 38,576
Upper limit for Variable Interest Rates on debt (based on 30% of the fixed rate limit)	12,539	12,055	12,055		11,573

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	2022/23	Notes	2023/24 as
	Actual	Estimate	Actual		agreed by full
	£000	£000	£000		Council 2
Limits on the total principal sum invested to final maturities longer than 364 days	3,500	3,500	3,500		March 2023 £000 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	Actual	2023/24 as	
			outstanding	agreed by full	
			debt maturity	Council 2	
	%	%	% at	March 2023	
			31/03/2023	31/03/2024	
Under 12 months	25	0	4.10%	7.88%	
12 months and within 24 months	30	0	7.56%	7.28%	
24 months and within 5 years	60	0	17.10%	13.83%	
5 years and within 10 years	75	0	14.60%	14.07%	
10 years and above	95	25			
10-20 years			13.41%	11.86%	
20-30 years			25.49%	33.06%	
>30 years			17.29%	12.02%	

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	2022/23	2022/23
	Actual	Actual	Upper limit
Average credit score for investments	1.18	1.17	2.00

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NOTICE OF EXECUTIVE DECISION TO BE TAKEN UNDER THE GENERAL EXCEPTION PROCEDURE

Date decision is due to be taken	Decision Maker	Proposed Decision	Reason(s) for Requesting Consent to use the General Exception Procedure	Alternative Options Considered	Conflicts of Interest Declared <small>(and Dispensations granted by the Monitoring Officer)</small>	Consultation with relevant Ward Member(s) Yes/No	Will the Decision be Subject to Call-in once made? Yes/No
21 July 2023	Cabinet	<p>a) The Council enters into a Service Level Agreement with Citizen’s Advice Tending for a year from 1 April 2023 for the provision of an information and advice service and allocates funding provision, and</p> <p>b) The Council allocates funding to the ongoing provision of the Mental Health Hub by Citizen’s Advice Tending up to 31 March 2024.</p>	<p>Consideration of the Subsidy Control Act 2022 to allocate funding has identified it is unclear of the exact actions to allocate funding. Although it is likely that a subsidy scheme is required.</p> <p>As the exact route to do this was still under consideration 28 days were not available prior to the next Cabinet meeting on 21 July 2023 for a decision to be taken in relation to funding.</p> <p>If the decision is not taken at the July meeting the next available Cabinet meeting is in October 2023 which may be too late to allocate funding for services to continue.</p>	<p>If the decision is not taken at this Cabinet the next potential date for a decision is October 2023 which is likely to be too late for any service provision to continue</p>	None	No, as not ward specific	Yes

LEAD OFFICER FOR THE PROPOSED DECISION: Anastasia Simpson – Assistant Director Partnerships		
PORTFOLIO HOLDER FOR THE PROPOSED DECISION: Leader of the Council Councillor Mark Stephenson -		
AGREEMENT TO DECISION BEING TAKEN UNDER THE GENERAL EXCEPTION PROCEDURE:-		
Signed:- Councillor Paul Honeywood (consent given via email) Councillor Paul Honeywood, Chairman of the Resources and Services Overview & Scrutiny Committee	Date:- 2 July 2023	Constitution Reference:- Part 5.8 – Access to Information Procedure Rule 14 (General Exception)

**Original signed copy to be retained by Service.
Electronic copy to be sent to Ian Ford, Keith Durran and Bethany Jones (in Committee Services) for publication.**

CABINET

21 JULY 2023

**REPORT OF THE LEADER OF THE COUNCIL AND
PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE**

A.3 CREATION OF ADDRESSING HEALTH INEQUALITY – ADVICE, SUPPORT AND MENTAL HEALTH SUBSIDY SCHEME 2023/24 & SERVICE LEVEL AGREEMENT TO CITIZENS ADVICE TENDRING

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To create an Addressing Health Inequality – Advice, Support And Mental Health Subsidy Scheme 2023/24 and grant funding directly to Citizens Advice Tendring (CAT) as part of the core funding under a Service Level Agreement and the Mental Health Hub.

An approved Addressing Health Inequality – Advice, Support and Mental Health Subsidy Scheme will ensure the Council is compliant with the Subsidy Control Act 2022 by providing justification for direct granting funding to CAT should the funding fall under the new legal definition of a subsidy.

To agree an updated Service Level Agreement (SLA) with Citizens Advice Tendring (CAT) for 2023/24 and to provide funding in relation to the Mental Health Hub.

EXECUTIVE SUMMARY

[The Subsidy Control Act 2022](#) (“the Act”) came into force in January 2023 and sets out the UK subsidy control rules for public authorities. A ‘subsidy’ is where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on commercial terms. Subsidies can give recipients an unfair advantage over their competitors or be an inefficient use of public money if they do not bring about net positive change.

The Council is responsible to consider the effect of the funding they will award. Subsidies should only be given in the public interest to address a market failure or equity concern, and if awarded, should be done in a way that minimises any negative impact on competition and investment to help ensure public money is used in an effective and efficient way.

The Government’s introduction to subsidy control states *“To minimise these risks and increase the likelihood that subsidies achieve positive outcomes, the UK subsidy control regime regulates subsidies given in the UK to prevent any excessively distortive or harmful effects. The regime is designed to be flexible, to allow public authorities to support business growth and innovation, promoting competition and investment in the UK. Under the regime, public authorities can deliver subsidies that are tailored to local needs to deliver their strategic priorities.”*

The [UK subsidy control statutory guidance](#), issued by the Secretary of State under Section 79 of the Act, in November 2022 and updated in June 2023, explains public authorities’ legal

obligations under the regime and provides a framework for designing and giving subsidies in a way that is consistent with the Act. In Chapter 3, the guidance advises that if a financial assistance measure meets the legislation definition of a subsidy, it will need to be assessed against the seven subsidy control principles. Subsidy schemes must be assessed against the subsidy control principles and cannot be made unless the public authority decides the scheme is consistent with the principles.

The seven subsidy control principles (“the Principles”) are as follows:

- **Principle A: Common Interest**

Subsidies should pursue a specific policy objective in order to remedy an identified market failure or address an equity rationale (such as local or regional disadvantage, social difficulties or distributional concerns).

- **Principle B: Proportionate and Necessary**

Subsidies should be proportionate to their specific policy objective and limited to what is necessary to achieve it.

- **Principle C: Designed to change economic behaviour of beneficiary**

Subsidies should be designed to bring about a change of economic behaviour of the beneficiary. That change, in relation to a subsidy, should be conducive to achieving its specific policy objective, and something that would not happen without the subsidy.

- **Principle D: Costs that would be funded anyway**

Subsidies should not normally compensate for the costs the beneficiary would have funded in the absence of any subsidy.

- **Principle E: Least distortive means of achieving policy objective**

Subsidies should be an appropriate policy instrument for achieving their specific policy objective and that objective cannot be achieved through other, less distortive, means.

- **Principle F: Competition and investment within the UK**

Subsidies should be designed to achieve their specific policy objective while minimising any negative effects on competition and investment within the United Kingdom.

- **Principle G: Beneficial effects should outweigh any negative effects**

Subsidies’ beneficial effects (in terms of achieving their specific policy objective) should outweigh any negative effects, including in particular negative effects on competition and investment within the United Kingdom, and international trade and investment.

The direct funding Tendring District Council proposes to grant to Citizens Advice Tendring (CAT) is considered a ‘subsidy’ for the reasons set out within the report, and consequently, has been assessed against the Principles using the recommended framework and template, as set out in Appendix A. To be able award any financial assistance directly to CAT, Cabinet must be

satisfied the proposed Scheme is consistent with the Principles.

The Addressing Health Inequality – Advice, Support and Mental Health Subsidy Scheme 2023/24 (“the Scheme”) will seek to provide a comprehensive advice and support service and a Mental Health Hub provision, which is freely accessible to residents via trusted providers on a competent basis delivering a wide range of support to an appropriate quality standard. The Scheme will operate for one year.

The Scheme meets the Principles, as it seeks to achieve a policy objective within the Council’s Corporate Plan, to deliver health and wellbeing for effective services and improved public health, is proportionate to deal with increasing demand for services by a local trusted organisation and will positively affect the recipients’ activity to ensure they continue to provide a comprehensive advice and a Mental Health Hub service.

Without funding, the recipient would not be able to meet the demand for services to the public and it is an appropriate policy instrument as the Council does not provide the services, and this activity will be delivered by a competent, trusted and accessible organisation. It is not considered, that the subsidy will have a negative effect on competition, as there are specific requirements around comprehensive, competent local free and impartial provision by a trusted organisation, which residents are happy to and regularly access. Benefits outweigh any negative effects as there is increasing demand for the service to help address health inequalities in an area of high deprivation and there are specific requirements needed for delivery of this provision.

The Subsidy Control Act 2022 imposes transparency obligations on public authorities awarding subsidies to promote accountability and enable the public to see how money is spent. Public authorities must ensure that the details of subsidies they award, or subsidy schemes they make, are uploaded to the UK subsidies database ([GOV.UK - Public user search page \(beis.gov.uk\)](https://www.gov.uk/guidance/public-user-search-page)). It is therefore recommended, the Addressing Health Inequality – Advice, Support and Mental Health Subsidy Scheme 2023/24 is approved using the completed subsidy control assessment as evidence. Subject, to its approval, the proposed funding for CAT be awarded, and published on the UK subsidies database on behalf of Tendring District Council in order to be compliant with the Act when granting the funding.

Any grant of funding to CAT would be consistent to previous years, in that it is supported by an annual Service Level Agreement, also agreed by Cabinet. This arrangement supports the provision of free, confidential and impartial advice to our residents across a wide range of issues. Since 2013/14, the core grant awarded each year has been £144,000, payable in two instalments of £72,000.

Funding will also support a Mental Health Hub that CAT have operated for a number of years which is a single point of access for a holistic assessment and intervention for vulnerable residents who have poor mental health. The Hub provides a broad range of support for those who attend including an opportunity for volunteering which may help to lead to employment. In order to grant this funding, TDC must ensure that doing so will be compliant with subsidy control regulations.

Data produced by CAT shows that during the past year, although client numbers have remained the same, the number of issues dealt with by telephone and email have risen by 57% (8765 to 13,739) as people arrive with multiple and complex issues for example around energy and cost of living crisis and the ongoing effects of the pandemic. In addition 4000 residents

have chosen to drop-in at their face-to-face venues.

CAT have also operated the Mental Health Hub (“the Hub”) for eight years, which is a single point of access for a holistic assessment and intervention for vulnerable residents who have poor mental health. The Hub provides a broad range of support for those who attend including an opportunity for volunteering which may help to lead to employment. The Hub is funded by Tendring District Council, Essex County Council, the Police, Fire and Crime Commissioner and the Integrated Care Board. The lead commissioner is the Integrated Care Board and they provide and hold the Service Level Agreement on behalf of all the other funders. The contribution from Tendring District Council is £28,000 per year.

It is acknowledged that the Act may have wider implications across the Council and therefore, it is recommended that the Council undertakes a review during 2023/24 of all of its grant funding to establish whether it wishes to produce a wider Subsidy Scheme covering a range of initiatives and functions and consider alternative options.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) approves the Addressing Health Inequalities – Advice, Support and Mental Health Subsidy Scheme for 23/24, assessed as being consistent against the Seven Principles as set out in Appendix A;**
- b) delegates authority to the Assistant Director for Partnerships in consultation with the Leader and Monitoring Officer, to finalise administrative requirements for the production of the Subsidy Scheme in accordance with the Act and Statutory Guidance, prior to any awards;**
- c) subject to (a) and (b) above, endorses awards Citizens Advice Tendring direct grant funding of £144,000 and £28,000 for 2023/24 and notification of such is published on the Government’s database;**
- d) agrees to enter into a Service Level Agreement with Citizens Advice Tendring (CAT) from 1st April 2023 until 31st March 2024 on the terms and conditions as set out in the updated agreement shown in Appendix B; and**
- e) approves a review of grant funding across the Council and a requests a report following the review is presented to Cabinet considering the options available during 23/24 in readiness for the commencement of 24/25.**

REASON(S) FOR THE RECOMMENDATION(S)

To ensure the Council is following its legal obligations under the Subsidy Control Act 2022 and statutory guidance.

CAT continues to support Tendring residents and offers value for money.

To enable a review to be undertaken of all grant funding and present options for consideration.

ALTERNATIVE OPTIONS CONSIDERED

The Council could cease funding CAT however, the wider implications of this option would need to be considered and consulted upon, especially as the Council has been contributing to funding these services for residents for 10 years.

Some of the duties performed by CAT could potentially be offered in-house by TDC employees for example housing benefits advice however Council staff do not have the knowledge to provide advice on wider benefits such as Universal Credit, or other types of advice requested by clients, such as gambling addiction and suicide prevention.

The Council could offer the grant funding to the open market, which is not recommended at this stage, however is an option which will need to be considered through the recommended review.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The creation of a Addressing Health Inequalities – Advice, Support and Mental Health Subsidy Scheme and subsequent provision of the funding will help to deliver Community Leadership through the Partnerships theme of the Corporate Plan and its objectives around health and wellbeing for effective services and improved public health

The partnership working with CAT is consistent with the Council's commitment to put Community Leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

OUTCOME OF CONSULTATION AND ENGAGEMENT

None. Should the Council decide it wishes to explore alternative options, consultation and engagement will be required in accordance with Local Government Act 2003.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate 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)	Notification of a Key Decision was not published within 28 days of the Cabinet meeting, however due to the impact on CAT in being able to deliver the ongoing services to TDC resident requirements the General Exception procedure rules have been used to seek agreement for the decision to proceed to the July Cabinet

The Council in giving financial assistance, directly or indirectly, from public resources, which includes funds must satisfy itself whether the support they are proposing to provide amounts to a subsidy under the UK subsidy control rules established under the Subsidy Control Act 2022 ("the Act").

A 'subsidy' is where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on

commercial terms. This could include, for example, a cash payment, a grant, a loan with interest below the market rate or the free use of equipment or office space.

To enable the Council to assess whether the support they are proposing is a 'subsidy', as defined in the Act, it must apply a four limbed test. Financial assistance will be considered a subsidy where it satisfies all four of the 'limbs' of the test. Limb A is satisfied because the Council is a public authority providing financial assistance to CAT.

The Council must have regard to the Statutory Guidance issued in November 2022, and updated in June 2023, by the former Secretary of State for the Department for Business, Energy & Industrial Strategy under section 79 of the Act.

Limb B (para 2.17 of the Guidance):

The financial assistance confers an economic advantage on one or more enterprises. This limb has two components. Firstly, the recipient of the assistance must be an enterprise: any entity (that is, any person, or groups of persons under common control) that is engaged in an economic activity, which means offering goods and services on a market. If the recipient is engaged in both economic and non-economic activity, it should be considered an enterprise only in relation to its economic activity.

For the purposes of the Service Level Agreement (SLA) and direct annual grant award to Citizens Advice Tendring ("CAT"), a determination needs to be made as to whether the financial assistance confers an economic advantage on one or more enterprises?

To fall within the Act, the recipient must be an 'enterprise': any entity engaged in an economic activity, which means offering goods and services on a market. The fact that the recipient is a Charity or a non-profit organisation is irrelevant, it is the activity being provided which needs exploring.

The SLA with CAT, attached to the Cabinet Report in May 2022 (Appendix C), stated in the preamble:

(B) The Council wishes to support the Services of CAT for the purpose of providing an information and advice service operated within the aims, principles and policies of Citizens Advice subject to an agreed grant and to a defined level of service as hereinafter provided

In Schedule 2 of the Agreement (Service Objectives and Specifications) the Aims of the Service is set out in 2.1 for the Citizens Advice service to provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination. The service aims:

- To work proactively to enhance community resilience.
- To provide the advice people need for the problems they face.
- To improve the policies and practices that affect people's lives.

The third and fourth parts of the Subsidy tests are:

C. Is the financial assistance specific? That is, has the economic advantage been provided to one (or more than one) enterprise, but not to others?

This covers financial assistance provided to specific beneficiaries determined on a discretionary basis by the government, as well as assistance that benefits (directly or indirectly) only enterprises in a particular sector, industry or area, or with certain characteristics.

D. Will the financial assistance have, or is it capable of having, an effect on competition or investment within the UK, or trade or investment between the UK and another country or territory?

To constitute a subsidy, the assistance must have a genuine effect that is more than incidental or hypothetical on competition or investment in the UK, or on international trade or investment.

Advice from government has been to interpret these last two limbs widely. It is understood, that there are possibly other agencies and organisations within the voluntary sector who could provide the services being offered by CAT, who have not had the opportunity to apply for the funding available. Going forward more market research in this area is required, although it is accepted that the Citizen's Advice Bureau is a brand people trust.

The SLA with CAT specifically states that the organisation receives funding from ECC – therefore, it is clear they are receiving financial assistance from other public resources. The Council is aware the ECC is also reviewing its approach to ongoing funding to the voluntary sector.

Overview of Chapter 6 of the Statutory Guidance: The Act contains provisions for public authorities to provide subsidies for Services of Public Economic Interest (SPEI). These are essential services provided to the public and may include, for example, postal services, social housing, and certain transport networks, particularly in rural or less populated areas of the

country. Without these subsidies, these services would not be supplied in an appropriate way or may not be supplied at all by the market.

Paragraph 6.8, states public authorities should also consider whether public spending on an SPEI confers an advantage on the SPEI enterprise. As set out Chapter 2 and Annex 1 (see below for an extract), public authorities will generally be acting in accordance with the Commercial Market Operator (CMO) principle when they engage in competitive public procurement for goods or services. Payment for the goods or services purchased through a competitive process will, therefore, not generally be considered to confer an economic advantage, as the public authority will be purchasing such goods or services at a market rate. This is an option, which should be assessed and taken into account in any future decisions on how funding being available, is more widely accessible for services and functions.

Statutory Guidance - Annex 1:

What is economic activity?

15.15. The activity in question does not have to generate profits in order to constitute an economic activity. Therefore, public, or private bodies that operate on a voluntary or non-profit basis, such as charities, can also constitute an enterprise, where they offer goods and services on a market.

15.16. Where a person engages in both economic and non-economic activities, it will be considered to be an enterprise only in relation to those activities which are economic in nature. Therefore, public authorities should not ask the recipients of financial assistance to confirm that they are not an enterprise but should instead seek to understand the nature of the activities they undertake.

15.17. The charging of fees (e.g., usage fees, entrance fees) does not necessarily mean an organisation should be considered to be engaged in economic activity, especially where these fees are nominal or represent only a small portion of the funding for the activities.

15.18. Where public authorities provide financial assistance in support of a person or body's non-economic activities, such financial assistance will not be considered to constitute a subsidy where it is ensured that the financial assistance cannot be used to cross subsidise the person or body's economic activities. This can be ensured by the use of a clear separation of accounts or other methods of ring-fencing.

The financial assistance must confer an economic advantage, meaning it is provided on favourable terms. Financial assistance will not confer an economic advantage if it could reasonably be considered to have been obtained on the same terms on the market. For this reason it is clear that the ongoing direct award of £144,000 to CAT cannot continue in light of

the Subsidy Control Act 2012, unless and until the Council approves its own scheme for financial assistance, which the legislation and framework permits. A scheme is **“a set of rules that describes the eligibility, terms, and conditions for any number of possible subsidies to be given under the scheme”** (Guidance).

The 7 principles that public authorities must consider when giving a subsidy or making a scheme are set out in elsewhere in the report. The Addressing Health Inequalities – Advice, Support and Mental Health Subsidy Scheme Assessment Template (Appendix A) highlights how the Subsidy Scheme addresses the seven principles, information on the outcome of the assessment is provided below:

Principle A – Common Interest, the Subsidy Scheme meets the policy objective within the Corporate Plan to deliver health and wellbeing for effective services and improved public health and in addition identifies the local need in terms of health inequality as Tendring is one of the 20% most deprived authorities in the country and there are high levels of anxiety and depression and severe mental health. The life expectancy for men is 10.7 years less and 6.5 years less for women than for those least deprived areas in the UK and 23% of households are workless which is much higher than the England and East average.

Principle B – Proportionate and Necessary, the Subsidy Scheme identifies the increasingly high level of demand with 35000 contacts per year and highlights the local nature of the required provision, which is accessible via a locally trusted organisation providing free and impartial support who can cover a range of issues with competent staff and demonstrate quality of provision. With high levels of poor children’s mental health, self-harm and suicide there is a requirement for a diverse range of mental health support for example around a Mental Health Hub.

Principle C – Designed to change the economic behaviour of the beneficiary, the provision of the proposed services could not be undertaken at their current level, with an increasing demand, if the funding was not provided and in terms of the Mental Health Hub wider external funding is also required to be able to ensure it can operate.

Principle D – Costs that would have been funded anyway, The services would not be provided to the level required without provision of the subsidy and in terms of the Mental Health Hub wider partner match funding has been obtained to make the service viable demonstrating that these services would not have been funded anyway. Provision of this funding will be in line with wider requirements by the recipient to develop more sustainable funding streams and understand funding priorities demonstrating that this service could not be provided without funding

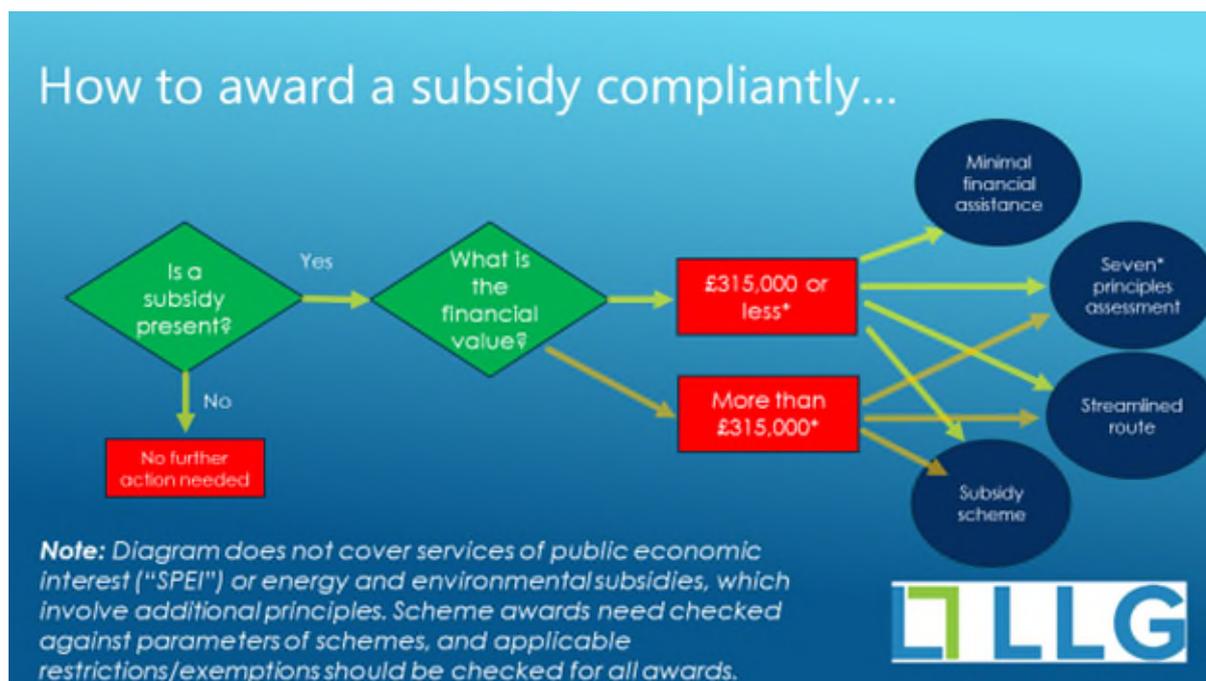
Principle E – Least distortive means of meeting the policy objective, it is the most appropriate instrument to achieve the significant need in the area as the services cannot be delivered by the Council as it does not have the necessary skills and the provision needs to be highly accessible to residents and seen as free and impartial providing a breadth of services to

provide comprehensive support and which residents already see as accessible

Principle F – Competition and investment in the UK, the scheme seeks to minimise negative effects on competition as there are specific requirements in terms of access for residents to see this as trusted, free and impartial provision providing a competent one stop shop approach to deal with multiple issues, directly located in the community.

Principle G – Beneficial effects should outweigh any negative effects, there is an increasing demand for the service in an area suffering considerable deprivation and the scheme seeks to provide comprehensive general advice support and mental health provision in a competent way using trained and audited staff who are accessible to residents and because of these specific requirements there are limited negative effects. In addition via utilising community profiling it helps ensure that those most in need access services and particularly those who find it difficult to access services.

Due to the value of the proposed financial assistance, the Minimum Financial Assistance threshold exemption under the Act cannot be relied upon, because the recipient has received in excess of £314K over last 3 years from TDC, in addition to other public funding.



X The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

This short-term solution, allows the continuation of direct grant funding to CAT however, it is recommended, that a review is undertaken to assess the options for future funding and consideration of using an open market bidding process. It is acknowledged that to cease funding, would also have wider implications and due to the Council’s Public Sector Equality Duty and consultation responsibilities under the Local Government Act 2003, the Subsidy

Scheme, at this stage is the reasonable and rational approach with the commitment for a wider review and full options appraisal and implications being fully assessed going forward.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The creation of a subsidy scheme for this funding does not involve financial risk and will ensure Tendring District Council is compliant with the new subsidy control regime, legislation and guidance.

The funding for the core grant (£144 000) and the Mental Health Hub (£28 000) are from within existing resources

The core grant paid to CAT is £144,000 per annum. The SLA provides that the grant be paid in two instalments of £72,000.

The Mental Health Hub grant is £28 000 and is subject to a Service Level Agreement provided by the lead commissioner which is the Integrated Care Board.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

No further comments

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;

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and

C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.

MILESTONES AND DELIVERY

CAT performance against the SLA will be monitored at their quarterly audits.

ASSOCIATED RISKS AND MITIGATION

The risk that CAT fails to provide value for money for the grant funding is mitigated by the monitoring measures set out in the SLA and the quarterly audit by Citizens Advice National. The employment of more telephone advisors and the re-opening of their drop-in services has allow CAT to deal with more issues. However, it should be noted that issues are also becoming more complex and are taking more resource to deal with. It is also noted, that CAT are seeing more people that are already in crisis rather than previously when clients would approach CAT earlier with their problems.

There is a risk that the Subsidy Scheme will be challenged however, the recommended template has been used to assess the scheme against the principles and these are contained within the Report, which Cabinet must be satisfied are consistent. The further delegation to

the Assistant Director for Partnerships in consultation with the Leader and Monitoring Officer provides an additional layer of decision making to ensure all of the requirements of the Act and Statutory Guidance are met before any funding is awarded is given.

EQUALITY IMPLICATIONS

There are no other identified implications for TDC in paying over the grant. CAT's aims and principles set out that they value diversity, promote equality and challenge discrimination and practice impartiality. The SLA continues to require that CAT have all necessary policies in place in terms of the applicable protected characteristics, as detailed in the Equality Act 2010, and equality, inclusion and diversity.

SOCIAL VALUE CONSIDERATIONS

CAT employs staff from Tendring district, adding money back into the local economy. Volunteers are also used where possible. For those that are retired from their careers and want to give something back this allows previous knowledge to be harnessed. For those that are unemployed this improves their mental health, raises self-esteem, and gives the chance for them to broaden their work skills and make themselves more employable.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

None

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	Provision of advice and support to residents such as benefits advice, free at the point of delivery is likely to support those most in need and help to address issues around health inequality.
Area or Ward affected	None

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring District Council has provided grant funding to CAT backed by an annually agreed SLA, for a number of years. Since 2013/14, the core grant awarded each year has been £144,000, payable in two instalments of £72,000. The SLA was thoroughly reviewed in 2017/18 following substantial changes in the governance, management and service delivery of CAT.

The revised SLA for 2017/18 was agreed by Cabinet at the meeting held on 17 March 2017.

All subsequent SLA's have remained largely the same as the 2017/18 SLA with minor changes only, and all have been agreed by the relevant Portfolio Holder. This being the Portfolio Holder for Health and Education in respect of the 2018/19 SLA and subsequently the

Portfolio Holder for Partnerships.

Schedule 2 (2.8) of the SLA provides for reductions in CAT core services beyond their control. On 31 March 2020, CAT reported that they had been operating a reduced service since 16 March 2020 due to the Covid-19 outbreak and subsequent lockdown. This involved a temporary cessation of all face-to-face advice. Staff were deployed to remote home working, providing advice via email, telephone and in writing. The CAT's office closures and suspension of services at their outreach sites had remained in force until the end of 2021. A hybrid service is in operation and residents are able to access advice via email, phone and website, as well initial drop-in triage services at the Clacton office and Harwich Job centre. Drop-in and appointments also take place in four different outreaches across Tendring: Harwich, Walton/Frinton, Jaywick and Brightlingsea. CAT outreach advisers also attend pop up community events and services such as a variety of fuel poverty groups and more recently attending the Salvation Army food bank in Harwich. The objective has been to become more visible and accessible to those who may otherwise not make contact with the service.

Post the Covid-19 pandemic, CAT has remained a vital information and advice service to the residents of Tendring. They have helped many people navigate their way around both established and entirely new challenges such as claiming benefits, dealing with debt, accessing food and services and housing issues. Demand for services is increasing both from Tendring residents and partners and CAT had adapted their offer as necessary. The local telephone number for CAT has been publicised more widely rather than the Essex-wide contact number and the team take 100-120 calls per week. They also now operate a call-back facility with often 100 call backs to be made.

CAT has produced a statistical dashboard, (the template used nationally), for activity during the years 2021/22 and 2022/23, which are attached at Appendices A and B respectively. Each client is recorded by CAT once, irrespective of how many enquiries they raise over the reporting period. The data shows that during the past year, although client numbers have remained the same, the number of issues dealt with by telephone and email have risen by 57% (8,765 to 13,739). People are arriving with multiple and more complex issues. Tendring residents are having difficulty with the energy and cost of living crisis and are still experiencing the effects of the pandemic. A further 4,000 residents have chosen to drop-in at one of the face-to-face venues.

- Financial Statistics:

- Value of Volunteer Hours - £160,000 (admin, advisers and trustees – 33 people)
- Value of Debt Managed - £918,505 (compared to £727,149 for the previous year)
- Value of Debt Written Off - £821,741 (compared to £650,545 for the previous year)
- Value of Benefits Achieved - £7,462,000

Current trends - the most common debt issue seen in the past fifteen months has been energy related and the most common benefit issue the Personal Independence Payment. Clients that cannot find permanent affordable housing is also a common theme. Prepayment meter installations have been increasing steadily over the past year and at the same time people who are unable to top up their prepayment meters are on the increase. The current contract with British Gas involves issuing energy vouchers which have used up and so British Gas have been able to divert unused vouchers from other areas to Tendring. Food Bank referrals are also increasing with the local Salvation Army food bank seeing double the number of people as previously and many people who have not had to use a food bank before.

In terms of assurance, CAT are audited quarterly for advice given by Citizens Advice National on a RAYG rating. CAT have scored green every quarter which is classed as excellent at 75% or higher. CAT are also audited yearly on 9 areas of the organisation again on a RAYG rating, achieving green overall.

The reviewed SLA for 2023/24 is attached at Appendix B for agreement by the Portfolio Holder and is largely similar to that of last year. Schedule 2 (2.8) retains a reference to the impact of the Covid-19 pandemic on the service's availability.

A number of case studies are available in Appendix E. These show the range of advice available to Tendring residents and the results that can be had.

Any payment to CAT will need to be assessed as to whether it constitutes a subsidy for the purposes of the Subsidy Control Act 2022 and payments only made in accordance with the Act. This may require an assessment and development of a subsidy scheme

For the ten months April 2022 to January 2023 the value of benefits advice achieved by CAT totalled in excess of £7,400,000.

Mental Health Hub

CAT have also operated the Mental Health Hub for eight years. The Hub is a single point of access to provide a holistic assessment and intervention for the vulnerable residents of Tendring who have ill mental health.

The programme has two types of service user, clients who are service users attending the Hub for assistance and advice and participants who are service users on the mental health recovery programme.

Throughout the third and fourth quarter of 2022/23 the Hub advisors assisted 312 clients, dealing with 1665 different issues including around housing, homelessness, debt and legal support.

The Hub also supports, mentors and encourages people who are economically inactive through their ill Mental Health to gain the confidence, skills and build resilience so they are work ready. This is done in the space of 1 year where they are helped to apply for paid jobs or to find placements where they can volunteer. They are then able to contribute to society, their local economy and participate in social activities including physical activities (sometimes for the first time).

The Hub is funded each year by four different organisations Tendring District Council, Essex County Council, the Police, Fire and Crime Commissioner and the Integrated Care Board (formerly the Clinical Commissioning Group). The total contribution from all partners makes up the overall running costs.

The lead commissioner for the Hub is the Integrated Care Board who provide and hold the Service Level Agreement for the Hub each year.

The Council's annual contribution to this is £28,000.

The [UK subsidy control statutory guidance](#) provides a framework for designing and giving subsidies in a way that is consistent with the Subsidy Control Act 2022. In Chapter 3, the guidance advises that if a financial assistance measure meets the legislation definition of a subsidy, it will generally need to be assessed against the seven subsidy control principles. Subsidy schemes must be assessed against the subsidy control principles and cannot be made unless the public authority decides the scheme is consistent with the principles.

PREVIOUS RELEVANT DECISIONS

The CAT SLA which was originally agreed at Portfolio Holder level has now regularly been approved at a Cabinet level.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are none.

APPENDICES

APPENDIX A – Subsidy Assessment

APPENDIX B – Service Level Agreement 2023/24

APPENDIX C - Key Statistics Dashboard 01/02/21 to 31/01/22

APPENDIX D – Key Statistics Dashboard 01/02/22 to 31/01/23

APPENDIX E - Case Studies

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Subsidy Control Principles Assessment Template

Section 12 of the Subsidy Control Act 2022 requires public authorities to consider the subsidy control principles and be of the view that their subsidy or scheme is consistent with those principles before giving an individual subsidy or making a subsidy scheme. This template outlines the main components of the assessment framework which helps to ensure that a subsidy is consistent with these principles. Public authorities should also refer to the full requirements set out in the Act as explained in the Statutory Guidance.¹

It is recommended that public authorities use this template to assist with documenting their evidence, analysis and conclusions for their principles assessment for most subsidies and subsidy schemes.² The depth of the assessment of compliance with the principles for a subsidy or subsidy scheme should be commensurate with the size and the potential distortive impact of the subsidy, or subsidies given under the scheme. This template may be used as the starting point for documenting the principles assessment for Subsidies or Schemes of Interest (SSoIs) or Subsidies or Schemes of Particular Interest (SSoPIs). However, a more extensive assessment on the potential distortive impacts will need to be undertaken for these types of subsidies and schemes.³

Public authorities should state what evidence has been used for each component of the assessment. This may involve cross-referencing to specific sections of the associated business case or other internal or external documents. Additionally, it is recommended that public authorities explain their approach to:

- how contradictory or inconsistent evidence was weighed in coming to conclusions under each element of the assessment; and
- any decisions made in relation to the proportionality of not collecting evidence or undertaking analysis as suggested in the Subsidy Control Statutory Guidance.

¹ www.gov.uk/government/collections/subsidy-control-regime

² A scheme's consistency with the subsidy control principles is generally assessed in the same manner as for individual subsidies. The assessment should focus on the subsidies that could reasonably be given under the terms of that new scheme that have the highest risk of not complying with the principles.

³ As set out in Chapter 3 ('subsidy design and assessment') of the statutory guidance, public authorities are advised to follow the same four-step assessment framework for these categories of subsidy and to refer to Annex 2 of the Statutory Guidance as well the Subsidy Advice Unit guidance.

Addressing Health Inequality - Advice, Support and Mental Health Support Subsidy Scheme – Tendring District Council

Assessment Framework Component	Recommended Evidence
<p style="text-align: center;">Step 1</p> <p>Policy objective (Subsidy Control Principle A)</p> <ul style="list-style-type: none"> ▪ <i>Provide details of specific policy objective</i> ▪ <i>Establish the existence and significance of the market failure and/or the inequality the subsidy seeks to address</i> ▪ <i>Identify how the subsidy will remedy the market failure (i.e. provide a more efficient outcome) and/or address the equity objective (reduce an inequality)</i> ▪ <i>State the desired outcome(s)</i> 	<ul style="list-style-type: none"> ▪ The policy objective is within the Council’s Corporate Plan 2020-2024 which seeks to deliver health and wellbeing for effective services and improved public health. ▪ Funding provision to Citizen’s Advice Tendring via a subsidy scheme will specifically seek to address poor mental health via the Mental Health Hub which seeks to support, mentor and encourage people who are economically inactive through their poor mental health to gain confidence, skills and build resilience so they are work ready. In addition the provision of a General Advice Service to deal with residents in extreme circumstances for example around eviction, access to benefits, suicide, gambling addiction, domestic violence or relationship breakdown which often leads to people not being able to cope or having poor mental health <ul style="list-style-type: none"> ○ Unemployment: 76.6% of residents (62,700 people) aged 16-64 in Tendring are economically active, 4.2% lower than the average for Essex (80.8%) and 2.1% lower than England (78.7%). This is the third lowest rate of economic activity in the county. Source: (Page 32, <i>Essex County Council Joint Strategic Needs Assessment 2019, Tendring Local Authority Profile</i>) ○ Mental Health: The prevalence of anxiety and depression in over 18 year olds across North East Essex at 14.3% is higher than the rest of Essex and England and the prevalence for severe mental health as recorded on general practice disease registers is also significantly higher at 1.00 than the Essex (0.80) or England average (0.94) the prevalence of long term health conditions across North East Essex is also slightly higher than across Essex and similar to England. (Page 81 <i>Essex County Council Joint Strategic Needs Assessment 2019 Tendring Local Authority Health Profile</i>) ○ Health Inequality: Tendring is one of the 20% most deprived districts/unitary authorities in England. Approximately 24% (5,500) of children in Tendring live in low income families. Life expectancy in the most deprived areas of Tendring is 10.6 years lower for men and 7.8 years lower for women in than in the least deprived areas. In the most deprived areas people not only live shorter lives than average for England, but also experience worse health. Source: (Page 23, <i>Embedding the Marmot Principles in Tendring, Essex</i>, Ruth Bell, 30th July 2021) ▪ The scheme will effectively seek to address and reduce inequalities by providing mental health support in a key area of mental health inequality and deprivation so as to improve

		<p>confidence skills and resilience. Outcomes from funding provision for the mental health hub will be provided and are proposed to include addressing ongoing mental health concerns so as to help people become more resilient and reduce numbers of people requiring clinical interventions. In addition the General Advice Service will provide a wide level of support including in relation to benefits, housing, suicide, gambling addiction, domestic violence and relationship breakdown which will also address inequalities. Outcomes of work undertaken by the General Advice Service will also be provided.</p> <p>▪</p>
	<p>Appropriateness (Subsidy Control Principle E)</p> <p>▪ <i>Justify why a subsidy is the most appropriate instrument for addressing the identified policy objective and why other instruments have been set aside such as regulation, direct provision of the good or service by the authority, or loans or equity investment on commercial terms</i></p>	<p>This subsidy scheme is the most appropriate instrument for Tendring District Council to use to address the identified issues such as poor mental health and health inequalities exacerbated by lack of support and guidance which leads to people being in crisis.</p> <p>The main services offered in terms of mental health support and a comprehensive general advice service are based in the second most deprived ward in Tendring (Pier Ward) which is also the 14th most deprived ward in England and so requires support to address health inequalities (Page 62 Essex County Council Changes in the Index of Multiple Deprivation for Essex: IMD 2019). Deprivation in this area has significantly worsened from the previous figures.</p> <p>Citizens Advice Tendring have extensive experience and existing provision around mental health support within Pier Ward and have access to partner funding to deliver the Mental Health Hub work and are a major partner which interacts with residents in need by providing free comprehensive general advice which will include for example access to welfare benefits.</p> <p>This type of work is outside the scope of the provision that the Council would usually provide. The Council does not provide direct mental health services and does not have the skills to be able to deliver these services.</p> <p>Although the Council can provide housing benefit advice and does so it cannot provide wider benefits advice such as universal credit or tax credit advice as these are not Council schemes. It also does not have the skills to provide wider advice for example in relation to suicide, gambling addiction or relationship breakdown</p> <p>Citizen’s Advice Tendring have the ability to provide comprehensive general advice including around all types of welfare benefits. They are a trusted local organisation which residents can turn to for free support when they are in need and due to the breadth of their abilities means that a wide range of interventions can be provided via a one stop shop approach.</p> <p>Therefore the services provided through use of the funding are aligned to provision by CAT as they provide services through the employment of competent and trained individuals who can cover a wide range of issues and are based locally and seen as a trusted provider for the provision of mental health support and comprehensive general advice. .</p>

		<p>The mental health hub is also supported by three other organisations which provide match funding and the service could not be provided without this.</p>
<p>Step 2</p>	<p>Baseline no-subsidy scenario (Subsidy Control Principles C & D)</p> <ul style="list-style-type: none"> ▪ <i>Set out the future scenario – over both the short and the long-term – In the absence of the subsidy</i> 	<p>The absence of a subsidy scheme may impact on the effective delivery of Tendring District Council’s corporate priorities and in particular in relation to health and wellbeing and improved public health within the Corporate Plan.</p> <p>The Council is also an active member of the North East Essex Health and Wellbeing Alliance which brings wider partners together to address health and wellbeing issues and whose priorities include investing in prevention and work to reduce inequalities within and between local communities. As part of this Alliance the Council helps fund the Mental Health Hub along with other partners in the Alliance.</p> <p>Without this scheme, a service to improve people’s mental health in one of the most deprived areas in the country will be removed which helps prevent people from having to access acute settings. This is likely to increase the numbers of people which need higher level services and as the mental health hub also provides volunteering opportunities as a first step to employment there is the potential that some support mechanisms to help deal with root causes of mental health will be removed.</p> <p>In addition deprived areas have been disproportionately affected by the cost of living crisis and therefore the area needs additional support around comprehensive general advice for example including welfare benefits advice to maximise people’s income.</p> <p>Without payment of the subsidy it is likely that those in most need will find difficulty in accessing services to support them as the service has up to 30 new clients per day with 140 contacts per day being made with those who are new to the service or requiring ongoing support. This equates to over 35 000 contacts per year. In addition increasing demand has been demonstrated by telephone and email contact has increased by 57% over the last year (from 8765 to 13739). .</p> <p>Not providing this funding may prevent Citizen’s Advice Tendring from being able to continue their work or to be able to keep up with the growing level of demand for their services following the impact of the pandemic and the cost of living crisis. This higher demand is particularly identified in terms of the increasing number of issues that each individual client has which can now often be 4 or 5 issues per client. In addition it is now more common that when residents approach CAT they have already reached crisis point.</p> <p>Without provision of funding this would affect any progress to improve outcomes in the areas of inequality identified above.</p>

	<p>Additionality Assessment (Subsidy Control Principles C & D)</p> <p><i>For schemes, please provide details of how it has been designed to exclude any groups of beneficiaries where it can be reasonably determined in advance that there is unlikely to be additional benefits that wouldn't have otherwise happened in the absence of the subsidy. Please provide appropriate justification where it has not been possible/reasonable to identify and exclude these groups.</i></p>	<p>To receive this funding Citizen's Advice Tending have to be able to show that they have applied and secured match funding for the Mental Health Hub. This demonstrates that the applicant has explored alternative funding opportunities and that additional support from the Council is necessary in order to be able to deliver their proposed work in its entirety and that without this support, the work would not be able to commence. This provides reassurance that this subsidy scheme will be providing beneficial support that would otherwise not have been available.</p> <p>In terms of the General Advice Service the scheme seeks to utilise competent services from a local provider who is closely connected to and embedded in the community. Residents will see the provider as an accessible organisation who they would be happy to access as they see them as a trusted organisation and who can assist them with their wider needs with free impartial advice.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Step 3</p>	<p>Proportionality and Minimising Distortion (Subsidy Control Principle B & F)</p> <ul style="list-style-type: none"> ▪ <i>Demonstrate how the subsidy is proportionate and has been designed to minimise any negative effects on competition and investment within the UK whilst still allowing it to meet the policy objective. This should include details how you have considered the following subsidy characteristics (where relevant):</i> <ul style="list-style-type: none"> ○ <i>The nature of the instrument</i> ○ <i>The breadth of beneficiaries and the selection process</i> ○ <i>The size of the subsidy</i> 	<p>The subsidy scheme is designed so that funding can be provided to an organisation that is a trusted organisation in the community, which residents regularly access for support, is located close to areas of significant deprivation and can provide outreach if necessary. In addition it has access to significant match funding which delivers outcomes aligned with the Council's corporate objectives and aligns with North East Essex Health and Wellbeing Alliance objectives which the Council is part of.</p> <p>The organisation receiving the funds also has to be able to demonstrate significant experience in terms of delivering mental health support work and a comprehensive general advice service and to be able to undertake this work competently.</p> <p>Due to the specific requirements required of the work in terms of trusted local organisation with relevant experience and highly accessible this is unlikely to adversely affect competition locally.</p> <p>Although the breadth of beneficiaries is restricted to one this is based on the organisation's standing and trusted nature in the community which residents routinely access and can demonstrate the potential of attracting match funding and delivery over an extended period.</p> <p>The subsidy is approximately £190 000 and is provided for one year to cover provision of a Mental Health Hub which provides professional advice, support and a volunteering opportunity to help resolve individuals mental health issues and also for the provision of a comprehensive general advice service covering a wide range of issues from housing through to suicide support and welfare benefits advice.</p> <p>The recipient must provide a report on the progress of their funded work on a regular basis and have monitoring, evaluation and clear</p>

	<ul style="list-style-type: none"> ○ <i>The timespan over which the subsidy is given</i> ○ <i>The nature of the costs being covered</i> ○ <i>The performance criteria</i> ○ <i>Ringfencing</i> <p><i>Monitoring and evaluation</i></p>	<p>outcomes as part of their delivery. The monitoring and evaluation carried out must provide evidence of success achieved against the outcomes and case studies. This provides evidence that the subsidy has had a positive impact on the ability of the organisation to deliver community work in Tendring that it otherwise would not have had the opportunity to do.</p> <p>This funding will allow the continuation of contacts for residents which currently runs at approximately 5000 clients with in excess of 35 000 contacts per year across the whole range of advice services with up to 30 new contacts per day. It will also provide for ongoing use of web based contact which allows residents to contact services 24 hours per day. The most common issues dealt with include debt, welfare benefits and tax credits, housing, relationships and family and employment.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Step 4</p>	<p>Balancing Exercise (Subsidy Control Principle G)</p> <ul style="list-style-type: none"> ▪ <i>Set out details of the expected benefits of the subsidy (as they relate to the specified public policy objective) and its anticipated negative effects, including in particular any negative effects on competition and investment within the UK, and international trade and investment. This should also include any geographical and distributional impacts. Justify why the negative effects are outweighed.</i> <p><i>Please note that it will not always be possible to quantify every element of the assessment, and therefore the balancing exercise may need to include both quantitative and qualitative elements.</i></p>	<p>The expected benefits of the subsidy will be to ensure people are supported in terms of their mental health which will provide the ability to be seen by a professional, receive signposting and access volunteering as a precursor to employment. In addition it will provide a comprehensive general advice service to those most in need and who may be going into crisis.</p> <p>Although there are no significant obvious negative impacts the funding is currently offered on a year by year basis so there may be a reduction in service if further funding is not allocated. As there is need in the community currently the positive impacts of this subsidy will outweigh any negative impacts.</p> <p>Any negative impact on competition are limited as this work requires specific skills in respect of comprehensive training, routinely audited provided by a local trusted organisation which can deliver a comprehensive approach..</p> <p>CAT provide fully trained staff to undertake the work and are audited and have three monthly monitoring to ensure quality is maintained.</p> <p>Rigorous training is provided over a number of key areas including welfare benefits, housing, debt, employment, consumer support, relationships, domestic abuse and mental health.</p> <p>The stringent quality control standard required by local Citizen's Advice offices is a key feature of this work. This includes daily case checking by supervisors, monthly Quality of Advice Assessments provided to National Citizen's Advice with quarterly audits on random cases, monthly case checking feeding in to staff supervision and annual audits by National Citizen's Advice. This auditing has led to CAT being identified as the highest quality provider across the whole Citizen's Advice network nationally.</p> <p>They are also providing a broad range of services so that a client can be supported in one place across a wide range of issues that they find easy to access because services are provided locally to them by a trusted organisation that they feel happy to access. Therefore any negative impacts are outweighed by the positive impact that the subsidy scheme can have.</p>

		<p>It is therefore unlikely that another provider will be is in a position to provide a comprehensive general advice service and mental health support with competent trained staff across a wide range of areas which is also a local trusted provider by the community and is highly accessible and has provable quality standards.</p>
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A.3 APPENDIX B

SERVICE LEVEL AGREEMENT

AN AGREEMENT made on **xxxx**

BETWEEN:

- (1) **TENDRING DISTRICT COUNCIL** (TDC) of Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE ("the Council") and
- (2) **CITIZENS ADVICE TENDRING** (CAT) (a company limited by guarantee registered under company number 04345160 and charity number 1091777 registered with the Charity Commission) whose registered office and address registered with the Charity Commission is 8 Carnarvon Road, Clacton-on-Sea, Essex CO15 6QF ("CAT")

WHEREAS

- (A) General Information concerning the Partnership Working and Targets or Objectives relevant to this Agreement is set out in the First Schedule
- (B) The Council wishes to support the Services of CAT for the purpose of providing an information and advice service operated within the aims, principles and policies of Citizens Advice subject to an agreed grant and to a defined level of service as hereinafter provided

NOW IT IS HEREBY AGREED as follows:

1. Definitions

1.1 In this Agreement, unless the context requires otherwise:

"Agreement" means this Agreement

"**annexed**" means a copy of which is attached to or placed with this Agreement and which has (for identification) been signed or initialled by or on behalf of each of the parties hereto

"CAT" means Citizens Advice Tendring

"Contact Officer" shall be construed in accordance with clause 7 below

"Citizens Advice" means The National Association of Citizens' Advice Bureaux (registered charity number 279057) a company limited by guarantee registered with company number 1436965

"Grant" means the monies to be paid to CAT by the Council as provided by schedule 3

"Services" means the Service or Services to be provided by CAT as stated in this Agreement

"Term" shall be construed in accordance with clause 2

1.2 Where in this Agreement reference is made to a Clause Paragraph Schedule Plan Drawing or Recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule plan drawing or recital of or (in the case of a plan or a drawing) attached to this Agreement

1.3 Where in any Schedule or Part of a Schedule reference is made to a paragraph such reference shall (unless the context otherwise requires) be to a paragraph of that Schedule or (if relevant) part of a Schedule

1.4 Words importing the singular meaning where the context so admits include the plural meaning and vice versa

1.5 Words of the masculine gender include the feminine and neuter genders and words denoting natural persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner

1.6 Words denoting an obligation on a party to do any act, matter or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause permit or allow infringement of the restriction

1.7 The clause headings and table of contents shall not be taken into account for the purposes of the construction or interpretation of this Agreement

2. **Term**

2.1 The term of this Agreement is 12 months beginning on 1 April 2021 and ending on 31 March 2022, subject to the right of either party to terminate in accordance with clause 3 below.

3. **Termination**

3.1 The Agreement can be terminated by either party giving the other party not less than 6 months prior notice in writing expiring at any time.

3.2 Notice can be served if delivered, posted, or emailed to the Contact Officer.

3.3 If the Agreement is terminated so as to end before the expiry of the Term, a proportion of the Grant shall forthwith be refunded to the Council pro rata to the number of days of the Year remaining at the date when the notice terminating the Agreement ends the Agreement

4. **The Parties Obligations**

4.1 CAT agrees to provide the Services specified in Schedule 2 of this Agreement (Service Objectives and Specifications).

4.2 The Council agrees to make the grant payment specified in paragraph 3.1 of Schedule 3.

5. **Status of Agreement**

5.1 Each party shall use all reasonable endeavours to honour its obligations to the other under this Agreement, but it is not the intention of the parties that either of them shall be legally liable to the other in damages for failure on its part to observe the terms of this Agreement.

5.2 Nothing in the Agreement shall be construed as creating a partnership or legal relationship of any kind that would impose liability upon one party for the act or failure to act of the other party, or to authorise either party to act as agent for the other party. Neither party shall have authority to make representations, act in the name of, or on behalf of, or to otherwise bind the other party.

6. **Management**

6.1 Responsibility for the management of CAT is vested in the Trustee Board, the membership and operation of which is laid down by the Memorandum and Articles of Association of CAT (registered company number 04345160 and registered charity number 1091777)

7. **Parties Representatives**

7.1 The Council and CAT will each appoint a Contact Officer.

7.2 The role of the Council's Contact Officer is to:

- Be the initial point of contact within the Council for CAT
- Inform CAT, in writing, of any issues which may have an effect on the implementation of the service provision in this Agreement
- Provide information, advice and support to CAT as reasonably required
- Set up monitoring meetings with CAT Contact Officer to consider the information set out in Schedule 4
- Inform CAT, in writing, of any change in the Council's Contact Officer.

7.3 The role of CAT's Contact Officer is to provide the information required in Schedule 4 of this Agreement and to inform the Council's Contact Officer, in writing, if there is:

- a proposal by CAT to change or reduce the services set out in Schedule 2
- any amount to be taken into account under 3.3
- a major change to CAT's financial budget;
- a change to CAT's constitution; or
- a change in CAT Contact Officer.

7.4 The parties' Contact Officers will be Anastasia Simpson of the Council and Melanie Hammond of CAT or such other officer as either party shall from time to time appoint to represent it and notify to the other party.

8. **Confidentiality**

8.1 The Council accepts that CAT offers a confidential service and that all matters raised by individual clients are kept confidential.

9. **Staffing**

9.1 Paid and volunteer staff will be recruited and selected by CAT with full regard to all human resources policies and procedures approved by Citizens Advice.

9.2 Paid staff will be employed and remunerated by CAT with full regard to Citizens Advice Guidelines.

10. **Quality Assurance**

10.1 CAT undertakes to operate the quality assurance systems described in Schedule 2.

11. **Health and Safety**

11.1 CAT shall have regard to the requirements of the Health and Safety at Work Act, 1974 and any other Acts, Regulations, Directives or Orders etc about health and safety.

12. **Insurances**

12.1 CAT will arrange adequate insurances to cover such liabilities as may arise in the course of CAT's work.

13. Dispute Resolution

- 13.1 If either party considers the other to be in breach of their duties under this Agreement or has a grievance about some aspect of the Agreement's operation, the parties shall make every reasonable effort to resolve the issue through joint discussions. Where this fails:
- 13.2 the party wishing to make the complaint should provide the other with written details, including proposals for resolving the matters in dispute;
- 13.3 a written response should be sent to the initiating party within 14 days;
- 13.4 if the response is not considered to resolve the issue, the initiating party may request in writing to the Contact Officer a meeting of the authorised signatories (or their successor);
- 13.5 where possible the meeting should be held within 14 days of the Contact Officer receiving the request;
- 13.6 where the meeting does not resolve the complaint, the issue should be considered by the Bureau's Trustee Board or the relevant Council committee as a confidential item. Any submissions should be sent in advance to the other party and representation permitted;
- 13.7 If either party is dissatisfied with the outcome as notified to it in writing within seven days of the meeting, arbitration can be requested and this will take place with a mutually acceptable external party.

14. Review

- 14.1 This Agreement may require amendments in the light of experience of implementing its terms. Any amendments will need to be negotiated and agreed in writing by both parties.

15. Renewal

- 15.1 This Agreement applies to a one-off payment and no guarantee, representation or warranty by or on the part of the Council is given as to its renewal for any year or other period subsequent to the Term or that the Council will pay any money to CAT otherwise than as expressly provided by this agreement.

Schedule 1

(Background Information, Partnership Working and Targets or Objectives)

1.1 INTRODUCTION

1.1.1 The objective of CAT is to provide free, confidential, impartial and independent advice to enable residents of the Tendring District to deal with a wide range of issues, including benefits, housing, debt advice, money advice, employment, consumer, relationships, taxation and many more. The nature of the assistance provided will depend on a client's needs and ranges from the provision of information to full rights based advice.

1.1.2 The standard of service is set out in the Citizens Advice Quality Assurance Standards Membership Agreement and the Advice Services Alliance Generalist Quality Mark.

1.1.3 CAT also receives funds from the Money Advice Service, Police, Fire and Crime Commissioner, NEE CCG, Essex County Council and other grant making trusts. Loss of any funding streams for specific projects making a substantial contribution to CAT's central costs may affect CAT's ability to deliver the core service. If this were the case the Citizens Advice contact would discuss the position with the Council.

1.2 WORKING IN PARTNERSHIP

CAT recognises the Council's key priorities identified in its 2020-2024 Corporate Plan.

Delivering High Quality Services

- Modern, high quality buildings and facilities for customers and staff
- 24 hour a day digital services – My Tendring
- Minimise waste; Maximise recycling
- Proactive Planning Service
- Public spaces to be proud of
- Effective regulation and enforcement
- Carbon Neutral by 2030

Community Leadership Through Partnerships

- Health and wellbeing – for effective services and improved public health
- Education – for improved outcomes
- Law and Order – for a safer community
- Sport England and Active Essex – for physical activity and wellbeing
- Joined up public services for the benefit of our residents and businesses
- Influence and lobby – for Tendring's future

Building Sustainable Communities for the Future

- North Essex Garden Communities
- Jaywick Sands – more and better housing; supporting the community
- Vibrant Town Centres
- Building and managing our own homes
- Effective planning policies

Strong Finances and Governance

- Balanced annual budget
- 10 year financial plan
- Effective and positive Governance
- Strong and focused leadership
- Use assets to support priorities

A Growing and Inclusive Economy

- Develop and attract new businesses
- Support existing businesses
- More and better jobs
- Promote Tendring's tourism, cultural and heritage offers
- Maximise our coastal and seafront opportunities

1.3. TARGETS OR OBJECTIVES

1.3.1 CAT will work in partnership with the Council in order to:

- Prevent homelessness
- Promote take-up of benefits (including Housing Benefit, Universal Credit and the Local Council Tax Support Scheme)
- Manage debt and improve financial resilience in order to ensure that clients are able to pay priority bills such as rent and Council Tax
- Support clients accessing Discretionary Housing Payments to plan and manage their

finances.

- Highlight and resolve community issues
- Address health inequalities
- Promote reduce, reuse and recycle
- Reduce social isolation
- Reduce the number of Tendring residents living in fuel poverty
- Support clients to move into employment and training

Schedule 2

(Service Objectives and Specifications)

2.1 AIMS OF THE SERVICE

The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination.

The service aims:

- To work proactively to enhance community resilience.
- To provide the advice people need for the problems they face.
- To improve the policies and practices that affect people's lives.

2.2 PRINCIPLES UNDER WHICH THE SERVICES ARE PROVIDED

CAT will provide an information and advice service which is:

- free
- confidential
- impartial
- open to all regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership (only in respect of eliminating unlawful discrimination).

2.3 SERVICES FUNDED UNDER THIS AGREEMENT

The service (to which the funding arrangements in Schedule 3 relate) offered by CAT shall be 'assisted information' and 'general help' (as defined by the Advice Services Alliance Quality Mark - see paragraph 2.5 of Schedule 2), and Debt and Welfare Benefits 'casework'.

Assisted information is a service in which staff are available to help clients access information, and to identify where a client needs further information or advice.

General help is:

- Diagnosing the client's problems
- Giving information and explaining options
- Signposting to other organisations if appropriate
- Identifying further action the client can take and
- Giving basic assistance e.g. filling in forms, helping the client draft letters, and contacting third parties to seek information on the client's behalf.

Where necessary for a particular client, the service provided by CAT will also include contacting a third party to negotiate on the client's behalf.

In accordance with the Citizens Advice Membership Agreement the subjects covered will include:

- Consumer
- Welfare Benefits
- Housing
- Taxes
- Health
- Money advice
- Employment
- Family and personal matters
- Immigration and nationality
- Education

The service covered by this Agreement includes Debt casework as defined by the Advice Services Alliance Quality Mark i.e. with casework, the service provider takes responsibility for further action, whereas with a general help service, the client retains responsibility for the case. Casework also includes representing a client at appeal proceedings where necessary, which general help does not.

CAT Tendring shall contribute to the priorities and core values of Tendring District Council through the following actions:

CAT will:

- Assist TDC with its aim to identify those in the district who have failed to claim ANY benefits to which they may be entitled and in particular Housing Benefit & Local Council Tax Support and assist those claimants with accessing benefits they are entitled to;
- Advise clients seeking debt advice that Council Tax and National Non Domestic Rates are priority debts and assist them by liaising with TDC at individual case level to set up a repayment plan;
- Support the tackling of crime and disorder by taking part in TDC's/Community Safety and Health and Wellbeing Board's local "Community Days of Action"
- Signpost and advise residents on matters around crime and disorder and in particular antisocial behaviour;
- Provide clients with support and information to assist them to remain within their own homes as far as possible and prevent them getting into financial difficulties which would render them homeless;
- Assist clients in the prevention of homelessness by providing advice and support.
- Ensure that clients are aware of benefits and grants to ameliorate fuel poverty and assist them in securing the benefits they are entitled to;
- Assist vulnerable people to obtain the benefits that they are entitled to especially those living in the most deprived areas;
- Inform clients of the advantages of fuel efficiency, reducing their outgoings and protecting the environment;
- Work with partners, including TDC, to reduce health inequalities across the district.

2.4 MEANS OF ACCESSING THE SERVICE

Post Covid-19 pandemic residents are able to contact CAT via face-to-face, email, and telephone as below:

- a) by phone - 01255 377080, Monday to Thursday 10am to 4pm
- b) by email - supervisor@cabtendring.org.uk
- c) on the Citizens Advice website (<https://www.citizensadvice.org.uk/>)
- d) online chat with trained advisor via the 'Contact Us' section of above website
- e) CAT Advice line (0800 1448848) - as part of their membership of NCA, CAT in the provision of a public advice line to increase access to advice and information over the phone.
- f) by letter
- g) to personal callers on a drop-in basis, at some or all of the locations set out below

Clacton CAT, 18 Carnarvon Road, Clacton on Sea

Harwich CAT, Jobcentre Plus, 164 High Street, Harwich
Brightlingsea, The Parish Hall, Victoria Place

Jaywick Sands – Community Forum at the Enterprise Centre

Frinton-on-Sea, Community Centre, Triangle Shopping Centre

CAT will endeavour to provide outreach in as many locations as possible.

2.5 QUALITY ASSURANCE

National Citizens Advice (NCA) introduced a new membership in 2017 outlining the responsibilities of the National and Local Citizens Advice offices. Citizens Advice Tendring (CAT) have signed up to the new membership which will include the following responsibilities known as The Performance Quality Framework (PQF) :-

- * Quarterly Surveys of Client experience sampled
- * QAA - Quality of Advice Assessments conducted monthly (CAT) but reviewed and sampled by NCA quarterly
- * FCA - Financial Health Monitoring - Financial reports submitted to NCA quarterly
- * LSA - Leadership Self Assessment - Annually to include 9 areas of People Management, Operations, Research and Campaigns, Equality and Diversity, Risk Management, Governance, Strategic Management, Finance and Partnerships.

CAB are audited quarterly by National CAB. Currently green audit for last four years for assurance.

2.6 SERVICE DEVELOPMENT AND IMPROVEMENT

CAT has a business and development plan (appendix 1), the monitoring of which, and the results of audits (see paragraphs 4.2 and 4.3 of Schedule 4) lead to innovation and improvements in its service

CAT will participate in the relevant networks in order to enhance the services provided to local residents.

CAT will work to secure additional funding in order to meet unmet needs for advice amongst the diverse local communities.

CAT will make use of clients' experiences to inform and influence the policy and delivery of other local services, and will inform the Council of relevant issues.

2.7 USER FEEDBACK AND INVOLVEMENT

CAT will operate a procedure for representations and complaints about the service in accordance with Citizens Advice guidelines and shall take all reasonable steps to bring this to the attention of the users of CAT.

CAT undertakes an annual client satisfaction survey. From 2017, the National Association of Citizens Advice Bureaux will be implementing an external quarterly survey of clients.

CAT will consult both clients and potential clients about service provision and opening

hours.

CAT will encourage users to take up appropriate training opportunities within CAT.

The Trustee Board are to be constituted in such a way as to encourage representation from as wide a range of local people and relevant organisations as possible.

2.8 CIRCUMSTANCES BEYOND CAT'S CONTROL

CAT will not be held responsible for any interruption in or disruption to the core services due to circumstances beyond its control.

The services specified are subject to any national or local restrictions that may be in force and are dependent on the availability of suitable advisers and the continued availability of rent free accommodation for delivery of the Harwich, Manningtree, Jaywick Sands and Walton service; or additional external funding to meet such costs.

Schedule 3

(Financial and Resourcing Arrangements)

- 3.1 The Council has agreed that the grant to be paid by the Council to CAT for the twelve months beginning 1 April 2023 shall be £144,000.
- 3.2 The grant in 3.1 will be paid in two instalments of £72,000 payable by 1 July 2023 and 1 October 2023.
- 3.3 Together with the funds from Essex County Council, these grants shall be construed as being sufficient to fund the services referred to in Schedule 2 of this Agreement. Separate grant funding will be sought for new service development.
- 3.4 Any reduction in funding from other organisations that prevents CAT from providing the service detailed in Schedule 2, including the level of availability in 2.4, will result in the Council reviewing its Grant to CAT.
- 3.5 All amounts specified under this Agreement are exclusive of VAT.

CAT agrees to submit, to the Council a copy of its latest approved accounts, within the meaning of the Charities Act, 1992 and 1993 within 7 days of their formal approval.

Any change to the core funding provided by Essex County Council referred to in 3.3 could cause CAT to be unable to provide the services specified in Schedule 2 of this Agreement.

Where CAT gains a surplus of income from grants, fundraising or other sources in any one year, the Council will not seek repayment of any part of the grant provided the service level specified in Section 2 has been fully met.

Schedule 4

(Monitoring Arrangements)

- 4.1 CAT monitors and evaluates its services in accordance with the procedures and directions set out in the Citizens Advice Quality Assurance Standards Membership Agreement.
- 4.2 CAT is subject to an annual organisational self assessment and quarterly audit of quality of advice.

4.3 CAT is subject to a yearly audit by National Citizens Advice.

4.4 CAT is required meet the standards set in Section 2.5, following the audits in 4.2 and 4.3, in order to receive the Council's grant detailed in Section 3.

CAT will provide a copy of the Annual Report to the Council and an invitation for the Council's Contact Officer at the Annual General Meeting of CAT.

- 4.5 CAT will provide to the Council figures on the following targets:-
- Number of clients advised from Clacton, Harwich, Brightlingsea, Frinton and Jaywick Sands
 - A breakdown of the topics on which advice is sought
 - Amount of benefits claimed by supported clients
 - Amount of debt managed
 - Amount of debt written off
 - Number of people seeking housing advice or homelessness issues through the Mental Health Hub

CAT will provide information reasonably required by the Council, subject to those requirements not being in breach of clients' confidentiality. Information will not be required more frequently than at quarterly intervals. The Council's Contact Officer will discuss any concerns about performance with the CAT Contact Officer.

Subject to Citizens Advice guidelines these monitoring arrangements can be amended by Agreement between the Council and CAT to reflect changes in service practice, for example data collection.

Signed on behalf of
Tendring District Council
by its duly authorised signatory
and Assistant Director, Partnerships

Signed on behalf of
Citizens Advice Tendring
by its duly authorised signatory and
Chief Officer

ANASTASIA SIMPSON

MELANIE HAMMOND

Strategic Business and Development Plan 2021 – 2024



Citizens Advice Tendring is a company limited by guarantee (number 435160) and a registered charity (number 1091777)

Executive Summary

Our mission statement: To provide quality advice that people need for the problems they face. To identify and champion the issues that affect people's lives.

Citizens Advice Tendring has provided free, confidential and independent advice to our local community since 1939. This plan sets out our development strategy for the next three years.

Who we are

We are a team of dedicated, professional volunteers and staff, passionate about empowering our community through advice, information, confidence building, education, advocacy and campaigning.

What we do

Our core service focuses on meeting the needs of the **most disadvantaged and vulnerable groups** in Tendring, including those with mental ill health challenges, rather than providing general advice to those people who can access information and services themselves.

- We provide free, confidential and impartial advice to help people overcome their problems
- We are a voice for our clients and consumers on the issues that matter to them
- We value diversity, champion equality and challenge discrimination
- We encourage, empower and educate
- We're here for everyone

Our strategy aligns with the National Citizens Advice "One Service Strategy 2015-2020", which includes securing sustainability and becoming a champion of equality as key aims; and the Tendring Health and Wellbeing Strategy, which includes the priority of improving mental health and wellbeing, which is the ambition of our mental health hub and can be a direct result of our advice services.

What we achieved in 2020:

In our 2020 Strategic Business and Development Plan we set out a number of priorities. Unfortunately, restrictions due to the Covid 19 pandemic prevented progress in a number of areas and instead it was necessary to focus on hurried plans and risk assessments to put alternative services in place.

Despite the considerable restrictions in place we managed to maintain and grow our partnership working and maintain service delivery:

- All offices and out-reach sessions ceased. Access to services continued through remote working, email and phone lines.
- The HUB shop opened for short periods but the plans to relocate were inevitably stalled.
- All staff were equipped with the equipment and training to support home working, including specialist desks and chairs where required. The shop was fitted with screens and hand sanitisers.
- Several new members of staff recruited and inducted in post.
- The board was strengthened with recruitment of 4 new trustees and a further 2 who may join the board later in the year.
- Essex CAB business manager in post, new funding for warmer homes scheme

- Significant engagement with Essex CAB consortia continued remotely, through managers' group, and Board. CAT Chair is on executive group
- Mental Health Hub, relationship with MIND
- Stronger relationship with CVST and Summit
- Joint working with Signpost and Next Chapter
- Quarterly meetings with all funders
- New MAPSDAP team recruited and training undertaken.
- Hub restructure, new team in place, safety equipment installed enabling opening as permitted during Covid restrictions, plans for further improvements and access

Citizens Advice Tendring (CAT) Strategic Priorities

The CAT board sets aside time in the early spring each year to review progress on achievements over the past year and refresh our priorities for the future. Throughout the year we work with our partners and stakeholders to ensure we maintain a broad understanding of local needs and developments.

We have identified three key priorities to increase service impact:

- 1 Improve access to the services we offer, geographically and digitally, according to need. Develop a marketing campaign to reach those most in need and continue to develop our research and campaigns work.
- 2 Increase effectiveness and continue to improve our internal systems and financial controls. Continue to review use of assets and explore new opportunities.
- 3 Raise the profile of CAT as both the lead advisory organisation across Tendring and as a driver of change by innovation. Increase our community profile, engaging with our local communities, particularly those who are hard to reach or hard to hear due to geographic location, physical or mental health challenges, language barriers, cultural differences or other characteristics. Develop a diverse and sustainable funding base.

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1. Introduction

Citizens Advice Tendring is an independent charity which works within the policies, quality standards and ethos of Citizens Advice national organisation (CiTA). Its focus is on the challenges and needs of the population of Tendring District in North-East Essex.

CAT currently provides advice services from⁴

- Carnarvon Rd Clacton (Pier Ward)
- High St Harwich (Co-located with Harwich Job Centre)
- Old Rd Clacton (Mental Health Hub)
- Outreach advice is provided via appointments at Manningtree, Frinton, Holland on Sea, Walton on the Naze and Brightlingsea

Client needs are assessed via an initial (gateway) interview with follow up by specialist advisers for debt and benefits advice where necessary. Our advisors are trained in mental health and dementia awareness to facilitate an informed and sensitive response. To improve efficiency, we also encourage clients to self-serve via our information room in Clacton and digitally through the Citizens Advice Website (www.citizensadvice.org.uk).

We provide telephone advice via voicemail messages left from local residents on the UK-wide Adviceline service (03444 111 444).

We gather statistical data from each of our clients (with full client consent) and use the priorities and trends emerging from analysis of both local and national Citizens Advice data, as well as local health and population data, to identify areas of policy and practice which are adversely impacting the population of Tendring. We use this data to advocate for policy change and to highlight local issues.

We are actively seeking to improve accessibility by training existing and recruiting new staff and volunteers to provide outreach services at new venues within our area.

1.1 Context and Community Needs Assessment

Through advice, empowerment and advocacy we wish to address key challenges in our community. We use evidence from the multiple sources contained within the attached appendices to understand the issues our community is dealing with and to identify how we might develop our services.

Many people and families will experience a complex range of issues which require multiple agency input and we work with many partner organisations, such as Community Voluntary Services Tendring and the Tendring Community Safety & Health and Wellbeing Board to help prioritise, plan and deliver local services across health, social care, community and police services. This aligns with the North East Essex Health and Wellbeing Alliance model to help shape service development:

Start Well - giving children the best start in life

Feel Well - supporting mental wellbeing

Be Well - empowering adults to make healthy lifestyle choices

Age Well - supporting people to live safely and independently as they grow older

Stay Well - supporting adults with health and/or care concerns to access support to maintain healthy and fulfilling lives

Die Well – giving people nearing the end of life choice around their care

Local Profile

Tendring district is in the eastern half of the North-East Essex catchment area, covering approximately 130 square miles. There are urban areas in Harwich & Dovercourt, Manningtree, Brightlingsea, Frinton, Clacton and Walton but it is generally characterised by small, rural villages. The road system through Tendring has the A120 (running between Harwich and Colchester) and the A133 (running from Clacton to Colchester), most roads are B roads or unclassified. Tendring is bordered by the sea (there are 37 miles of coastline), the River Stour and rural areas. It is a peninsula, to the very East of England.

The 2019 demographic profile of the district is set out in Appendix 1. 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 is an estimated increase of 3205 people since the 2011 census (a rise of 2.25%).

The Tendring District has 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%) are lower than the Essex average (18.9%, and 60.6%).

There are concentrated areas of significant deprivation (Golf Green, Pier Ward, parts of Harwich).

Tendring has a relatively low level of ethnic diversity, less than 5% of the population.

The age profile of our clients closely matches the broader Tendring population. Clients come from throughout the Tendring district, but analysis shows a close correlation with the areas of highest deprivation. Details of the age profile of CAT is set out in the health profile and statistical Appendices.

Health Profile

The health of people in Tendring is generally worse than the England average. Life expectancy is 10.7 years lower for men and 6.5 years lower for women than in the least deprived areas in other parts of the UK. The rate of alcohol related harm hospital stays is 1320 per year which is worse than the average for England. The rate of self-harm hospital stays is 406 per year. 19.9% of children in Tendring are classified as obese. Under 18 pregnancies are at 23.5% which is much higher than the England average of 18.8%. There is a high proportion of children in low income families (23.9%) compared to England average of 16.8%. The 2019 Tendring Health Profile can be found in Appendix 1.

Labour Market Profile

57,800 of Tendring's adult population are economically active and 20,500 are economically inactive (retired). The working age population is low and is forecast to decrease slightly by 2024 from 54.7% to 51.5%. There are 9,600 workless households, which is 23.1% of the population. Compare this to the East which is 12.5% and nationally it is 14.5%. 16.3% of Tendring residents claim benefits compared to 9% in the East and 11% nationally. The level of personal debt in Tendring is within the national average at 13% of the adult population.

Children and Young People The population of children and young people under the age of 18 is relatively low in Tendring but is projected to increase significantly by 2024, with the 5-10 year age group predicted to rise by 14.05% from 8400 to 9580 and the 11-15 age group by 15.7% from 7190 to 8320. This will put pressure on children and young people's services, especially with high numbers of children in need, children in care (though about 50% do not originate from Tendring) and children with a child protection plan in the district.

Statistics for Tendring overall are:

- 19.0% of children are in non-working households (highest number in Essex)
- 26.2% of children are in low income families (highest number in Essex)
- 8.0% of households are in fuel poverty (lower than national average which is 10.6%)
- 67.0% of children have a good level of development
- 49.0% of children have an expected level of education standard or above at Key Stage 2
- 48.7% of young people have 5 A* - C at GCSE (incl maths and English) – lowest in Essex
- 25.5 (per 1000) teenage pregnancy rate (2nd highest rate in Essex, although rates dropped by 7% between 2012 - 2015)
- 0.94% current mental health prevalence (by Clinical Commissioning Group area) – highest prevalence of mental health conditions in Essex

In the past few years Tendring has been in the top quartile in Essex for safeguarding needs. Domestic abuse and mental health are most prominent factors across the wards identified in the top 10%. Infant mortality rate (deaths in infants age under 1 year) is the highest in Essex, at 5.5 compared with 3.1 per 1,000 live births.

Educational attainment is relatively low. 8.2% of the Tendring population has no qualifications in comparison to 7.2% in the East and 7.7% nationally. Conversely, those attaining NVQ4 and above are 21.8% compared to 34.7% in the East and 38.6% nationally.

Uptake of advice and support services from CAT for children and young people is traditionally low. This was a key driver for us embarking on joint work with Essex Public Health on the Healthier Wealthier Children project, which aims to identify families with children falling into child poverty and ensure that they are maximising benefit claims.

Mental health Tendring children experience a high rate of mental health problems. A study of Essex data showed that 9 Tendring wards featured in the 20 across Essex for children receiving tier 2 and tier 3 mental health interventions. The top 3 Tendring wards all have a rate per population of between 161 and 179.1 referrals per 1,000 population, more than double the Essex average of 64.8 per 1,000 across the rest of the top 20. Tendring has the highest level of hospital stays for self harm in Essex (notably very high at 289 vs 157 Essex average) and the highest suicide level in Essex (again high at 16 vs 9.6 England).

The need for a diverse range of health services in Tendring remains a key driver for the CAT Hub mental health volunteer scheme, running through our charity shop. This is part of a wider recovery programme and is supported by a range of funders, including the local health and police commissioners. We continue to develop strong partnership relationships across all related agencies to further support our volunteers and help maintain a holistic range of support to them.

Families and Carers According to the 2011 Census, 145,872 adults in Essex provided informal care to relatives, friends or neighbours - a 13% increase in the number of carers from the previous Census. A large number of carers (31,882) provide more than 50 hours of care per week. For adults with physical disability, carers are likely to be spouses in their mid/late years. In Essex, 43% of people caring for an older person are themselves aged over 65. The number of older carers (65 years and over) providing care is also significant at 35,512.

In Tendring there were 17,323 carers (approximately 12.5% of the population), 2240 carers claiming benefits, 2.9% of the population, compared with 1.5% for Essex and 1.7% in England. 31.6% of carers were aged over 65 and providing unpaid care, the highest number in Essex. Tendring was ranked 8th in England for provision of 50 or more hours of unpaid care. This changed from 2.8% in the 2001 census to 3.5% (i.e. 206 more carers) in the 2011 census, showing that there is an upward trend. With the ageing population in Tendring rising and level of need increasing, this is expected to continue to rise.

There are an estimated 10,000 young carers (aged between 11 and 18) in Essex, who have to combine their caring and support role with their education, early employment and their social and emotional life as a young person growing up. In the Essex Carers Strategy it is reported that over 25% of all young carers of secondary school-age experience problems of some kind, while 40% of children caring for someone who misuses drugs or alcohol have educational difficulties.

45% of our clients consider themselves to have a disability, and of these, 34% report mental health issues.

CAT services continue to provide important support to carers and a signposting system to a wider range of resources for them to access.

Advice Services

We use our community profile to target our services towards those in most need among our population and to reach out to those who may benefit from some help but may not find it easy to access. We are proud of our strong partnership working, which helps ensure we maintain our understanding of the population and the way it is changing. This is evident in our relationship with Tendring District Council, and we are pleased to continue to have the Councillor lead for Health and Social care on our board. We are members of the Tendring Community Safety and Health and Wellbeing Board which gives us an ongoing insight into the problems our population are facing and the work of fellow agencies in helping tackle these. We work closely with Community Voluntary Services Tendring to maintain our understanding of the local voluntary sector provision and expand ideas to continuing working together on relevant projects.

We are expanding the way we provide support. Our traditional information and advice service continues through face-to-face, phone and email services. We have developed a social media presence which helps with our marketing and research, with the advantage of instant feedback.

Appendix 3 and 7 show the number of clients seen across all Tendring services. Appendix 3 shows that during 2019/20 we helped 4,724 clients from the daily advice drop-in service and this covered around 11,000 different issues. Appendix 7 shows that we helped a further 7124 clients from our information room, phone calls, emails and callers outside of our publicised drop in times. Our top 5 enquiries were in relation to debt, welfare benefits & tax credits, housing, relationships & family and employment. Debt and financial advice represent c40% of enquiries, being reflective of the level of deprivation in some wards and other factors, such as that 23% of children live in low income families; maintaining specialist debt advice is an important part of our service offer. This also drives our decision to work with the Essex Public Health team on the Healthier Wealthier Children project and the Help to Claim scheme, helping people in the transition to Universal Credit.

Money Advice

Many people attending CAT for money advice or managing personal debt also experience mental health

problems, which can be exacerbated by trying to deal with their debt or benefit problems. Our Money Advice Service is sensitive to the needs of people who will often come to us as a last resort in tackling long term debt problems which may have been causing them significant anxiety and stress. Our advisors take them through the debt management process step by step, providing practical support and reassurance. We are aware, however, that we do not yet reach all those in need of debt advice. The Money Advice Service analysis of the level of debt and supply of support finds that the supply of debt advice in Tendring the supply is just 42% of that required to meet the needs of the population. Whilst our capacity will remain constrained by contractual levels, we will aim at those most in need. Using the MASDAP strategy and their Wyman review as a foundation (appendix 4 & 5) we will develop innovative ways of delivering our service with the aim of improving awareness of our service and those of our partner organisations. We will move from a passive referral model to one where we can find those most in need have access to support, either through our own service or by signposting to others.

Mental Health Hub

The CAT Hub provides very specific support to people with mental health problems who are now in recovery, and includes providing support and workplace experience for those seeking to re-join the workforce.

Our advisers help clients to fill out forms, write letters and negotiate with creditors, and appeal benefits decisions. This support is particularly important to our older population and helped inform our decision to open a new outreach services in Frinton on Sea and Holland on Sea, where more than a quarter of the population is over 65yrs. However, not all of our callers need a session with an advisor, and we maintain a well-stocked information room where callers can speak to an experienced member of staff who will help them navigate leaflets and on-line information. This helps us deliver our aim to target our services to clients most in need, whilst ensuring that we remain available to everyone.

2 Leadership and Service Delivery

Citizen's Advice Tending is led, given direction and quality assured by 5 trustees, working through a Senior Management Team comprising the Chief Officer, Business Development Manager and Advice Services Manager. Citizens Advice Tending is staffed by 50 Volunteers, 14 part time staff members and 2 full time staff members. An organogram showing the structure is shown as appendix 3.

The Trustee Board has undertaken a skills audit against the skills needed to lead the organisation and recruitment is underway to find more trustees with the appropriate skills to take us forward.

2.1 Governance

Policies, systems, processes, controls and records management have been improved over the past three years and this work continues.

A Board Calendar is agreed by Trustees each year to set out the schedule for Board agenda and key activities throughout the following year. This includes scheduling of updates to the risk register, annual refresh of the Business Development Plan, signing off accounts, and when policies are due for routine review.

Following each Local Self Assessment the Board agrees a timed action plan to deliver on required improvements. Routine checking of BMIS recommended policies takes place throughout the year to ensure policies are up to date with latest legislation.

The Board holds an annual away-day to refresh service strategies and development plans. This includes an annual board appraisal, which is supported by a 360' appraisal of Board effectiveness across staff and volunteers.

Trustees have undertaken a skills analysis and each has a designated lead role across the organisation. Recruitment of new Trustees has always proved challenging and new ways are constantly sought to encourage new recruits, as far as possible ensuring that gaps in current skills are filled and we achieve a balance in terms of diversity of the Board.

The Training Manager ensures that up to date records and reminders are issued to all staff, volunteers and Trustees to ensure all have undergone GDPR training and mandatory training to be able to deliver our services effectively, efficiently, safely and legally.

2.2 Strategic Business Planning

Using our community profile, we have agreed the key external drivers which influence our strategic direction and we focus on meeting population need rather than merely servicing demand. This will include focusing service delivery and undertaking local Research and Campaigns in the right areas and with excluded and/or disadvantaged groups.

Our structure and operational processes include encouraging staff to offer alternatives and signposting to those for whom we are no longer able to offer general advice. Our existing "information room" functions will be expanded to support this increased signposting activity.

Our planning cycle is 3 years. Each year at the Board awayday we review our achievements from the previous 12 months and look at areas where we might need to do further work. We undertake our Board impact assessment and agree our priorities for the following 3 years.

2.3 Risk management

Trustees monitor risk on a quarterly basis by reviewing the Risk Register. The Risk Register identifies risks in the following categories:-

- Governance
- Operational
- Financial
- External
- Compliance

It includes internal and external risks, mitigation and further action required to control risks. Risks are scored on a likelihood / impact basis and coded on a RAG scale. Key risks identified at time of publication are:-

- Governance in terms of policies, procedures, document management information management
- Long-term sustainability of funding for central advice services
- Information technology and information systems and in house expertise
- Financial – MASDAP funding retention of contract – keeping to target

The risk registers are version controlled, with all current and previous versions available to staff and Board members from our Cloud drive.

2.4 People Management

Following strategic and resource changes over the past few years, we have now fully recruited to a new staffing structure and Senior Management Team. We are implementing appropriate training and updating for all staff and, through engagement and development sessions, have been able to design and implement our new strategy.

We place huge value on our staff and volunteers as our key asset for delivery of high quality, relevant and responsive services to our customers.

2.5 Operational Performance Management

Quality of advice is assessed and benchmarked on a quarterly basis as part of the Citizens Advice Performance and Quality Framework (PQF). This is RAG-rated and our performance is usually 'green'. Where yellow ratings occur, an action plan is put in place to address this and this is overseen by the Chief Officer. See appendix 9 for the 2018-19 statistics.

As part of our accreditation, we self-assess our leadership and governance capability annually, as required by our CA membership agreement. In the first two years, this is reviewed in a teleconference with a Performance Assessor (PA) from Citizens Advice. In Year 3, the PA visits to verify the self-assessment and facilitate passporting to the external accreditations for the Advice Quality Standard (AQS) and the Money Advice Service (MAS) debt quality framework. CAT's most recent audit visit was in March 2020.

In addition, our quality of NAQAA is part of the Performance and Quality Framework (PQF). It is a Citizens Advice process conducted quarterly to review and benchmark your quality of advice. There is no link between AQS and NAQAA.

2.6 Partnership Working

Partnership working is a key element of delivering inclusive and accessible services and we seek out opportunities to be part of integrated service delivery, where possible. This is particularly evident in the Mental Health Hub and in our close partnerships with community-wide and advice-giving agencies. Partnerships include other local community and voluntary organisations, statutory services (e.g. health and social care) and other Citizen's Advice services across the region.

We are active members of the Essex CA consortia Board and managers' group as well as being on the Executive Committee.

We are members of the Tendring Community Safety and Health and Well Being Board which is chaired by the lead member for health and social care, who is also a member of CAT Board.

We are pleased to achieve the highest rating of 5 for The delivery plan produced by this group is presented to our Board and is used to help inform our service priorities (Appendix 11). partnership working in our annual LSA report.

2.7 Equality, Diversity and Inclusion Priorities

CAT recognises the positive value of diversity, promoting equality and fairness, challenging discrimination and enabling inclusion.

CAT has identified three key priorities for equality:

- challenging discrimination through advice
- championing equality through research and campaigns
- valuing diversity as an employer, volunteer agency and partner

To achieve these, we have an Equality, Diversity and Inclusion action plan in place (Appendix 6) which covers increasing internal and external awareness, improved accessibility for all clients, volunteers and staff, evidence gathering and data analysis, identifying equalities campaigns, improving mental wellbeing, dementia-friendly accreditation and responsiveness.

3 Strategic Priorities

After extensive consultation with all stakeholders, we have identified the following strategic priorities and principles for the next 3 years.

The timetable for delivery is of course subject to continual easing of Covid restrictions throughout 2021.

1 To improve access to the services we offer, we will:

In year 1, 2021-22:

- Explore possibilities to relocate the Hub shop. Undertake an option appraisal and due diligence of all scenarios.
- Continue to provide well supported volunteering opportunities for local people and for those with mental ill health.
- Development of partnerships with other key stakeholders and organisations.
- Identify the most vulnerable clients in order to provide them a face to face service.
- Build on the skills and experience of remote working and non-face to face contact gained during lockdown. Use this to work towards the CitA strategic direction for increasing non-face to face contacts set out in the Future of Advice.
- Identify new vulnerabilities within the community that have emerged as a result of the pandemic.
- Continue to align service delivery with areas of greatest need within Tendring – informed by our collaborative needs analysis and locally agreed strategies, such as the MAPSDAP strategy (appendix 4) and Community Safety and Health and Wellbeing Plan (appendix 9).
- Use MAPSDAP Strategy to develop greater understanding unmet needs and how to reach out to those who may benefit from the service.
- Explore possible involvement with other organisations on Levelling Up / Breaking Barriers projects in Tendring.

Year 2, 2022-3:

- Further identify unmet need and strive to identify and provide a service for those people who are harder to reach or hear.
- Develop innovative ways of meeting client needs in managing debt and financial concerns (as set out in the MASDAP national strategy and associated Whyman review).
- Move the hub shop to new premises, seek to increase retail sales to fund potential rent increases.
- Explore online sales potential for the Hub.
- Provide assisted digital advice for disadvantaged groups and develop new channels for accessing advice via internet and telephone to complement our face-to-face service.
- Continue to improve our social media platforms and broaden our range of marketing and research campaigns.
- Further develop our local profile, increase use of local radio, TV and other media.

Year 3, 2023-4:

- Explore the possibilities for developing services in Harwich, especially potential for a second hub (timing of this will depend upon progress with relocation of the Clacton hub, to ensure adequate skill and resource is available to properly expand the service at the time).
- Build on our existing service delivery strengths to develop replicable models for rollout to at new service delivery locations.
- Further developments in marketing and research.
- Further develop support to clients in terms of financial and debt management.
- Consider further development proposals in the north of the district/Harwich areas.
- Explore the possibility of opening a new service such as Mental Health Hub in Harwich.

2 To Increase effectiveness and reduce duplication, we will:

Year 1, 2021-2:

- Develop a 3 year strategy for the Mental Health Hub, including any relocation plans
- Improve financial reporting through a simple format that is easy to digest at board.
- Review our HR processes and improve record keeping processes (new project managers in post to support this)
- Ensure succession planning and recruitment plans are embedded HR management
- Review the referral model to the MAPSDAP service, develop plan for more innovative ways of reaching those most in need
- Develop clear signposting to and from our services
- Continue to develop Cloud based record keeping.
- Consolidate home working and non face to face service provision, considering IT security and softphones service. Citizens Advice Future of Advice.

Year 2, 2022-3:

- Implement improvements to the MASDAP service, review capacity and assess how well we are meeting population need.
- Continue to seek out best practice and innovative ideas from elsewhere
- Deliver services in partnership with others, sharing resources and facilities

Year 3, 2023-4:

- Continue to seek effective working partnerships and strive for integrated service delivery wherever possible, striving for a 'one stop shop' for our clients (with consent), to avoid people having to repeat their story

3 To increase our community profile and develop a diverse and sustainable funding base, we will:

In year 1, 2021-2:

- Diversify income and develop sustainable new income streams. We will continue to seek new funding for additional service delivery through focused project streams; some of these projects may have a requirement for very specialist knowledge and are likely to require targeted recruitment, training and updating.
- Raise the profile of CAT as the lead advisory organisation across Tendring, and as a driver of change rather than just a follower
- Review our communication strategy so that we continue to improve our local profile using wider media channels, such as local radio and papers.
- Use insights and data gathered via our advice service to influence policy through research and campaigning activity to improve the lives of our local population
- Maintain our partnership relationships, taking a lead role on joint projects where appropriate.

Year 2, 2022-3:

- Seek opportunities to move from reactive advice to proactively building community resilience thorough training and early intervention wherever possible.
- Explore the possibility of providing training to other LCAs for advice services. This might be in person or on line, building on the skills developed from increased remote working.
- Adopt the quality standards of Investors in People and Investors in Volunteers.
- Explore the possibility to provide training (benefits, debt etc.) to other organisations.

Year 3, 2023-4:

- Build on opportunities for expansion of our services into less well serviced locations.

4 Research and Campaigning

Citizens Advice Tendring is committed to being actively involved in research and campaigns both nationally and locally. The aims of this strategy reflect some of those of the organisation as a whole:

- To champion the issues that local residents face
- To encourage, empower and educate
- To demonstrate our values of diversity, equality and challenging discrimination
- To help meet the needs of the most disadvantaged and vulnerable groups in Tendring

This strategy details how CAT meets and maintains the above continuous aims.

4.1 Core Service and Training

All staff and volunteers undertake Research and Campaigns online training during their induction. Trustees are also provided with the hyperlink to the R&C newsletter in their induction pack. They are also expected to remain engaged with its importance during their day to day role in advice. To assist in this objective CAT created a promotional leaflet specifically designed for advisors. The leaflet demonstrates the successful impact of their actions regarding research and campaigns. On a daily basis, advisors share cases on R&C cases with NCA via Casebook. On a monthly we report to CA National the trends observed through our client cases on local issues.

CAT participates in the annual network panel survey and is a member of the Essex consortium's research and campaigning group. Our chairperson has also undertaken media training. CAT uses social media to engage with its community and to promote those partnership organisations whose shared aims are to help meet the needs of the most disadvantaged and vulnerable groups in Tendring.

We recruited a Publicity and Research Officer whose role is dedicated to address CAT strategic aims and those of the Research and Campaigns Strategy, so increasing our presence in the local community of Tendring. This is done through promotion of CAT on social media, in the local press, through the local authority and parish councils, partner organisations and community groups. A publicity, research and campaigns report is also regularly included in Trustee Board meeting papers.

Clients who attend our main advice office become more aware of the breadth of our services and campaigns via an on-screen information service in our waiting room. CAT evaluates campaigns both at management and board level in order to identify anything that can be done to improve our service. The on-screen information service is a useful tool to communicate such improvements. We also display posters and leaflets in all areas of our main office, Harwich office and at the Mental Health Hub. Information shared via any of these media include:

- Opening hours of all sites
- Advice phonenumber numbers
- Service changes – longer opening hours, new outreach sites, extra opening days
- Self-help signposting
- Current initiatives locally and by CA
- Partner organisation information (Essex police, ACE, CVS Tendring)
- CAT successes (e.g. the numbers of Tendring clients helped or campaign breakthroughs).

It should be noted that we do not give advice via any social media platform.

4.2 Local Partnerships

CA Tending proactively engages in partnership working by partaking in various Local Partnership Board meetings as follows:-

- Community Safety Partnership and Health and Well Being Board - Quarterly
- Mental Health Well Being Forum - Quarterly
- Essex CA meetings - Quarterly
- TDC Sport England LDP - Bi Monthly
- TDC - Funder Meeting - Quarterly
- TDC/CCG/PFCC/ECC Funders meeting - Quarterly
- Salvation Army Forum- quarterly
- Jaywick Community Forum

CAT has worked hard to achieve and maintain a close working relationship with our Local Council by keeping the chief officers and councilors aware of what we do and how we can achieve shared aims together. A local authority councillor also attends the CA Trustee Board meeting on a quarterly basis and during these meeting both relevant issues and objectives from either side are discussed and sometimes progressed.

CAT invites partner organisations to use our premises for appointments, which in turn forges closer referral partnerships and improves visibility of each organisation. So far, the following partners place their workers on our Mental Health Hub site to see their own clients but also CAT referrals who have consequently avoided long waits and benefited from the easy local access.

- Next Chapter
- Mind
- Peabody Housing Support

Participation in community events is another way we interact with the public and network with partners, while promoting our service and raising awareness of current issues or campaigns.

We send out our Annual Report to our Local MP's and invite them to visit our services to keep them up to date on the excellent work we do.

4.3 National Campaigns

With the help of a yearly calendar from national CA, CAT monitors upcoming national campaigns and actively supports and promotes them, with focus on several which align with our strategic priorities. Examples include:

- Big Energy Week (Jan)
- Scams Awareness (Feb/Mar but various)
- Debt Awareness Week (Mar)
- Mental Health Awareness (May)
- Volunteers' Week (June)
- Trustees Week (October)

We promote these campaigns with posters, digital messaging and social media posts. We also include promotion of CA national campaigns in our main office via a digital display in the waiting room.

From time to time there are also targeted campaigns such as the 12-week Pension Credit Awareness Campaign, which we fully promoted as a campaign expected to be of interest to Tendring residents based on our community needs analysis.

4.4 Local Campaigns

In addition to national campaigns we conduct regular local campaigns on issues as they arise. We advertise CAT local campaigns in our main office via a digital display in the waiting room. There are also trends that come through our advice sessions which we highlight in our campaign awareness initiatives such as:

- Promotion of our debt specialist service
- Scams awareness
- Mobile Home Campaign
- Romance Scams
- Winter Warmers
- Promotion of partnership initiatives e.g. Baby Bank Tendring
- Promotion of local authority health initiatives regarding increase in regular exercise
- Promotion of volunteering at the Mental Health Hub
- Mental Health Awareness - this is a permanent campaign for us as we promote our local service.
- Debt – this is a permanent campaign for CAT as we promote and inform our local specialist service through as many means as possible.

4.5 Social Media platforms

<https://www.facebook.com/cabtendring>

<https://twitter.com/AdviceCitizens>

Social media has been and continues to be key in raising awareness of research and campaigns as well as increasing our digital presence with other organisations and Tendring residents. CAT post to each of our sites at least on a weekly basis according to general guidelines as set out by Citizens Advice National. Aside from those examples of the types of posts are:

- Staff and Volunteer Vacancies including trustee roles
- Changes to our services – additional opening (Mondays), longer opening hours (Tuesdays), closure over Christmas etc
- Tweets provided by CA Communications Team.
- Promotion of our own services including debt specialist

- Our Mental Health Hub advice service
- We appeal for donations for our charity shop.
- We also ask for financial donations by promoting giving services to which we have signed up e.g. My Donate, EasyGiving etc.
- Links to advice and information from partner organisations e.g. Turn2Us; National Debtline; Mind; Payplan; Refuge, Tendring District Council; CVS Tendring.
- Links to partner organisation or local initiatives that may provide help and support to our clients

We only post for local partner organisations if they are funders, referral partners or recognised business and / or organisations working to the benefit of the local community.

5 Finance

5.1 Funding Strategy

We aim to develop sustainable funding streams to ensure that we have the funding needed to deliver a quality advice service which achieves our statement of purpose, and which meets the priority needs identified in this business plan and the community needs analysis. It will inform our project planning and annual budgeting

Recognizing the increased pressure on funding, we will prioritize the services we offer, in order to achieve sustainable funding in order to meet our core objectives.

We will engage with both existing and potential funders to:

- Understand their funding priorities
- Seek to develop funding bids in partnership (both with funders and other agencies)
- Develop multi-year funding agreements to facilitate longer term planning.

Existing Funding

Strategies to retain and renew current funding streams are as follows: -

- Deliver services/projects in line with our contracts and SLA's
- Report in quarterly frequency to funders by either meetings and or written reports.
- Meetings are both informal and formal with agendas and minutes taken – Funders are advised of our successes, changes and current issues/statistics and contribute to these with suggestions. They also contribute to development plans.
- Our delivery model is to nurture existing and new partnerships by various ways, visiting other organisations, reciprocal referral systems, joint funding bids and participation in joint strategic boards and consortiums.
- Funding is a separate item on the Chief Officers report at all Board meetings – approximately 8 a year.

New Funding

- Research is done on local and national funding streams and analysed to see which ones may be appropriate to our services and our Business and Development Plan.
- Applications are submitted when appropriate and cost/benefit analysis is conducted.
- We are part of Citizens Advice Essex which is a consortium of Local Citizens Advice offices in Essex and have recently recruited a Business Development Manager to seek County wide funding and submit bids accordingly. This has already produced extra funding from Essex County Council by way of a Warm Homes Energy Contract that will bring in new funding for our organisation.

Future Funding

- Our strategy is to keep informed of local needs analysis and align our Business and Development plan with the local Authorities strategic plan.
- We aim to nurture current/past/future funder relationships by promoting our services and annual statistics.
- We nurture relationships with other organisations to promote our reputation to be considered for joint bids to funders.
- Consider possible ways of bringing in methods of self funding such as possible re location of shop premises to increase footfall and thus shop income.

- General Marketing of the organisation to promote the profile of its services and projects by attending open days/community events etc.
- Research private companies/alternative funding streams not previously sought e.g. inheritance/will bequests.
- Possible development of a fundraising committee by volunteers to run events.
- Attendance by staff at Fundraising seminars/ grant makers meetings.

5.2 Financial Management

Our financial year runs April to March. The Chief Officer and Business Development Manager maintain a day-to-day overview of the organisation's finances and present accounts, trends and issues to each Board meeting. An external qualified book-keeper prepares the management accounts using Quickbooks and presents monthly accounts to the management team.

The annual independent review of our accounts is undertaken by an external accountancy firm. Annual accounts are signed off in time to present to the Annual General Meeting in November each year.

The Board observes trends and issues at Board meetings and makes decisions about spending priorities and financial management requirements.

5.3 Financial Projections and Budget Assumptions

Financial Projections are set out in Appendix 10.

Budget Assumptions:

- No new capital spend requirement has been identified. Maintenance and repairs to Carnarvon Road are included.
- The HUB re-location is ignored at this stage due to uncertainty as to structure and timing.
- Inflation is based on latest projections for RPI.
- Grant Income assumes the continuation of existing funds and includes the new awards for the Realising Ambitions and Warm Homes Scheme.
- HUB retail sales ceased after closure due to Covid but assumed increase following relocation.
- £4,500 charge for external supervision is included in MASDAP.

6. Summary – Tendring aims and local statistics

Citizens Advice Tendring aims to remain as and promote itself as the Advice Sector lead for Tendring. We seek to continually improve our service, its reach, quality of advice given and the method with which we deliver these services. Although we intend to deliver advice through a variety of channels: face to face, phone, email and Webchat we will ensure that we do not exclude the vulnerable and less able Tendring citizens. We are also aware that we still need to meet the needs of people who do not have access to the Internet and / or do not have the level of skill set to access these digital channels.

We seek to align our business aims with that of Tendring District Council strategies to enhance partnership working and improve the lives of local residents.

Our focus will be holistic and look at all aspects of the lives of Tendring residents.

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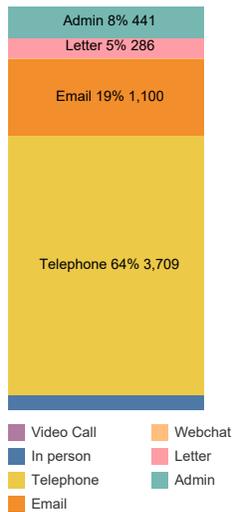
Summary

Clients	2,252
Quick client contacts	1,648
Issues	8,765
Activities	5,753
Cases	2,374

Outcomes

Income gain	£180,762
Re-imbursements, services, loans	£11,095
Repayments rescheduled	£150

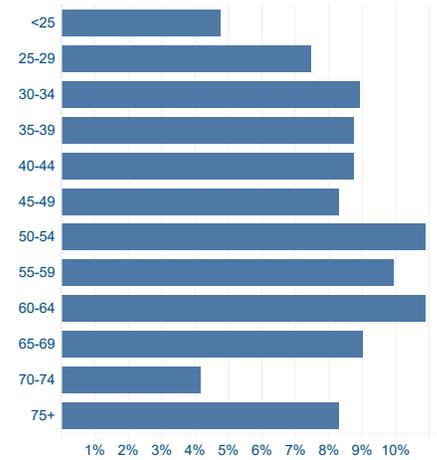
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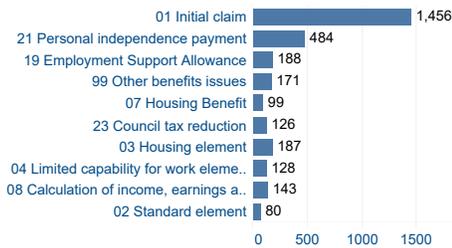
Issues

Issues	Clients
Benefits & tax credits	687
Benefits Universal Credit	576
Consumer goods & services	128
Debt	304
Education	8
Employment	187
Financial services & capability	47
GVA & Hate Crime	45
Health & community care	90
Housing	400
Immigration & asylum	23
Legal	132
Other	170
Relationships & family	242
Tax	35
Travel & transport	40
Utilities & communications	168
Grand Total	8,765

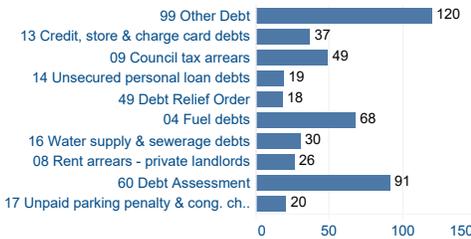
Age



Top benefit issues



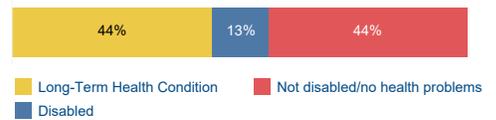
Top debt issues



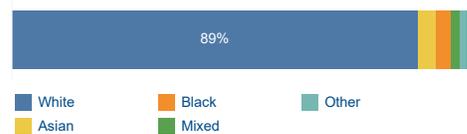
Gender



Disability / Long-term health



Ethnicity



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Key Statistics

Tending Citizens Advice Bureau (m..

2021-22 Q4
2022-23 Q1
Q2
Q3
Q4



Summary

Clients	2,388
Quick client contacts	1,459
Issues	13,739
Activities	6,164
Cases	2,615

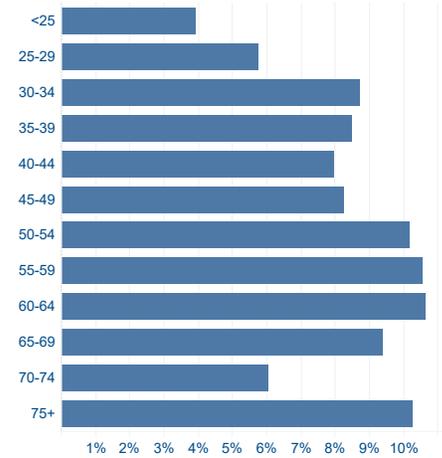
Outcomes

Income gain	£159,132
Re-imbursements, services, loans	£5,953

Issues

Issues	Clients
Benefits & tax credits	951
Benefits Universal Credit	484
Charitable Support & Food Ban..	233
Consumer goods & services	179
Debt	384
Education	11
Employment	153
Financial services & capability	157
GVA & Hate Crime	86
Health & community care	169
Housing	516
Immigration & asylum	19
Legal	273
Other	104
Relationships & family	286
Tax	63
Travel & transport	96
Utilities & communications	274
Grand Total	13,739

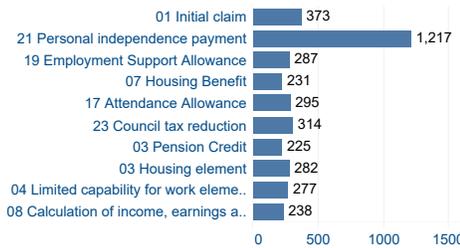
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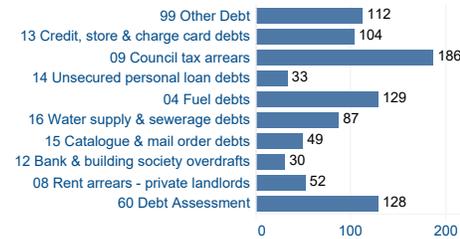
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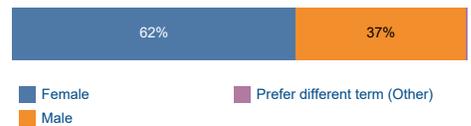
Top benefit issues



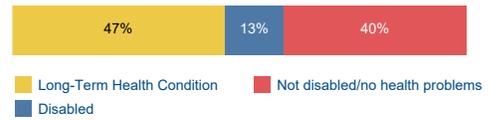
Top debt issues



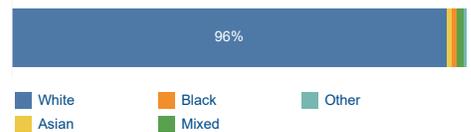
Gender



Disability / Long-term health



Ethnicity



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Outcomes and Case Studies

Presented below are a selection of case studies in order to get a flavour of the human side of CAT client outcomes.

Case Study 1

Client is a 54-year-old male in Tendring who has recently been diagnosed with multiple cancers – including spinal and lung cancers. He has been given a terminal diagnosis and has less than 6 months to live. He is to receive palliative treatment to reduce symptoms, as he is paralysed in his legs and experiences double incontinence. His wife has to carry him to and from the bathroom and John understands that his treatment is not curative for his cancer.

Client approached CAB Tendring because he needed employment, housing and benefits advice for his family:

Client had been dismissed by his employer because of the sudden inability to carry out his role, his employer hadn't paid him for some of his shifts or for any accrued holiday pay, there was also discrimination from the employer. Client was also concerned about his daughter's treatment by her employer when she asked for time off work to cope with stress and anxiety caused by client's terminal diagnosis and also for leave to help support his care needs. His daughter's employer has threatened to dismiss her if she does not turn up for shifts. Client's wife has also left work to care for him. They all needed advice about what this meant for his wife in relation to returning to work at some stage in the future after client's death. One of the client's sons has recently had a bad accident abroad and has been airlifted back to the UK. Client is concerned about his son's recovery, employment and housing.

Client and his wife had also moved into privately rented accommodation last year before his illness, but this accommodation is no longer suitable for his reduced mobility and care needs as the hallways are too narrow for his wheelchair, meaning his wife or daughter have to carry him around the home. Client and his wife needed advice about rehousing as their landlord has threatened eviction if any adaptations are made to the property, the landlord was given the house by her mother, who has passed away and wants to keep it in the same condition.

Client and his wife were in dire financial crisis and needed advice on which benefits were available and how to apply for these. Benefits advised/helped with were:

- Universal Credit,
- new style Employment and Support Allowance,
- Housing Element of UC, Carer's Allowance,
- Council Tax Support,
- Discretionary Housing Payment,
- Personal Independence Payment (under Special Rules),
- Macmillan grant,
- Household Support Fund grant,

- Blue-badge, free hospital parking.

The support from CAB Tendring is expected to generate **£40,000 this year in income for the client.**

It is expected that later in the year the client's wife will need further advice about bereavement benefits/grants, her employment, effect on benefits resulting from changed circumstances, and her housing. She may need debt advice as well by this stage.

Case Study 2

Client is a 34-year-old single man who suffers with mental health issues and epilepsy due to an accident that caused damage to his brain. He is unable to use computers and is also dyslexic – he can read but cannot write and does not retain the information relayed to him.

Client initially attended Citizen's Advice Tendring for support with an application for the essential living fund (ELF), and after looking at his case holistically we assessed that he may be able to claim PIP.

CAT supported the client by advice provision, acting as a scribe, and all preparation for DWP application processes and meeting attendance.

Client was claiming universal credit, but the work commitments element was incorrect due to his MH issues and needed to be reassessed. We successfully secured the LWCRA element of his UC claim.

The client was also in receipt of PIP mobility but at the lower rate of £ 23.70 and had been trying to get this reassessed unsuccessfully. We were able to assist him with his late mandatory reconsideration which although was rejected, were able to help him appeal successfully.

An application to ELF was made by CA on client's behalf but this was refused by the ELF as it was not deemed to be an emergency. An appeal was also unsuccessful. We accessed the hardship fund instead and were able to support the client with white goods he needed.

- Universal Credit - additional £128.89 per week (£6702.28 annually)
- PIP Mobility - additional £38.85 per week - (£2020.20 extra annually) with £1592.85 back payment.
- PIP Daily Living - £60.00 per week (£2460.00 annually) with £2460 back payment.
- New fridge freezer and microwave (£400)

Case Study 3

Client is single, Owner Occupier, works approximately 30 hours a week in low paid self-employment. Her house has a very low EPC rating of G - a 2-bed, end terrace. There may be some insulation in the loft but none for the solid brick walls. She has an electric boiler with

radiators – not always working. When the boiler is working it is too expensive to run so she never has it on so uses an open fire.

£10,000 - Sustainable Warmth grant for external wall insulation. Client says it has made a staggering difference, the contractors have done a wonderful job and she is thrilled.

Case Study 4

Client is single and lives in a one bed park home. His park home has no insulation. He has MS and is in receipt of enhanced PIP for mobility and standard for Daily Living. Tendring District Council has extended his bathroom and bedroom under Disabled Facilities Grant so that he can live in his home safely. Client worked for many years as a printer until developing MS 10 years ago

£10,000 internal dry lining insulation for park home - the difference he says is amazing - he had had his gas boiler on for one hour only since Xmas and reported temps of 25 degrees inside in January.

Case Study

Client has end of life dementia and it is her son who has contacted CAT. He has Power of Attorney for his mother and is acting on her behalf and he gave consent under counselling as client is unable to speak for herself. CI is in receipt of NHS Continuing Care and has a live-in carer. CI is not claiming any benefits. Neither the boiler nor the hot water immersion heater are working so there is no hot water for the client's carer to wash her in. A plumber has visited and is not able to repair the boiler that needs to be replaced.

- £2,523.00 pa Pension Credit
- £630 Pension Credit backdating
- £4,804.80 pa Attendance Allowance
- £1,676.88 Council Tax reduction to 0
- £150 pa – social water tariff
- Boiler grant not successful

Case Study 6

Client is single aged 49 but has suffered a stroke leaving her paralysed down one side and unable to function properly. She lives in a council flat, has a prepayment meter and heats the place with storage heaters. After deductions from Universal Credit she has very little to live on and is on emergency credit on her electricity meter and is about to run out of fuel.

- Total PIP payment £4,487.80 pa
-

Case Study 7

Client aged 52 and husband Peter aged 57 were both on the phone call. Client is her husband's carer - although she can walk only a short distance due to arthritis. Her husband Peter can barely walk at all due to arthritis in the spine, fibromyalgia and other conditions including a heart attack 2018. It is essential her husband is kept warm and has hot water and not to have either puts his health at risk. They are owner occupiers (outright) and in receipt of Universal Credit, Carers Allowance and husband in receipt of PIP. Their boiler has

broken, the engineer who came to repair it has said it is too old to repair and needs to be replaced. Clients have insufficient money to pay for this.

- Successful Higher Rate Mobility PIP £2,083.64
- Carers Element on Universal Credit £2,656.68,
- Emergency Repair Grant (Disabled Facilities Grant) to replace boiler £3,500

Case Study 8

Client is aged 80 with some health issues. His wife is 75 with MS - in receipt of higher rate Attendance Allowance. Couple are Owner Occupiers with Equity Release - 2 bed house which is well insulated - EPC is rated at D but except for the heating/hot water they score very well. They have storage heaters and a big tank to heat water via electricity - no gas in the house. The hot water boiler has failed.

- £1500 grant to replace their hot water system via Disabled Facilities Grant

Case Study 9

Client is single, Owner Occupier (outright) in uninsulated wooden bungalow in Jaywick. She has a prepayment meter and not enough money to put into it. She had loft insulation and 2 storage heaters fitted 2 and a half years ago on a grant. She had an accident at work 15 months ago at the Care Home she worked at - a fire drill at night.

- Refused to take injury at work up with employer/tribunal
- Limited Capability for Work Related Activity on her Universal Credit (£354.28 pw) = £4,251.36 pa
- Pip Mobility Enhanced (£64.50 pw) = £3,354.00 pa
- Pip Daily Living standard = (£61.85 pw) = £3,216.20 pa

Case Study 10

Client is 73, single, lives in private rented 2- bed flat. She has gas central heating and pays by Direct Debit. Her only income is £160 pw state pension. We assessed her as being entitled to Pension Credit and helped her to claim this. She was also entitled to council tax support.

- Pension Credit £5,209 pa
- Council Tax Support £2,364 pa

Case Study 11

Client is 84 and in good health. Her husband is 86 and has suffered a catastrophic fall. His neck and back are broken and he cannot recover. He is now at home with live-in carers (free until October 22), electric bed and can do nothing for himself. The couple had decided to move to Clacton and planned good times together - they moved in March 2022. Then the client's husband fell and sustained terminal injuries. Client is coping but very upset at having moved and for this to then happen.

- Not entitled to means-tested benefits
- Warm Works Insulation Grant £5,000

- Attendance Allowance for a few months for her dying husband £92.40 @ 4 months = £1,478.40 – he died Jan 23)

Case Study 12

Client lives with her partner who is aged 34 and who is not working. Council tenants in a 2 bed flat with 3 children. They have 3 children, two have disabilities and they were not in receipt of DLA. Client and her partner do not have any disabilities.

- DLA middle for two children - £6,432.24 pa
- Disabled Child Element for two children £3,189.36 pa
- Lifting of Benefit Cap £888.65 pcm = £10,663.80
- + 2 carers elements on UC £2,025.72 pa – to be confirmed

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CABINET

21 JULY 2023

REPORT OF THE LEADER OF THE COUNCIL & PORTFOLIO HOLDER FOR FINANCE AND CORPORATE GOVERNANCE

A.6 DEVELOPING A NEW CORPORATE PLAN 2024-2028

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval to commence the process of preparing a new Corporate Plan for the period 2024-2028 based on the detail set out in the report.

EXECUTIVE SUMMARY

Tendring has amazing opportunities and some deep-seated challenges. The Council's Corporate Plan will reflect this as the Council's focus. It needs to recognise the challenging financial position, with financial sustainability being key for delivery. The Council also recognises that it is a deliverer, influencer and facilitator, which will be the only way it can achieve its ambitious Corporate Plan aspirations.

Corporate Planning and Performance Management

The Council has an established set of arrangements to set out its long and medium term aims and to monitor progress in delivering them. This includes a long term Corporate Plan (agreed by Full Council), Annual Priorities and Projects in line with the Corporate Plan (agreed each year by Cabinet), and quarterly performance reporting. In addition, Departmental Plans are prepared annually at an operational management level.

An overview of the performance system is as follows:

Timescales/Term	Performance Document/Plan	Key Objectives
4 Years	Corporate Plan Developed by Cabinet, agreed by Council	<ul style="list-style-type: none"> • Long term Council aims /priorities 'Plan on a page' • Strategic • Vision/Values of the organisation
1 Year	Highlight Priorities Developed and agreed by Cabinet	<ul style="list-style-type: none"> • Specific deliverable actions with milestones Performance Standards

Quarterly Reporting	Performance Deliverables developed / agreed by Cabinet	<ul style="list-style-type: none"> • Reporting on individual highlight priorities, • Reports provided to Cabinet and available for Overview and Scrutiny Committees • Reports include deliverables, targets, metrics and measures
Annually	Departmental Plans	<ul style="list-style-type: none"> • Operational plans at officer level in consultation with the relevant Portfolio Holders.
<p>A new Corporate Plan</p> <p>Through this report, approval of the process of preparing a new Corporate Plan is sought.</p> <p>With the election of a new Council, the formation of a new Administration and given that the current Corporate Plan runs to 2024, this is an appropriate time to begin preparatory work to develop a new Corporate Plan for agreement by the Council.</p> <p>The proposed timescale and process for doing this is set out in the body of the report. It will take a number of months in order to allow proper consideration and scrutiny of the proposed content before the Council is asked to formally agree the plan.</p> <p>Cabinet is requested to confirm at this stage that the overall approach to the Corporate Plan, Priorities and Projects and Performance Management and reporting should continue on the current basis and that the Corporate Plan itself should again be:</p> <ul style="list-style-type: none"> • a “Plan on a Page”; • with Community Leadership underpinning its themes; and • a clear statement of the Council’s overall vision and values. <p>Public Consultation</p> <p>Due to the proposed timeline and limited in-house capacity it is recommended that an external social research company be used, which will enable the Council to capture Tending specific data not only to assist the Council with developing its Corporate Plan but with future priority setting and decision-making.</p>		

RECOMMENDATION(S)
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> (1) Notes and endorses the initial emerging themes for a Corporate Plan (Our Vision) for 2024-28 as set out at Appendix A; (2) requests officers to undertake consultation with the public, stakeholder organisations, Councillors and staff on the initial emerging themes referred to in (1) above; (3) receives the outcome of that consultation to the meeting of Cabinet on 10 November 2023 with a view to development of finalised Corporate Plan (Our Vision) themes for 2024-28 being then recommended to Council on 28 November

- 2023; and
- (4) endorses engaging a social research company to support the consultation referred to in (2) above and, in view of the limited capacity within the Council, authorises that the costs of that support (up to £25,000) be met from corporately accrued vacancy savings to date in 2023/24, where this will not impact on service delivery.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendation is required for officers to be authorised to undertake the consultation outlined.

In itself, the report also alerts Councillors, stakeholders and the public to the process of adopting a Corporate Plan for 2024-28.

ALTERNATIVE OPTIONS CONSIDERED

The option of not having a Corporate Plan was considered. However, as it is the Key Council Policy Framework document and is an expectation for the Local Code of Governance, this was discounted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The existing Corporate Plan 2020-24 sets out high-level priorities for the Council for that period, alongside an annual schedule of highlight priorities, milestones and intended outcomes. The Council wants to ensure a new Corporate Plan is developed for 2024-28.

The Council's Annual Governance Statement (a statutory document which sits alongside the Statement of Accounts, inspected by External Audit and follows the CIPFA format) covers the seven principles of Local Code of Governance (for Local Government) and expects adherence with **Principle C - Defining outcomes in terms of sustainable economic, social and environmental benefits.**

Each Principle has Sub-Principles, and for Principle C these are:

- (a) Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions
- (b) Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer
- (c) Delivering defined outcomes on a sustainable basis within the resources that will be available
- (d) Identifying and managing risks to the achievement of outcomes
- (e) Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.

The Council can choose to have its longer term Plan/Vision at a high level with annual priorities set, with intended outcomes, milestones and performance recorded. Adoption of the Plan is the core of the Council's Policy Framework.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The content of the report reflects the work carried out to date with Cabinet Members and Councillors more generally, since the election on 4 May 2023 to identify priorities for the Council for the period 2024-28. The draft emerging Corporate Plan will be the subject of consultation with the public, stakeholder organisations, Councillors and staff on the initial emerging themes, with the outcome reported back to a later meeting of Cabinet.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The Council's Procurement Procedure Rules (PPR) (at Part 5 of the Constitution) applies to the proposed engagement of a private social research business to support the consultation around the emerging Corporate Plan 2024-28. The proposed procurement is below that requiring the application of the tender rules within the PPR. However, as the anticipated value of using an external research company is likely to be above £10,000, paragraph 4.2.2 applies, and a minimum of three quotations must be sought.

Three research businesses already in the market space for social research for local government have been approached with the proposal for support for this consultation exercise. For this report, the three businesses are referred to only as companies A, B and C. Following dialogue about the project and the time-line for it Company A declined to submit proposals and cited capacity limits due to work being placed with it by social housing providers in preparations for the new regulatory framework for those providers. Company B has provided a detailed proposal and has previously been engaged by this Council. A detailed proposal is expected from Company C. All three of the businesses approached are currently, or have in 2023, been commissioned to undertake consultative exercises for Councils in Essex.

X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Monitoring Officer is the co-author of this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Whilst there are no financial implications, Financial Sustainability will need to be a driver in setting out the Council's aspirations in a new Corporate Plan. Individual projects still need to be fully and properly assessed and formally approved prior to commencing. One of the priorities from the LGA Peer Challenge carried out in 2018 was that an enhanced approach to project management, project delivery and performance reporting be brought into use. This will encompass a full assessment of resources and risk.

It is important that sufficient resources are made available to support the consultation that will shape the Corporate Plan 2024-28. Officers have been supporting the Leader and Cabinet in the development of the initial proposals set out in this report. However, a realistic assessment of the position is that to deliver the consultation exercise would involve a much wider human resource. To provide this internally would involve a significant realignment of the work of a wider team for a few months. The judgement reached is that this would undermine the delivery of several work streams across the Council. It is also recognised that staffing levels are not at the maximum approved establishment and an approved budget for resources to undertake work to develop the Corporate Plan has not been allocated. However, in consultation with the Chief Executive the allocation of funding from the corporately accrued vacancy savings to date in 2023/24 for the consultation referred to in this report has been identified to fund the development of the Corporate Plan 2024-28. Cabinet is requested to endorse the use of those savings (up to the sum of £25,000), which will not have an impact on wider service delivery within the relevant departments.

X	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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Although there are no significant additional comments to make over and above those set out elsewhere in the report, it is worth highlighting that the Annual Governance Statement 2023 will reflect a number of issues set out in this report, such as project delivery and the work associated with securing the long term financial sustainability of the Council.

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;	The development of a revised Corporate Plan will assist the Council in its prioritisation in respect of its use of available resources. This in itself will contribute to financial sustainability.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The development of a revised Corporate Plan is designed to support good governance/decision making using the themes of the new Corporate Plan to inform that decision making. Article 1 of the Constitution commits the Council to work towards its vision for Tendring as set out in the Council's Corporate Plan. Article 4.01

	of the Constitution sets out the Policy Framework of the Council and identifies the Council's Corporate Plan as the first of the named statutory policies and plans for which the full Council meeting is the adopting body.
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.	One of the proposed themes of the Corporate Plan is Financial Sustainability to support sound budget management and annual priorities will themselves identify the resources to deliver them.

MILESTONES AND DELIVERY

The existing Corporate Plan of the Council covers the period to the start of 2024 and to achieve a new four year Corporate Plan for the start of that year the following timeframe has been identified:

4 May 2023 – Election of District Councillors

11 May 2023 – 1st main Induction Event for all Councillors (commencing discussions at themes for the Council - '*Why Councillors stood for election*')

23 May 2023 – Election of Leader of the Council (and appointment of new Cabinet)

30 May 2023 – 2nd main Induction Event for all Councillors (looking further at themes for the Council – '*What makes your proud of the area you live and what needs more work*')

June/early July 2023 – Informally working with the Leader, Deputy leader and Cabinet to develop initial themes.

21 July 2023 - Draft form of initial emerging themes for the Corporate Plan (Our Vision) 2024-28 for consultation and the basis of that consultation.

26 July to 21 September 2023 – envisaged eight-week consultation period – including All Member Briefings and possible Overview and Scrutiny Committee meetings

October 2023 – review the findings of the consultation on the initial emerging themes for the Corporate Plan 2024-28

10 November 2023 – Cabinet considers the consultation findings and determines proposals for a finalised Corporate Plan 2024-28 for submission to Council.

28 November 2023 – Full Council considers the recommendation from Cabinet

1 January 2024 – New Corporate Plan takes effect.

ASSOCIATED RISKS AND MITIGATION

The Council's budget situation, and the need for significant savings over the lifetime of the intended Corporate Plan 2024-28, is set out in its Medium Term Financial Strategy. With use of one-off funding of £1.528M in 2023/24, the Council anticipates the need to find savings of £1.150M in 2024/25 and £4.250M in 2025/26. As such, it is imperative that the achievement of the required savings underpins and supports the ambition of the Council over the four years concerned.

Achieving savings will need good governance and appropriate timeframes to be factored in, and the risks around this will need to be assessed and provided for.

EQUALITY IMPLICATIONS

The development of the Corporate Plan 2024-28 will be mindful of the Council's obligations under the public sector equality duty. Under that duty, public authorities like this Council are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This duty and consideration of equality issues will inform decision making by the Council going forward as it has since the duty first applied in April 2011.

SOCIAL VALUE CONSIDERATIONS

The development of a new Corporate Plan for the Council is a pivotal point at which to ensure that key aspects of social value are embedded in the working of the Council. Social Value refers to the wider financial and non-financial value created by an organisation through its day to day activities in terms of the wellbeing of individuals and communities, social capital created and the environment

Social value is a pre-procurement consideration and the Council has already expressed its intention to develop a Social Value Policy for Procurement Purposes, but to do so it is important to understand the Council's objectives and priorities to meet the three strands. These include, but are not limited to:

- economic (e.g. employment or apprenticeship/training opportunities);
- social (e.g. activities that promote cohesive communities); and
- environmental (e.g. efforts in reducing carbon emissions).

Social value benefits are also key to the Council in using a range of local government powers in the exercise of its duties and functions. It is considered that, collectively, the initial emerging themes contribute to how the Council wishes to deliver these either on its own or with others for the benefit of the District.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

On 6 August 2019 the Council declared a Climate Emergency and instructed the Chief Executive to prepare an Action Plan that was subsequently adopted by Full Council (and forms part of the Council's Policy Framework with the aim of activities of the Council being net carbon neutral by 2030).

The Corporate Plan for 2024-28 will be developed within the Council's Policy Framework.

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	There are no implications from the subject matter of this report, however each project and new procurement opportunity will consider these implications through the individual decision making.
Health Inequalities	
Area or Ward affected	All.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Corporate Plan 2024-2028

The Council's Corporate Plan sets out the Council's vision and values together with key strategic long term aims and priorities. It has a key focus on Community Leadership being “at the heart of everything we do”. Once adopted by the Full Council it is part of the Council's Budget and Policy framework and thus sets the direction and context for the Council's work for the period of the Plan. For further information on the Budget and Policy Framework Members are referred to Article 4 of the Council's Constitution.

There is a specific process set out in the Constitution for the development, scrutiny and approval of the Corporate Plan.

Initial proposals are prepared and agreed by Cabinet; they are available for the Overview and Scrutiny Committees to consider and comment back to Cabinet as they determine; Cabinet then agree final proposals, which are recommended to Full Council for approval.

Given the importance of the Corporate Plan for the long term focus of the Council there should also be public engagement and the opportunity should be provided to partners of the Council and other stakeholders to feed into the process. This should include public service partners, business and community representatives. It is suggested that this should be carried out utilising the Cabinet's initial proposals for a Corporate Plan 2024-28 – in parallel with the opportunity for review of the initial proposals by the Council's Overview and Scrutiny Committees.

In light of the above, the likely timetable for the preparation of a new Corporate Plan is as set out in the milestones section of this report above.

In so far as the wider consultation is concerned, due regard will be given the Council's Community Engagement Strategy. The aims of that Strategy are to support strong, active and inclusive communities who:

- are informed and involved in decision making;
- can influence and shape the area in which they live and work; and
- have the capacity to develop and deliver their own projects.

It is intended that the consultation will feature:

- (1) A general invitation to residents to submit views on what makes them proud of the area they live in and what needs further improvement. This is likely to be cross-cutting in

respect of the responsibilities of this Council, Essex County Council, Central Government, Parish/Town Councils (where the area has such a Council) and Health, Education and Policing partners locally. The emerging themes for the Corporate Plan as set out in this report will be used to focus some of that feedback invitation. Through a range of material, including social media posts and email communication with households around the annual electoral registration canvass, residents will be advised of the consultation and routes to submit views. It is hoped that most individuals will respond using a dedicated online survey facility to be created. Paper copies of the survey will be made available at several locations across the District and these locations too will be publicised. Individuals will be able to complete paper surveys there and then place them into a secured box that will be emptied by designated staff only and who will then arrange for the paper based responses to be captured electronically. Organisations too may submit views through this arrangement.

- (2) A sampling exercise from the electoral register to identify 200 adults geographically spread equitably across the District and broadly matching characteristics of the population of the District allowing for age and nationality who will be invited to specifically contribute their views so that we can try to ensure that the views of individuals living in all areas of the District are heard. Again, it is hoped that most will respond online using a dedicated facility for this purpose. However, a freepost envelope will be provided for those who prefer to respond in paper. They will also be offered the opportunity to have a call back should online or paper response be an obstacle to them.
- (3) Telephone interviews will be conducted with designated individuals in partner institutions, third sector and business organisations. The aim will be to seek, among other things, to identify the extent to which the views of those organisations align one with the other and with the public's views. Where there is a divergence of views that is identified it will be important to look at what implications this has going forward for the Council.

It is proposed that an eight-week period of consultation is provided so that individuals and organisations will have the opportunity to respond within that period. This timeline also permits a revised Corporate Plan to be put forward to Council before the end of 2023 and therefore operational from 1 January 2024 (as set out in the timeline referenced earlier in this report).

During the consultation period it is proposed that an All Member Briefing session (and potentially two such sessions) are held to take Councillors through the process and assist all Councillors to submit views into the consultation process. Council staff will be consulted through the usual internal communication channels.

The Council's performance management arrangements seek to establish a clear linkage – sometimes referred to as a “golden thread” - between the long term aims of the Corporate Plan, the medium term priorities and projects, the deliverables identified for those priorities and projects and the more detailed service aims set out in Departmental Plans and ultimately in the individual performance aims set for individual officers.

Having a clear statement of the Vision of the Council and the values it expects all Members and staff to adhere to also has a wide and deep influence on the day to day working of the Council.

Finally, with regard to the content and structure of the Corporate Plan and the Council's

Performance Management arrangements, this report suggests that the set of arrangements currently in place, and which has evolved over a number of years, is fit for purpose and works well; and should continue to be the basis used by the Council. Clearly, those performance management arrangements will need to be refined as the extended role of the Social Housing Regulator means there will be additional data requirements from that Regulator as to assurance that standards are being met and tenant satisfaction is being measured. Likewise, the requirements for performance data from the Office for Local Government (Oflog) will need to be integrated into this Council's performance management arrangements.

Thus it is proposed to prepare a high level strategic "Plan on a Page" which will include the Council's specific corporate priority themes the Council wishes to commit its resources to strive towards.

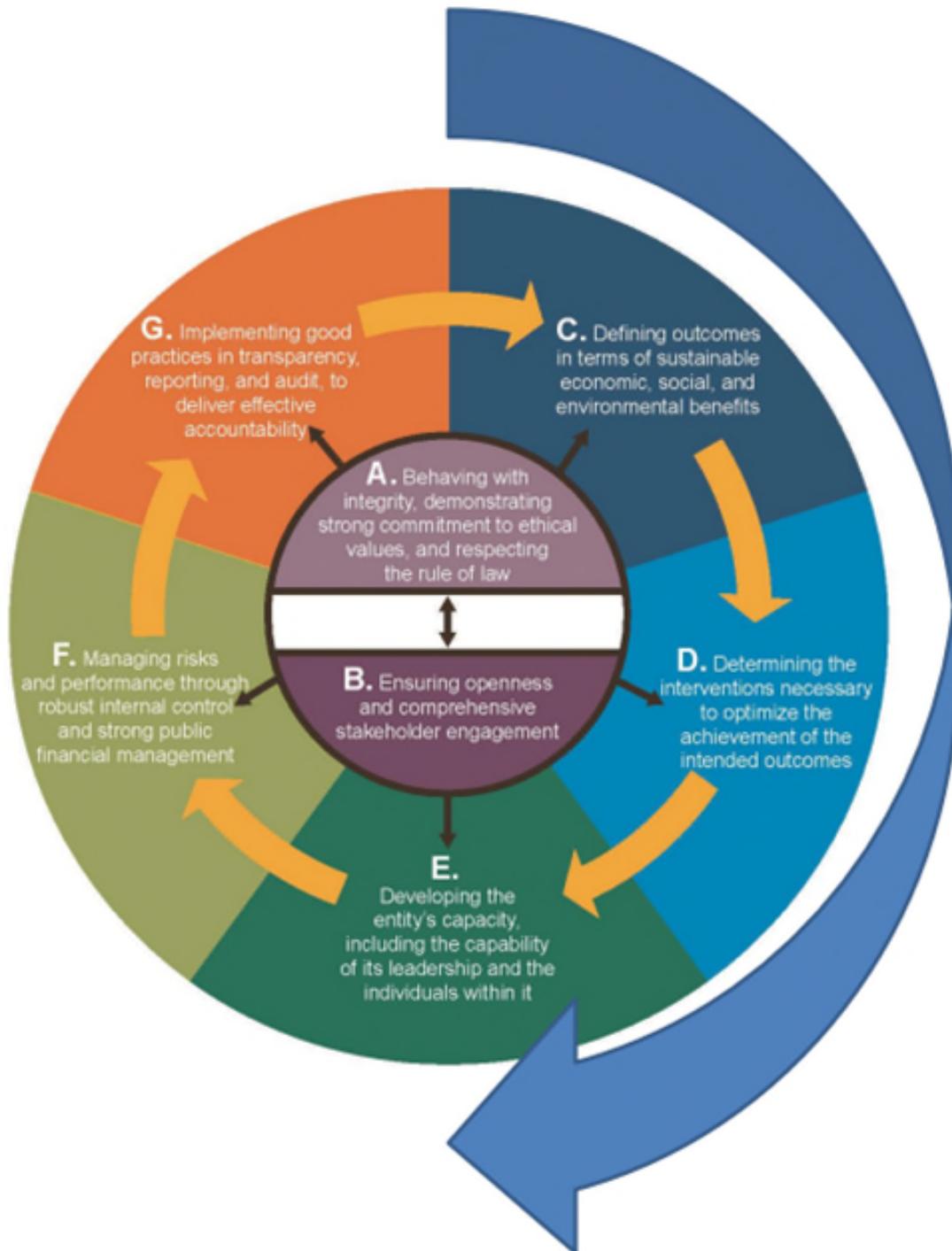
It is proposed that a strong focus on Community Leadership should be a cross cutting theme for the emerging plan.

Initial work with Cabinet and Councillors more generally has identified five themes for Our Vision, with Community Leadership to be recognised as a cross cutting element of the Plan. The initial Themes as set out in **Appendix A**, are as follows:

- **Pride in our area and services to residents**
- **Raising aspirations and creating opportunities**
- **Championing our local environment**
- **Working with partners to improve quality of life**
- **Financial Sustainability and openness**

The diagram on the next page, based on the 7 principles of Local Code of Governance (for Local Government), sets out the underlying approach to the setting of the Corporate Plan and the annual highlight priorities to be set each year in support of that Plan:

Achieving the intended outcomes while acting in the public interest at all times



PREVIOUS RELEVANT DECISIONS

Council – Minute 78 of 21 January 2020 refers (in respect of the 2020-24 Corporate Plan)

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

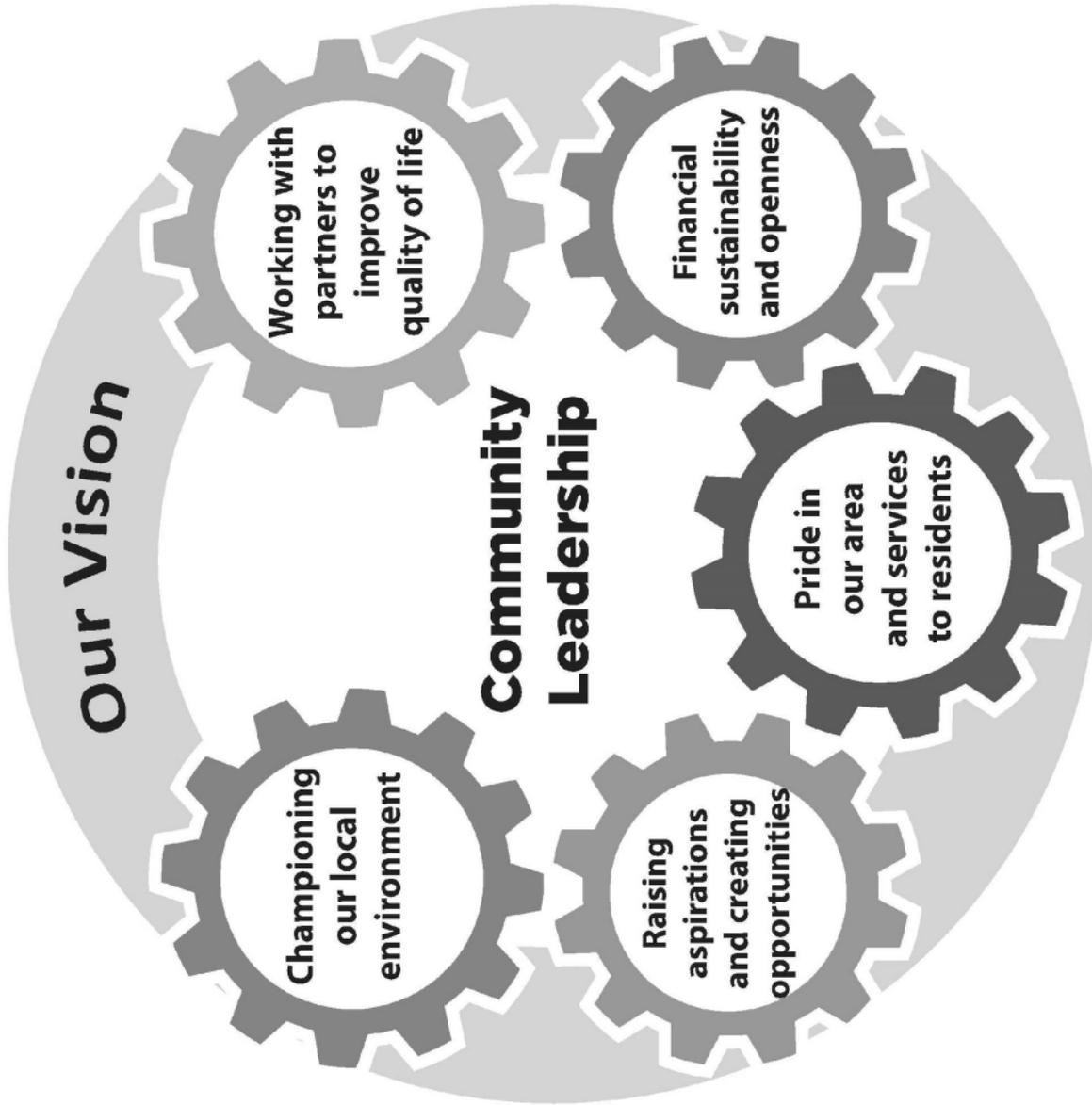
None

APPENDICES

A – Initial themes for Corporate Plan 2024-28 on which consultation will be framed.

REPORT CONTACT OFFICER(S)

Name	(1) Lisa Hastings (2) Keith Simmons
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LISTENING TO AND DELIVERING FOR OUR RESIDENTS AND BUSINESSES!

Our Vision

(Corporate Plan 2024-28)

[Community Leadership to be recognised as a cross cutting element of the Plan]

Pride in our area and services to residents

We want to put residents' first, providing and promoting clean and tidy communities, decent housing that everyone deserves, and tackling the things that make a big difference to you. This means getting the basics right on our services. We also want to promote pride in our communities, encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work.

Raising aspirations and creating opportunities

Tending is ambitious and our residents will be supported to reach their potential and realise their opportunities. To do this we want to, working with partners, improve access to skills learning so residents can get jobs and to allow businesses to thrive in our district; particularly taking the opportunities afforded by Freeport East. We want to maximise the opportunities for young people; to inspire those dreams we will celebrate business success, encourage responsible tourism, develop our cultural sector and economic growth.

Championing our local environment

We believe our environment is special, it is the space where we live and work, and therefore deserves protection. We will be tough on those who do not respect our environment. We want to create and maintain spaces for leisure, wellbeing and active lifestyles, and deliver access to open spaces to achieve this.

Working with partners to improve quality of life

It is our aim to build on joint working with our partners across government, public, private and third sectors to improve the quality of life for our residents. We want to promote safer, connected and inclusive communities; and we recognise the vital role volunteers play in caring for others and our environment, and we want to support, encourage and facilitate those opportunities.

Financial Sustainability and openness

To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.

CABINET

21 JULY 2023

REPORT OF THE LEADER OF THE COUNCIL AND CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.8 OVERVIEW OF THE FINANCIAL OUTTURN 2022/23 AND PROPOSED ALLOCATION OF THE GENERAL FUND VARIANCE FOR THE YEAR

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval of the allocation of the overall 2022/23 General Fund revenue variance.

EXECUTIVE SUMMARY

- The Portfolio Holder for Finance and Governance agreed the overall outturn position for 2022/23 on 10 July 2023, with a high level summary of the General Fund revenue position set out below. The detailed report considered by the Portfolio Holder is available on the Council’s website using the following link [Decision - Financial Outturn 2022/23 \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/Decision-Financial-Outturn-2022/23).

Variance for the year before carry forward requests	(£19.131m)
Less revenue carry forwards requested by Services	£15.779m
Variance for the year after requested carry forwards	(£3.352m)

- As set out within the Portfolio Holder report mentioned above, the favourable variance for the year of **£3.352m** is currently being held in the Revenue Commitments Reserve.
- The Portfolio Holder report referred to also set out an emerging issue that was likely to have an impact on this overall variance for the year, which related to the Crematorium Replacement Capital Project with further details set out later on in this report. In summary, **£0.558m** of the overall favourable variance of **£3.352m** above related to the underspend against the associated capital scheme, which was due to the original capital programme incorrectly including the costs of the 10 year maintenance contract associated with the new cremators. Following an associated review, it has been identified that **£0.240m** of the overall favourable above is required to ‘top up’ the existing maintenance budget to meet the cost of this on-going contract.
- After taking into account the above, the remaining favourable variance is therefore **£3.112m**.
- Following on from the above, it is proposed to continue to hold the remaining favourable variance for the year of **£3.112m** within the Revenues Commitment Reserve and consider its allocation alongside the Financial Performance Reports later in the year, which will include the development of the financial forecast for 2024/25 and beyond. This approach will enable future investment to be aligned alongside other key financial

decisions associated with delivering options and actions to support the Council's long-term financial sustainability.

- The Portfolio Holder report highlighted above also set out a number of carry forwards that had been requested by Services. These totalled **£25.703m** (£15.779m relating to revenue budgets and £9.924m relating to capital schemes).
- It was intended to have reviewed all of the carry forwards requested by Services to identify those to be agreed or otherwise for reporting to this meeting of Cabinet. However, the review remains in progress and so it is now proposed to delegate their approval to the Portfolio for Finance and Governance in consultation with the S151 Officer. This review will also seek the input from relevant Senior Officers and Portfolio Holders. Following this review and associated decision, it is proposed that the total amount relating to any carry forwards not subsequently approved will be added to the general favourable variance for the year of **£3.112m** highlighted above and retained within the Revenues Commitment Reserve for consideration later in the year as proposed.
- Although subject to separate reports later in the year, this report provides a timely opportunity to briefly reflect on the in-year position for 2023/24 and look ahead to the forecast for 2024/25 and beyond, with further details set out later on in this report.

RECOMMENDATION(S)

That Cabinet:

- (a) notes the high level Financial Outturn Position set out in this report and the initial favourable General Fund Revenue variance of £3.352m for the year, which is currently held within the Revenue Commitments Reserve;**
- (b) that £0.240m of the overall favourable variance of £3.352m is used to meet the additional maintenance costs of the new cremators over the associated 10 year maintenance period;**
- (c) subject to b) above, agrees that the remaining favourable variance for the year of £3.112m is retained within the Revenue Commitments Reserve for further consideration during 2023/24;**
- (d) delegates the approval of the carry forwards from 2022/23 to the Portfolio Holder for Finance and Governance in consultation with the S151 Officer;**
- (e) subject to d) above, the value of any of carry forwards not subsequently approved be added to the general variance set out in (c) above; and**
- (f) agrees a delegation to the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for 2022/23 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2022/23 accounts.**

REASON(S) FOR THE RECOMMENDATION(S)

To allocate the overall General Fund favourable outturn variance for 2022/23 along with associated delegations.

ALTERNATIVE OPTIONS CONSIDERED

This is broadly covered in the main body of this report.

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. The current 10-year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors.

The outturn position reflects the above and supports the Council's successful financial planning processes.

OUTCOME OF CONSULTATION AND ENGAGEMENT

In terms of the in-year financial performance of the Council, internal consultation is carried out via the Council's framework to monitor / manage the budget and as part of developing the forecast as set out within the Constitution.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input 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)	17 May 2023

The Council is legally required to calculate a Council Tax requirement each financial year. Within this framework is the requirement to monitor and report accordingly on the financial position of the authority against this requirement.

The outturn position set out in this report and the actions proposed are within the Council's powers and reflect the statutory requirements and responsibilities of the Council in the

preparation of its accounts.

The approval of the outturn position each year is delegated to the Finance and Governance Portfolio Holder. Any further decisions that may be required following the outturn process, such as allocating money brought forward from the prior year are reported to Cabinet at a subsequent meeting. In effect, the approval of the outturn delegated to the Finance and Governance Portfolio Holder will primarily only place available funding that needs further allocation in reserves until a formal / separate decision is made by Cabinet, which is the subject of this report.

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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No further comments to add to those covered within the content of the report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The main financial implications for each section of the Council's accounts are as set out in this report.

Yes	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This is addressed in the body of the report but it is important to recognise further decisions are required as highlighted and reasons must be adequately recorded.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

This report forms part of the Council's wider budget setting and monitoring processes. In respect of 2022/23, this report reflects on the final outturn position for the year that builds on earlier financial performance reports that have been presented to Cabinet on a broadly quarterly basis throughout the year.

ASSOCIATED RISKS AND MITIGATION

Although there are no direct risks associated with the outturn position, there will be various 'knock on' risks to the Council's financial position going forward, which are either highlighted elsewhere within this report or will be revisited as part of developing the longer term forecast

that will be presented to a future Cabinet meeting. The financial position for 2023/24 and 2024/25 and beyond will therefore be reviewed in light of this outturn position.

The Council's reserves, including the Forecast Risk Fund remain a key element of the long-term plan approach with additional details set out further on in this report.

EQUALITY IMPLICATIONS

There are no direct implications that significantly impact on the Council's financial performance / forecast at this stage. However, the ability of the Council to appropriately address such issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver savings. This is an important part of the future decision making timetable and must be adequately factored into the process.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the long-term forecast.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no direct implications that significantly impact the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the long-term forecast.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Please see comments above
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

BACKGROUND AND PROPOSED ALLOCATION OF THE OVERALL GENERAL FUND VARIANCE FOR 2022/23

The Financial Outturn for 2022/23 was agreed by the Portfolio Holder for Finance and Governance on 10 July 2023.

The report set out an overall favourable variance of **£3.352m**. Appendix A of the same report highlighted the key variances that contributed to this overall position for the year, some of which reflected one-off issues whilst others will be subject to further review to determine any longer term impact.

Of the overall variance for the year of **£3.352m** mentioned above, **£0.558m** related to an underspend against the revenue contributions to the cremator replacement project within the Capital Programme. When the scheme was established, a total budget of **£1.539m** was included within the 2022/23 Capital Programme. As the scheme was being delivered during 2022/23, it emerged that the total capital budget incorrectly reflected revenue costs associated with the on-going maintenance of the facility over the contract term of 10 years.

Although there is already an existing on-going revenue budget to support the maintenance of the facility, this would need to be increased from 2023/24, to meet the increased costs associated with the new 10 year maintenance contract. Following a review, it has been identified that additional funding of **£0.240m** would be required to meet the revised revenue maintenance costs. It is therefore proposed to use the underspend against the capital project highlighted above to meet this cost. In effect this would be met from the overall outturn variance of **£3.352m** as it includes the associated revenue contribution capital programme underspend.

Taking the above adjustment into account, the overall favourable variance for 2022/23 would reduce to **£3.112m** from **£3.352m**.

Carry Forward Requests

The Portfolio Holder Report highlighted above also set out the following carry forwards that have been requested by Services: (these amounts are being 'held' in the relevant Commitments Reserve, pending further consideration).

Area of the Budget	Total Carry Forwards Requested
General Fund Revenue – General (Incl. RCCO)	£15.779m
General Fund Capital Schemes (Excl. RCCO)	£9.924m
TOTAL	£25.703m

(RCCO = Revenue Contribution to Capital Outlay)

The above carry forwards requested by services may not necessarily meet the specific criteria set out within the Portfolio Holder Report highlighted, with some items relating more closely to taking advantage of underspends in 2022/23 to apply to potential advantageous schemes and projects in 2023/24.

It was intended to have reviewed all of the carry forwards requested by Services to identify those to be agreed or otherwise for reporting to this meeting of Cabinet. However, the review remains in progress and so it is now proposed to delegate their approval to the Portfolio Holder for Finance and Governance in consultation with the S151 Officer. This review will also seek the input from relevant Senior Officers and Portfolio Holders. Following this review and decision, it is proposed that the total amount associated with any carry forwards not subsequently approved will be added to the general favourable variance for the year of **£3.112m** highlighted above. The delegated decision will be recorded and published in the normal manner, with the implications and options set out. The outcome from the review will also be reported back to Cabinet as part of a future in-year financial performance report.

The review of carry forwards forms an important element of the Council's financial performance and development of the forecast in future years, especially within the context of the challenging financial position the Council currently faces. For example, existing base budgets can be reviewed / developed in light of prior year carry forward requests which in turn would provide the basis to explore opportunities to support the delivery of savings targets or providing 'headroom' to meet cost pressures going forward, which could be on a one-off basis or on-going.

Allocation of the General Outturn Variance of £3.112m

Following on from the above, it is proposed to continue to hold this money within the Revenues Commitment Reserve and consider its allocation alongside the Financial Performance Reports later in the year, which includes the development of the Financial Forecast for 2024/25 and beyond. This approach will enable future investment to be aligned alongside other key financial decisions associated with delivering options and actions to support the Council's long term financial sustainability.

This aligns with the approach taken as part of the budget setting process for 2023/24 where the reduction in the forecast deficit provided 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.

Other Issues

During the external audit of the Council's Accounts over the coming months, adjustments or amendments may be recommended by the Council's External Auditor. Although subject to the actual adjustments that may be recommended by the Auditor, they may have a direct impact on the overall outturn position for the year rather than be just presentational changes. They would then be included in the Statement of Accounts that would be presented to the Audit Committee later for approval. To enable the right level of flexibility in responding to any changes recommended by the External Auditor, a delegation is included in the recommendations above to enable the Council's S151 officer, in consultation with the Finance and Governance Portfolio Holder, to make the necessary adjustments to the 2022/23 outturn position.

BRIEF LOOK AT THE IN-YEAR POSITION 2023/24 AND AHEAD TO 2024/25 AND BEYOND

As set out in previous financial performance reports, the Council faces a challenging financial environment such as on-going inflationary pressures on expenditure budgets. Based on the current forecast position reported to Full Council in February this year, significant on-going revenue savings are required in 2024/25 and beyond with work continuing to develop a framework in which to deliver this level of savings going forward. This work, along with updating the detailed financial forecast remains on-going and will be set against the outturn position for 2022/23, where the impact of both favourable and adverse variances will be subject to further review in terms of their potential longer-term impact.

In terms of 2023/24, some key issues include:

- Planning Appeal Costs
- Review of the Careline Business Case
- Waste Tipping Away Costs
- Fixed term budgets coming to an end e.g. Housing Early Interventions Officer.

- North Essex Parking Partnership Budget and potential financial impact on partnering authorities
- Impact of the outturn position for 2022/23 – over and above items highlighted above and reflecting both adverse and favourable issues.
- Ongoing inflationary pressures – e.g. employee and contract costs.
- Prioritising investment

In terms of 2024/25 and beyond, some issues over and above any on-going impact of the items identified for 2023/24 include:

- Consideration of extending the long-term forecast period beyond 2026/27
- Reflecting the on-going priorities and vision of the Council.
- Reviewing the overall financial risk approach – balancing any bias - cautiousness / optimism
- Using one-off funding to support the budget
- Future investment opportunities and cost pressures, including the impact of the upcoming retender of the waste and street cleansing contract
- Impact of new Extended Producer Responsibility relating to packaging and waste
- Framework within which to identify savings and efficiencies

Other Issues

The outturn report also provides the timely opportunity to reflect on other financial matters arising to date and in that context it is worth highlighting the following:

New Right to Buy Flexibilities and HRA Preferential Borrowing Rate

The amount of capital receipts from Right to Buy sales that Councils can retain along with how they can be spent are subject to a number of rules / restrictions with a summary as follows:

- The underlying amount that Council's can retain unconditionally is based on an 'historic' split between Councils and the Treasury – 25% and 75% respectively
- Councils can retain 'additional' amounts over and above the 'shared' amount paid to the Treasury above.
- Councils have 5 years to spend these additional retained amounts (this was increased from 3 years and is backdated)
- There is a 'cap' of 40% on the percentage cost of new homes that can be funded from these additional retained amounts.
- There is a cap of 50% on the amount of these additional retained amounts that can be used for acquisitions – with the first 20 units of delivery in each year excluded. (the Government have stated that their aim is to drive new supply for both existing and future receipts)

This 'cap' will reduce to 40% in 2025/26 and 30% from 2026/27 onwards.

- Any unused additional retained amounts will need to be repaid to the Government along with interest.

The Government have recently announced that Councils can retain 100% of capital receipts generated from Right to Buy sales in 2022/23 and 2023/24 rather than having to repay them

over to the Treasury as part of the 'underlying' rules highlighted within the bullet points above.

Although these receipts will still be subject to all of the restrictions set out above, opportunities to spend this additional money that can be retained locally will be explored and reported to members at a later date.

It is also worth highlighting that Local Authorities can access loans from the PWLB at discounted rates from June 2023, intended primarily for new housing delivery. The rate applies to fixed rate loans and will be available for one year with its continuation subject to review. The rate is 0.40% above gilt rates, which is 0.6% lower than the 'standard' PWLB rate. Although the rate is advantageous, its potential benefit has been somewhat diluted by the underlying increase in general gilt prices / interest rates, which makes borrowing at the present time more expensive than in previous periods.

Notwithstanding the above, this issue can be considered alongside the use of retained additional receipts set out above within the context of the HRA Business Plan.

Council Tax Premiums on Second Homes

As previously discussed, the Government have included within the Levelling Up and Regeneration Bill the ability for Councils to charge a council tax premium of up to 100% on Second Homes.

Although the above bill is still subject to various Parliamentary processes before receiving royal assent, it may be necessary to consider the introduction of such a premium during 2023/24 given that a Local Authority's first determination must be made at least one year before the beginning of the financial year to which it relates. The earliest date that such a premium could be introduced is therefore 1 April 2025.

Council Tax discounts and premiums are subject to a separate reporting process during October and November each year. With this in mind, this issue will be reviewed / revisited as part of this separate decision making process later in the year.

PREVIOUS RELEVANT DECISIONS

Finance Update Report – General Update 2022/23 and 2023/24 – Item A.2 Cabinet 7 October 2022.

Financial Performance Report 2022/23 and 2023/24 – General Update at the end of Q2 – Item A.5 Cabinet 4 November 2022.

Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – Items A.3 Cabinet 16 December 2022.

Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – Items A.4 Cabinet 27 January 2023.

Executive's Proposals – General Fund Budget and Council Tax 2023/24 – Item A.1 Full Council 14 February 2023.

Executive's Proposals – Housing Revenue Account Budget 2023/24 – Item A.2 Full Council

14 February 2023.

Financial Performance Report 2022/23 and 2023/24 – General Update at the end of Q3 – Item A.3 Cabinet 17 March 2023.

Financial Outturn 2022/23 Report – To provide an overview of the financial outturn for the year 2022/23 and to seek approval of the associated financial decisions related to the end of year accounting processes. Report agreed by the Portfolio Holder for Finance and Governance under delegated Powers – 10 July 2023. LINK - [Decision - Financial Outturn 2022/23 \(tendringdc.gov.uk\)](#).

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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CABINET

21 JULY 2023

REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER

A.4 ELMSTEAD NEIGHBOURHOOD PLAN AND NEIGHBOURHOOD DEVELOPMENT ORDER – PROPOSAL FOR PUBLIC CONSULTATION

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Key Points:

- Elmstead Parish Council has submitted the final version of its Neighbourhood Plan and Neighbourhood Development Order (NDO) to Tendring District Council. The Neighbourhood Plan and NDO have been prepared by the Parish Council having regard to technical evidence, feedback from community engagement activities and the ongoing advice of Tendring District Council Officers.
- As part of the statutory plan-making process, the Neighbourhood Plan and NDO must be published for at least six-weeks formal consultation and thereafter undergo an independent examination and a local referendum before it can be formally adopted by the District Council.

On adoption, the Neighbourhood Plan (with any changes required as a result of the consultation and examination process) will form part of the 'Development Plan' alongside the Tendring District Local Plan and will be a material consideration in the determination of planning applications.

- As well as submitting a Neighbourhood Plan, the Parish Council is also submitting a Neighbourhood Development Orders (NDOs) which will have the power to grant planning permission for specific development in a particular area. The Parish Council are using their NDO to gain outline planning permission to demolish the village hall and replace it with up to 9 apartments.
- The documents submitted by Elmstead Market Parish Council include the Neighbourhood Plan and NDO itself, a Consultation Statement, a 'Basic Condition Statement' and a number of other supporting documents including a Habitat Regulation Assessment (HRA) and a Strategic Environmental Assessment (SEA).

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

RECOMMENDATION

That Cabinet:

- a) notes the contents of the submitted documentation at Appendix 1 (The Elmstead Neighbourhood Development Plan), Appendix 2 (Consultation Statement), Appendix 3 (Basic Condition Statement) and Appendix 4 (Neighbourhood Development Order); and**
- b) authorises the Director (Planning) to carry out six-week public consultation on the Plan, NDO and other related documents in accordance with Regulations 16 and 21 of the Neighbourhood Planning Regulations 2012 in due course.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

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

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

RESOURCES AND RISK

The Elmstead Neighbourhood Plan and Neighbourhood Development Order (NDO) have been prepared by Elmstead Parish Council with assistance from a planning consultancy. The responsibilities for resourcing this project have, to date, sat principally with the Parish Council as the 'qualifying body'. However, the District Council has statutory duties in regard to the preparation of

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

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

Neighbourhood Development Orders (NDOs) grant planning permission for specific development in a particular area. This could include things like specified changes of use, certain kinds of alteration or the reinstatement of historical features. An NDO could be used to grant outline planning permission for specified uses on allocated sites, such as housing, commercial uses or recreational uses.

Nationally there has been limited use of NDOs. However, they have real potential, especially when carried out in parallel to the preparation of a neighbourhood plan.

Once the consultation on the Neighbourhood Plan and NDO is complete, these will need to be examined, similar to a Local Plan. When that is complete a referendum of all those living in the Parish area will need to be undertaken. If more than half of the electorate vote in favour of the Plan and NDO they will both be 'made' or adopted by the District Council. The Plan will form part of the Development Plan for the District and the NDO will grant outline planning consent for the proposed development.

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

LEGAL

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

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

Planning Authority must consider a Neighbourhood Development Plan when deciding applications for planning permission, along with any other material consideration.

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

Elmstead Parish Council is at Regulation 15 stage in the preparation of its Neighbourhood Plan. This regulation states:

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

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates.*
- (b) a consultation statement.*
- (c) the proposed neighbourhood development plan; and*
- (d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

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

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

And then Regulation 16 states:

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

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

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

For the Neighbourhood Development Orders paragraph 52 of the National Planning Policy Framework (NPPF) states:

“Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination”.

Government guidance on preparing NDOs and Community Right to Build Orders (CRtBOs) is contained in National Planning Practice Guidance.

Rather like neighbourhood plans, NDOs and CRtBOs must be subjected to an independent examination, and then be approved by the community in a referendum, before they can come into force.

Before an order can be prepared, a neighbourhood area must have been designated. Parish/Town Councils or neighbourhood forums may submit neighbourhood areas for designation. Community organisations have the ability to submit neighbourhood areas for designation, if they are capable of becoming a neighbourhood forum.

OTHER IMPLICATIONS

Area or Ward affected: Elmstead Parish area and the ward of Alresford and Elmstead.

Consultation/Public Engagement: Regulations require that a six week public consultation is carried out for both the Neighbourhood Plan and the NDO. Officers consider this to be an acceptable approach.

PART 3 – SUPPORTING INFORMATION

Elmstead Neighbourhood Plan and Neighbourhood Development Order Submission Documentation

Elmstead Parish Council is at an advanced stage of Neighbourhood Plan and Neighbourhood Development Order (NDO) preparation. The Parish Council has completed the preparation stage of plan making for both the Plan and the NDO and has submitted them along with background evidence documentation to the District Council so that they can be formally consult upon. This stage is akin to the ‘submission draft’ stage of Local Plan preparation.

A large number of documents have been submitted to the Council; these are:

- Elmstead Neighbourhood Plan add NDO Covering Submission Letter
- Elmstead Submission Neighbourhood Plan
- Landscape Setting Report
- NDO Submission Order FINAL
- Elmstead NDO Visibility splay Model
- Elmstead Preliminary Ecological Assessment.
- Regulation 21 Consultees
- Transport Statement
- Policy Map ELM1 Settlement Boundary
- Policy Map ELM10 Important Views
- Policy Map ELM11 Village Core and Centre
- Policy Map ELM12 Active Travel Network.
- Policy Map ELM13 Key Locations Plan
- Policy Map ELM15 Green Ring
- Policy Map ELM16 Nature Recovery
- Policy Map ELM3 Gaps Between Settlements
- Policy Map Inset 1
- Policy Map (Area Map)
- Elmstead Market landscape appraisal of proposed green landscape buffer and gaps between settlements
- Elmstead Housing Needs Assessment Final Version
- Elmstead Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report
- Green Spaces report – updated.
- Local Gap and Corridors of Significance Elmstead
- Elmstead Neighbourhood Plan Basic Conditions Statement
- Elmstead Neighbourhood Plan Consultation Statement
- Appendixes A – I which contain many background documents including previous consultation responses, details of local residents’ surveys and a statement detailing how the comments on the previous iteration of the Plan and NDO change the new versions.

For the purposes of the Neighbourhood Plan, it is only the Plan itself, the Consultation Statement and the Basic condition statement that require consultation. For the Neighbourhood Development Order, it is the NDO document itself and its background documents that require consultation.

The Neighbourhood Plan

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

The District Council had a number of comments at that stage around ensuring compatibility with the adopted Local Plan, in particular how Policies in the draft plan would relate to and not prejudice the Garden Community and emerging Development Plan Document.

Following the previous public consultation the Plan has been amended. Officers are satisfied that the amendments have addressed the District Council's previous comments.

Within the Plan there is a succinct vision for the area when it states:

Elmstead will have grown successfully as a community through the completions of approved housing developments and sustainable infill within the existing fabric of the village settlement. The village core provides a centre bringing the old and new communities together. Although change in the wider parish has been significant, it has provided the opportunity for access to new community facilities and services and improved connectivity of the wider green infrastructure network from the village into the countryside.

This vision is supported by four key objectives, these are:

1. To manage incremental growth of the village through sensitive infill and to protect the surrounding countryside from harmful development.
2. To conserve the special heritage character of the village and its landscape setting
3. To protect and improve the ecological value and connectivity of the green infrastructure assets of the village and wider parish.
4. To sustain community facilities and services that are essential to community life.

The Plan then contains eighteen planning Policies, these are:

POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARIES – This policy defines the Settlement Development Boundary (SDB) for Elmstead village and a new SDB for Landswood Park.

POLICY ELM2: PROTECTING THE SETTING OF ELMSTEAD MARKET – This policy reflects the landscape buffer between Elmstead and the Garden Community

POLICY ELM3: GAPS BETWEEN SETTLEMENTS – This policy promotes a landscape buffer between the village of Elmstead and Landswood and defines a number of 'Corridors of Significance'

POLICY ELM4: THE FORMER ELMSTEAD COMMUNITY CENTRE – This policy supports the delivery of the NDO.

POLICY ELM5: AFFORDABLE HOUSING – This policy defines the tenure split for affordable homes.

POLICY ELM6: FIRST HOMES – this policy defines the provision for first homes in the Parish.

POLICY ELM7: HOUSING MIX – This policy defines the bedroom mix for new dwellings in the Parish.

POLICY ELM8: ZERO CARBON BUILDINGS – This policy provides for energy efficient buildings to a high standard in the Parish.

POLICY ELM9: DESIGN CODES – This policy supports good design in the Parish.

POLICY ELM10: IMPORTANT VIEWS – This policy identifies important views in the Parish and seeks their protection.

POLICY ELM11: THE VILLAGE CORE – This policy defines the kinds of uses to be supported within the village core.

POLICY ELM12: MOVEMENT AND CONNECTIVITY – This policy promotes an active travel network throughout the village and aims to protect it.

POLICY ELM13: MANAGING TRAFFIC – This policy promotes public realm improvements and supports traffic reduction in the Parish.

POLICY ELM14: LOCAL GREEN SPACES – This policy designates a number of protected green spaces.

POLICY ELM15: GREEN RING – This policy promotes a ‘green ring’ around the village which will support active travel modes such as cycling and walking.

POLICY ELM16: NATURE RECOVERY – This policy supports the production of a biodiversity network.

POLICY ELM17: HEALTH AND WELLBEING SERVICE PROVISION – This policy supports the local healthcare provision and requires that all new development assist in this.

POLICY ELM18: LOCAL COMMUNITY USES – This policy identifies a number of community facilities and promotes new facilities.

The Consultation Statement

This document (Appendix 2) provides details of who has been consulted at the previous stage, what they said and how the Plan has changed in response to those comments.

The Basic Condition Statement

Only a draft Neighbourhood Plan or NDO that meets each of a set of ‘basic conditions’ can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to

the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to NDOs.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area, it is appropriate to make the order. This applies only to Orders.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

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

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that strategic policy in the Local Plan is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach (NPPG - Paragraph: 074 Reference ID: 41-074-20140306 Revision date: 06 03 2014).

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

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

The most relevant of these Local Plan documents - Sections 1 and 2 of the Tendring District Local Plan - were only very recently adopted in 2021 and 2022 respectively. Elmstead Parish Council's Neighbourhood Plan has been prepared paying close and considered regard to the strategic policies of these documents.

- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

The Basic Condition Statement is located at Appendix 3.

Other Consultation Material

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

The Neighbourhood Development Order

Neighbourhood Development Orders (NDOs) grant planning permission for specific development in a particular area. This could include things like specified changes of use, certain kinds of alteration or the reinstatement of historical features. An NDO could be used to grant outline planning permission for specified uses on allocated sites, such as housing, commercial uses or recreational uses.

Nationally there has been limited use of NDOs. However, they have real potential, especially when carried out in parallel to the preparation of a neighbourhood plan.

The Proposal

The Neighbourhood Development Order (Appendix 4) proposes the demolition of the former Elmstead Community Centre on land located on the eastern side of School Road, Elmstead Market, Colchester CO7 7ET and the construction of an affordable housing scheme.

The proposals are for; provision of a mix of 1- and 2-bedroom affordable apartments, up to nine in total, with an internal floor area of up to 650 m² in total; access off School Lane to serve the dwellings and a shared parking area; maintaining access to the recreation ground; provision of car parking spaces to serve the development.

Planning Conditions

As with a regular planning application, a number of controlling conditions have been recommended. These include:

1. Provision of community facilities
2. Time limit
3. Reserved matters
4. Construction Method
5. Scheme of foul and surface water drainage
6. Landscape
7. Ecology

8. Highways and access
9. Car and cycle parking
10. Layout, scale, design and external appearance
11. EV charging
12. 20% renewables

Layout

The site is flat and rectangular on an east west axis with a southerly aspect. It measures approximately 28m x 26m with an area of 0.075 hectares (fig. 4). The former Community Centre building is a single storey brick structure (view 5) on the northern part of the site with a footprint of around 350m².

The title boundary cuts diagonally across a shared parking area and extends along School Road up to Market Field School, projecting out onto the School Road pavement in front of the entrance. (view 6).

Historic mapping shows the building was previously a Primary School with a playing field to the south, which is now the Market Field School, and allotment gardens to the east of the playing field, which are now the recreation ground.

Pedestrian and vehicles access is off School Road with a shared vehicle access (view 7) and parking area wrapping around the southern and eastern sides of the building.

Boundary conditions:

The western boundary has a frontage onto School Road (view 8) with a dropped kerb for vehicle access to the shared parking area and recreation ground. The main entrance to the building is via a setback lobby on School Road with railings along the kerb line (view 5).

The northern boundary to the Budgens store is defined by a low railing and wall adjoining an open space behind the rear of the store (view 9).

The eastern boundary is a fence line with vegetation to the Budgens car park to the rear of the store and the gated access to the recreation ground with the school building being a dominant feature (view 10).

The southern boundary within the parking area has no defining features and looks onto the boundary to the Market Field School which is defined by a railing with low bushes (view 11).

There are two pass gates into the recreation ground from the parking area, one for pedestrians and the other for maintenance access (view 12).

Transport and access:

A Transport Statement September 2022 (appendix A) prepared by TPC for the draft NDO scheme concluded that:

- The site is well located in terms of its accessibility to the major highway network, local amenities, and public transport services by bus.
- The car parking provision considers the local parking standards and likely car ownership of the affordable housing provision, and the site layout will provide an acceptable means of access with the preferred pedestrian visibility splays and driver visibility splays conforming to the required standards and guidance.
- Refuse collection and servicing can be achieved from School Road where an appropriately sized and designed bin store will be provided at the site frontage which will not require large vehicles to enter the site car park/access. There are no loading restrictions in place in this section of School Road.
- The traffic and parking impact on the local highway network will be negligible. Accordingly, we believe there are no sustainable reasons for refusal of this proposal on highway or traffic grounds.

Flood & drainage:

The site is within Flood Zone 1 making it acceptable for residential development and there are no known surface water issues. Provision will need to be made for on-site surface water management and a SUDS strategy will be provided as part of the Order.

Ecology:

A Preliminary Ecological Assessment prepared by ACJ Ecology that included a site visit and extended Phase 1 Habitat Survey was carried out in September 2022 and concluded that:

Habitats:

Natural England has not designated the site as a site of importance for nature conservation at the national, regional or county level. This is because the site and the on-site habitats are widespread throughout the UK. The habitats are of limited ecological value and only site value.

Protected species: The habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting. The likelihood of protected species is negligible, and no additional surveys are needed.

The removal of suitable habitat must be undertaken outside the bird breeding season. If work during the breeding season is unavoidable, an inspection will need to be carried out by a suitably experienced ecologist immediately before the start of site clearance to identify whether nests are present. If active nests are found, an exclusion zone will have to be around the nest(s), and work must not continue until the young have fledged.

Biodiversity enhancement should include the native species mix to improve the diversity and adapt to climate change.

Arboriculture:

Proposals will be submitted for protecting the existing tree on site in accordance with a scheme which complies with BS 5837:2012 prior to development (including site works and demolition) in accordance with condition 3.2.6.

Geotechnical:

The site is previously developed brownfield land, and its historic use, topography and previous adjacent uses suggest there are no issues with contamination or development abnormal relating to ground conditions.

Utilities:

The site currently has utility connections to serve the development.

Archaeology:

No issues. Refer to the Archaeology Statement in Section 5.

Heritage:

No issues. Refer to the Heritage Statement in Section 6

Other Documentation

The NDO is supported by a consultation Statement and a Basic condition Statement in line with the Neighbourhood Plan itself.

The Consultation

The regulations require that a consultation is held for no less than six weeks for both the Neighbourhood Plan and NDO. Officers consider that a six-week period would give interested parties enough time to make their representations on the Plan and Order.

Conclusion

Members are respectfully asked to agree recommendations (a) and (b) above and allow Officers to submit the Elmstead Neighbourhood Plan and NDO to public consultation.

APPENDICES

Appendix 1 – Elmstead Market Regulation 16 Neighbourhood Plan

Appendix 2 – Elmstead Market Consultation Statement

Appendix 3 – Elmstead Market Basic Condition Statement

Appendix 4 – Elmstead Market NDO

BACKGROUND PAPERS

None

ELMSTEAD NEIGHBOURHOOD PLAN

2013 – 2033
Submission Plan

PUBLISHED BY Elmstead Parish Council for examination under the
Neighbourhood Planning (General) Regulations 2012 (as amended).

MARCH 2023

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GUIDE TO READING THIS PLAN

Of necessity, this Neighbourhood Plan is a detailed technical document. The purpose of this page is to explain the structure and help you find your way around the Plan.

1. INTRODUCTION & BACKGROUND

This section explains the background to this Neighbourhood Plan.

2. THE NEIGHBOURHOOD AREA

This section details many of the features of the designated area.

3. PLANNING POLICY CONTEXT

This rather technical section relates this Plan to the National Planning Policy Framework and the Planning Policies of Tendring District Council.

4. COMMUNITY VIEWS ON PLANNING ISSUES

This section explains the community involvement that has taken place.

5. VISION, OBJECTIVES & LAND USE POLICIES

This key section firstly provides a statement on the Neighbourhood Plan Vision and Objectives. It then details Policies which are proposed to address the issues outlined in the Foreword and in Section 4. These Policies are listed in Table 1. There are also Policy Maps at the back of the Plan.

6. IMPLEMENTATION & MONITORING

This section explains how the Plan will be implemented and future development guided and managed and how the Parish Council will monitor the plan's effectiveness. It suggests projects which might be supported by the Community Infrastructure Levy which the Parish Council will have some influence over. Finally, it deals with a number of issues which although relevant are outside the scope of a Neighbourhood Plan.

1 Cover image: Elmstead Parish Memorial and Jubilee Flag and Bunting, June 2022 (Holly Ward)

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FOREWORD

Elmstead is a small but thriving Parish centred on the historic Village of Elmstead Market, now a growing rural services centre, integrated into the surrounding agricultural and natural landscape setting.

This setting contains over a thousand hectares of prime arable land, a number of areas of woodland - both ancient and managed, multiple reservoirs, ponds, streams and brooks and through ancient byelaws extends south to encompass access to the River Colne. There is a wide variety of habitats supporting significant eco-systems of native wildlife.

Elmstead Parish currently consists of over 900 dwellings – a slow but increasing rate of growth from its first recorded history in the Domesday book when in 1086 it comprised 50 households. A number of heritage buildings survive from throughout this period, including the Parish Church of St Anne and St Laurence that dates back to at least 1310. Several thatched farm cottages around the Parish are at least 300 years old, while more farm cottages around the Village are brick-built in a distinct local style. The Village Centre holds a number of heritage dwellings in contemporary styles for their time. The majority of homes are however post-war, with waves of development from the 1960s onward.

Over the last decade, the Parish has seen many developments, which raised concerns in the local community that current planning practices were lacking a local process to ensure future development was sustainable, integrated, and beneficial to the wider community. Certain recurring issues were raised with the Parish Council regarding infrastructure.

In 2020 it was decided by the Parish Council that a Neighbourhood Plan would be in the Parish's best interests. A working party was established which was formalised as a steering group. Over the past 2 years we have held over 20 public meetings, and many more working party and tasks groups. Two public consultations were held in the neighbourhood area alongside a variety of other outreach and feedback methods to communicate with local stakeholders.

Challenges did arise due to the covid-19 pandemic, facilitating a greater reliance on virtual meetings and digital working, but great care has been taken to ensure maximum participation in a safe and accessible manner to all.

The emerging Masterplan for the Tendring/Colchester Borders Garden Community has emphasised a widespread sentiment amongst Elmstead's community that the Neighbourhood Plan works to protect Elmstead's Identity and to be efficient in minimising coalescence.

The Plan must consider and compromise to support the best outcomes for community stakeholders, ranging from local residents, small businesses, landowners, 2 schools and many more varied interested parties.

Elmstead's Community has proven to be passionate in both protecting its heritage as a neighbourhood and acknowledging the Parish's needs to adapt and change in a

controlled manner to continue to thrive – it is anticipated this Plan forms a part of the community's control to ensure that change is positive and sustainable.

I thank the residents and stakeholders who have contributed their opinions to the Plan, and especially the volunteers who have worked so hard in its creation.

Cllr Adam Gladwin,

Chair, Elmstead Parish Council Neighbourhood Plan Steering Committee

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1. INTRODUCTION & BACKGROUND

- 1.1. Elmstead Parish Council is preparing a Neighbourhood Plan for the area designated by the Local Planning Authority, Tendring District Council (TDC), on 30 November 2020. The area coincides with the Parish boundary (see Plan A on page 4). The Plan is being prepared in accordance with the Neighbourhood Planning (General) Regulations of 2012 (as amended).
- 1.2. The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications in the area in the period to March 2033. The Plan will form part of the development plan for Tendring, alongside the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2, which has the same end of the Plan period.
- 1.3. Neighbourhood Plans provide local communities with the chance to manage the quality of development of their areas. Once approved at a referendum, the Plan becomes part of the Council's Statutory Development Plan and will carry significant weight in how planning applications are decided in the neighbourhood area. Plans must therefore contain only land use planning policies that can be used for this purpose. This often means that there are important issues of interest to the local community that cannot be addressed in a Plan if they are not directly related to planning. Although there is scope for the local community to decide on its planning policies, Neighbourhood Plans must meet all of the relevant basic conditions (see Figure 2 overleaf).
- 1.4. In addition, the Parish Council will need to demonstrate to an Independent Examiner that it has successfully engaged with the local community and stakeholders in preparing the Plan. If the Examiner is satisfied that it has, and considers the Plan meets the above conditions, then the Plan will go to a referendum of the local electorate. If a simple majority (over 50%) of the turnout votes in favour of the Plan, then it becomes adopted as formal planning policy for the neighbourhood area.

THE LEVELLING UP AND REGENERATION BILL

- 1.5. In May 2022 the Levelling Up and Regeneration Bill was introduced to Parliament which proposed to make changes to the planning system. The Bill is, at the time of writing, at the reporting stage with the House of Commons. It remains unknown when any proposed changes will be implemented. The latest version of the Bill indicates that the new system will still require local communities to engage in shaping how their settlements will develop and in ensuring their heritage and landscapes are given proper protection. It will also continue to enable communities to define local design standards, and the Neighbourhood Plan contains proposals in all of these respects.

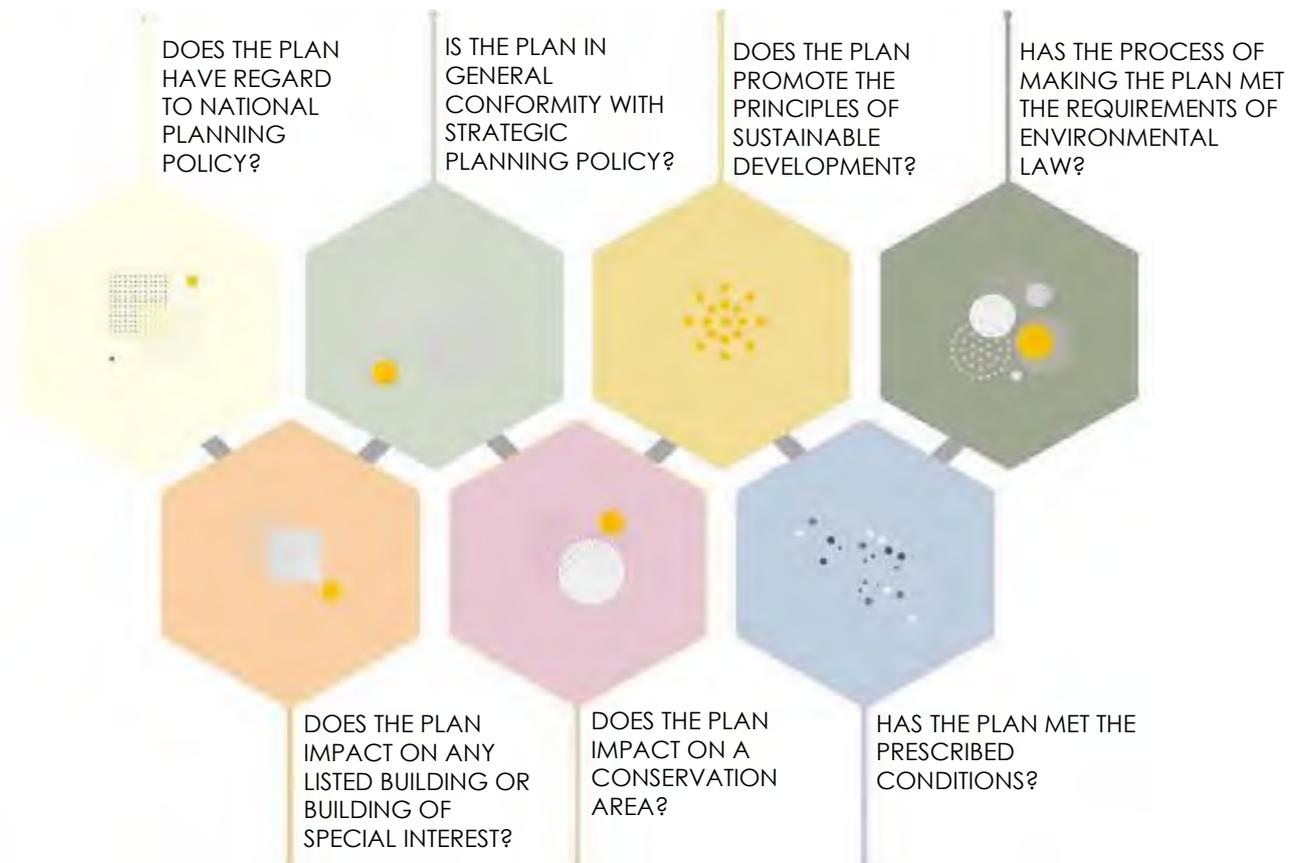


Figure 1 Neighbourhood Plan Basic Conditions

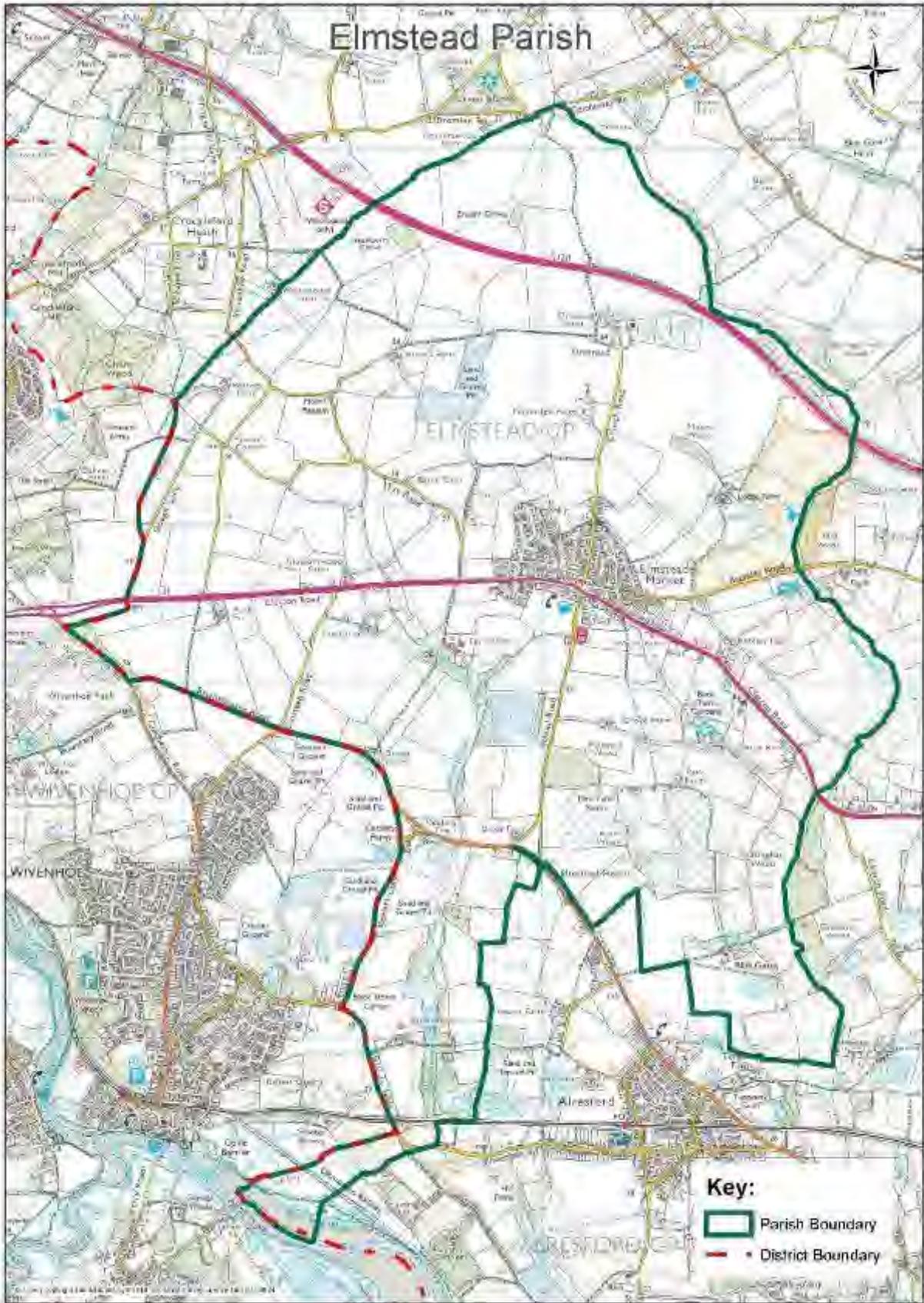
THE PRE-SUBMISSION PLAN

- 1.6. A draft ("Pre-Submission") Plan was published for consultation 1 August – 25 September 2022. The Parish Council has reviewed the comments received from the local community and other interested parties, including TDC, and have made changes to this final version. They have also updated some of the other evidence reports published separately in the evidence base.

STRATEGIC ENVIRONMENTAL ASSESSMENT & THE HABITATS REGULATIONS

- 1.7. A Strategic Environmental Assessment (SEA) assesses the environmental implications of a proposed policy or plan. It allows for the cumulative effects of development and policies to be assessed and addresses any identified issues at an early stage. In January 2022, TDC undertook a screening assessment to establish whether the scope of this Neighbourhood Plan is likely to lead to any significant environmental effects. The screening opinion confirms that the Neighbourhood Plan is not required to prepare an SEA in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). There have, since the screening, been no material changes to the scope of the Neighbourhood Plan.

- 1.8. The screening opinion also confirms that, subject to Natural England's confirmation, this Neighbourhood Plan is not predicted to have likely significant effects on the National Site Network (formerly Natura 2000 sites) and so no habitats regulations assessment would be required as per the Conservation of Habitats and Species Regulations 2017 (as amended). In February 2022, Natural England confirmed its agreement with TDC's opinion on this matter.



Plan A: Designated Neighbourhood Area

2. THE NEIGHBOURHOOD AREA

- 2.1 Elmstead is a small rural village located in the Tendring District, with the nearest villages being Frating and Great Bromley, but also bordering the village of Alresford and the small town of Wivenhoe. The original name for the village was Almsteda and it existed in the time of the Saxon King Edward the Confessor. It is mentioned in the Domesday Book of 1086 and by the 13th Century it had become Elmstead. Elmstead was, and is still to some extent, a farming community with much of its history, landscaping and housing derived from its agricultural roots. The landscape surrounding the village is attractive and undulating with arable farmlands interspersed with small woodlands and ancient hedgerows.
- 2.2 The nearest large town is Colchester 2.6 miles to the West and the seaside resort of Clacton is 11.5 miles away. There is access to a limited number of shops and there are a variety of small businesses throughout the Parish including a petrol station. Elmstead is also unique in having ancient access rights to the River Colne approximately 3 miles away. There is a Grade I listed Church which is Saxon in origin, and one Grade II* building within the Parish Boundary – Elmstead Hall, Church Road. There are 19 Grade II listed buildings within the Parish Boundary which are mainly on Colchester Road with the rest spread over The Green, Church Road, Old School Lane, School Road, Tye Road and Keelers Lane.

2 Diamond Jubilee Flag and Bunting, North Green, June 2022 (Holly Ward)





3 Beth Chatto's Water Gardens, 2021 (Sara White)

- 2.3 It has a primary school and a special needs school which covers a large catchment area beyond Elmstead and Tendring. There is also a part-time GP service. Historically there were two Anglican churches in the Village with the Methodist Chapel in Bromley Road having recently closed down. In 1908 St Paul's Mission Church opposite the Market Field School side of School Road was dedicated and services were held there up until 1976 when it was declared redundant. It has since been turned into a private dwelling.
- 2.4 By far the most important place of worship is The Church of St Anne and St Laurence, Church Road next to Elmstead Hall which originates from Saxon times and is a Grade I listed building. The walk from the Village Centre to the Church is much appreciated by villagers as it is one of the most pleasant walks available in the Village.
- 2.5 Elmstead has evolved into its current form through circumstances to meet local needs and demands. Historical development has resulted in the broad shape of the Village in terms of houses and amenities provided to meet the needs of residents, and this has largely determined the shape of the settlement boundary which has remained unaltered for many years.

- 2.6 Elmstead has a population of 1,855 and comprises of 813 dwellings which is a mixture of bungalows and houses (figures according to 2011 Census). However, there have been a number of approved planning applications for approximately a further 400 dwellings. There is predominantly an ageing population, however the demographics are slowly changing due to the increased development of large family-sized properties. Elmstead is an affluent village where the average house cost has risen from 2011 to 2020 by 56.7% which is above the national average. However, the provision of 1- and 2-bedroom dwellings falls well below the national average showing a lack of provision for second generation residents.
- 2.7 In all age groups the numbers are fairly stable with the largest age group being 45-64, accounting for nearly a third of the population of the village. Over the last few years there has been a slight decline in the 25-44 age group and a slightly higher increase in the 65-84 age group in comparison to England as a whole. Elmstead has fewer single-person households than the national average, but for over 65s the figure is higher than the national average. Elmstead Market has 20% less High and Intermediate and Intermediate managerial, administrative or professional households than the national average. The Housing Needs Assessment recently carried out to inform the preparation of the Elmstead Neighbourhood Plan, published in the evidence base, has more on the incomes of those living in the village.
- 2.8 The Parish's northern boundary runs along historic field edge hedgerows bordering the neighbouring Parish of Ardleigh. It converges with Great Bromley's parish boundary where Bromley Brook underflows Colchester Road, before running southeast along the centre of Bromley Brook's historic watercourse.
- 2.9 At a number of points along this course agricultural ditches and ponds have been constructed alongside the brook, causing the boundary to run adjacent from the northeast bank. Where Spring Brook meets Bromley Brook to form Tenpenny Brook the boundary turns south, across the A120, following the centre of Tenpenny Brook through Lodge Farm nature reserve and across Bromley Road.
- 2.10 Further southeast it converges with the Great Bromley/Frating boundary at the previous location of Morehams stream, and for the next half mile in a southwest direction the boundary is approximately 30 feet east of the stream's contemporary location, due to the waterway meandering over time.
- 2.11 Crossing Clacton Road, the boundary with Frating continues to follow the historic waterway south, at times straying a small distance to either side of the stream's current path. Due to an offset convergence of 4 boundaries, Elmstead's limits border that of Thorington for less than one mile, before veering west along the banks of Heath Brook, bordering the Parish of Alresford – the village of which is close to the south. For around 0.3 miles the boundary follows ancient hedgerows and field boundaries northwest, before running parallel to the northern edge of the B1027 to Elmstead Heath.



4 Elmstead Brook (Sara White)

- 2.12 From here the boundary crosses the B1027 south, following a historic cattle path right of way, crossing railway tracks and Wivenhoe Road, before angling southwest crossing the Colne marshes and sea wall and entering the River Colne.
- 2.13 For around 0.18 miles the boundary runs along the centre of the river – as defined by half the width of the river at chart datum tide, during which it borders Fingringhoe on the river's south bank. Where this boundary meets Wivenhoe (and is therefore the border between Tendring and Colchester) it veers northeast, running almost parallel to the other boundary forming a spur of the Parish historically protected by byelaws to retain river rights.

- 2.14 The Parish and District Boundary returns across both a disused and a functional railway to meet Wivenhoe Road, running along the northern edge of the road to Black Horse Corner, to turn north and proceeds along the centre of Keelars Lane, to Brightlingsea Road, where it further runs along the northern roadside for nearly a mile northwest. Shortly before reaching the junction with the A133 the boundary veers east, following historic district limits along an unnamed water way associated with Wivenhoe House.
- 2.15 Crossing the A133 north, for a distance it follows Slough Lane's western curb, before diverging further west, following historic field boundaries that have since been deleted until it reaches Peacocks Stream, where the district boundary turns west, but Elmstead's Parish Boundary commences northeast now bordering Ardleigh and the hamlet of Crockleford. The border follows ancient hedgerows along field boundaries northeast until it crosses the A120 having encircled the Village.
- 2.16 Lying on the A133 road between Colchester and Clacton and close to the A120 trunk road between the A12 and the major port of Harwich, the Village is well connected to a number of larger centres of population. Originally a thriving farming community with associated agricultural businesses Elmstead today has changed more into a dormitory village with residents travelling to work in neighbouring large towns. Some even commute as far as London. However, with this natural decline in agricultural employment, commercial and employment areas have evolved over time.
- 2.17 On the east of the village there is a large commercial/residential development, Lanswood/Chattowood, which houses small independent business units and a mixture of residential dwellings. Next to this is the internationally renowned Beth Chatto's Plants and Gardens spread over 7.5 acres. It is known for its specialisation of dry gardens and outstanding beauty and is part of Historic Gardens.
- 2.18 Some day-to-day convenience shopping is provided for in the Village plus some specialised services, but the community is able to access a wider range of retailers in Colchester and Wivenhoe some 2-3 miles away. Throughout the whole Parish of Elmstead there are a variety of small- and medium-sized commercial developments plus many small businesses which operate from people's homes. These all provide local employment whilst harmonising with village life.



5 South Green, Elmstead (Holly Ward)

- 2.19 There is a Primary School whose catchment area currently relies on attracting children from a wider area, but this may change with the increase in the now approved residential development. There is also Market Field School which is a special needs school serving a wider area for children aged 5-19 with approximately 350 on roll and is the largest building in the Parish. The nearest secondary school is in Colchester, but the feeder school is in Brightlingsea 6 miles away.
- 2.20 There is currently a small GP part-time surgery operating in the Village which is part of a bigger GP Trust with 2 full-time surgeries in Colchester. The Community Centre on School Road is small and unable to meet the needs of a larger population but there is a planned replacement going to be constructed on the Charity Field site opposite. New allotments, public open spaces and play areas will be provided on Charity Field, School Road, Church Road and Tye Road housing development sites.
- 2.21 The NPPF refers to housing delivery and housing supply tests for Local Planning Authorities. There are penalties when these tests are not being met. These penalties applied in the Tendring district for some time and as a result the Village has seen a

number of speculative housing schemes consented across the Village leading to approximately a 20% population growth. The result of this is that it has been difficult to co-ordinate housing delivery to improve local infrastructure as the cumulative effects have not been measured. It is recognised that services and facilities are operating at capacity with traffic issues throughout the village and that developer interest in the Village remains high with a number of speculative applications awaiting appeal outcomes.

- 2.22 The recent development of Market Field School into a larger premise has increased the traffic substantially at the beginning and the end of the school day, with a pinch point at the junction of School Road, Church Road and the A133. The majority of the students are from out of area so necessitate being transported to and from the school.
- 2.23 The development of the various residential developments has impacted on the demand for local services e.g., the GP practice and the Primary School. Traffic throughout the Village has increased dramatically with the increased numbers of dwellings but without any traffic calming measures being put into place. It should also be noted that there is a cross-borders Garden Community planned on the borders of Tendring District Council and Colchester Borough Council, which will be to the West of Elmstead Market. This will incorporate up to 9,000 predominately high-density dwellings, businesses, a rapid transport system and a travellers' camp. The construction of this will commence after the completion of a new link road between the A133 and the A120 to the west and north of the Village. Completion is due in 2025.
- 2.24 Whilst there are currently no conservation areas within the Parish of Elmstead, the Woodland Trust has 103 acres of rejuvenating ancient woodland on Bromley Road which is classed as a woodland refuge. The last report for this area showed there is a population of buzzards, barn owls and water voles.
- 2.25 Historically there were three distinct areas of the Village. Elmstead, Elmstead Market and Elmstead Heath. In 1900 the Parish Boundary was 16 miles. Elmstead Heath, at the southern end of School Road, was ceded to Alresford in the 1940s. Elmstead was the area by the Church and Elmstead Hall and Elmstead Market was the area by the crossroads, which is now considered to be the centre of the Village.
- 2.26 The centre of the Village would be considered to be what is termed as the 'North Green' where the flagpole is situated. The 'South Green' is a strip on the southern side of the road where the Village sign is erected.
- 2.27 This crossroads is the site of the original Market. In 1253 Sir Richard de Tany, as Lord of the Manor, obtained a weekly market and an annual fair about a mile south of his Manor House (Elmstead Hall). This encouraged the building of houses and cottages around the Village Green (which was much larger in those days). It is this area of housing which depicts much of the Village character.

- 2.28 The A133 running west to east divides the village with the majority of housing being to the north of the A133. Ribbon development has recently taken place along the A133 which runs west to east through the centre of the Village.
- 2.29 Turnip Lodge Lane in Elmstead is one of 9 protected lanes within the Tendring District Council area. These lanes are an important feature in the landscape providing insights into past communities and their activities. They have the archaeological potential to give evidence about past human activities and to prove an insight into the development of a landscape and the relationship of features within it over time. They also have considerable ecological value as habitats for plants and animals, servicing as corridors for movement and dispersal for some species and acting as vital connections between other habitats.
- 2.30 The Agricultural Revolution in the 18th century would have had an impact on Elmstead with new farming techniques and improved livestock breeding leading to better food production, which meant the population grew and health improved. Following on from this was the Enclosure Movement where land that had formerly been owned in common by all the members of a village to graze animals and grow food, was changed to privately owned land surrounded by walls, fences or hedges. Although this was very practical in organizing the land, many small farmers were forced to give up farming and either moved to cities to look for work or became tenant farmers. Today in Elmstead the majority of the agricultural land is still owned by only a few landowners.
- 2.31 The area has an extensive arable landscape of large productive fields divided by low hedgerows with intermittent gaps, interspersed with oaks which stand out against the skyline. Areas of former heath have been converted to smallholdings or areas of regenerated woodland. A network of narrow lanes connects the scattered farms and small holdings.
- 2.32 Elmstead Hall would have been built as a rural manorial hall with surrounding settlement and agricultural outbuildings. Elmstead Market is the modern rural village settlement located around the Village Green, away from the Hall and Church. The heath has been lost with infill altering the character of the settlement although its rural character has remained. The Church is the oldest building in the Village with the Manorial Hall being an elegant building of a grand design.
- 2.33 There are no designated sites of extraction within the Parish. However the Wivenhoe Gravel Pit is situated on the border of the Parish. There are also various areas of ancient woodlands within Elmstead. Ardleigh reservoir, Salary Brook and Fingringhoe reserve are all within a mile of the boundary of Elmstead. The Beth Chatto Gardens to the east of the village on the A133 is an internationally renowned Registered Park and Garden developed over many years by Beth Chatto. The Woodland Trust has developed woods and green spaces to the northeast of the Village. Regrettably there is no nearby parking which means this is an underused feature of the village.

2.34 The construction of the A133 connecting Colchester to Clacton-on-Sea divides the Village of Elmstead. The original road was built in 1933 as the A12 to bypass Colchester town centre. It was later renumbered as the A604 then in the 1990s it became the road we know today, the A133. The A12 now bypasses Colchester and joins the A120 at the Ardleigh roundabout. The traffic using the A133 through the Village has grown over the years as more residential and commercial development has taken place. The impact to the Village has been huge as the road goes from 70mph to 30mph as it crosses the Village Boundary but there are no traffic calming measures in place to allow the residents to navigate the road safely. The approved plans for the new A133/A120 Link Road to the west of the Village will too impact on the Village especially during the construction process as mentioned in paragraph 2.23.

3. PLANNING POLICY CONTEXT

3.1 The Parish lies within the Tendring District situated in the county of Essex. TDC is the Local Planning Authority for the area.

NATIONAL PLANNING POLICY

3.2 The National Planning Policy Framework (NPPF) published by the Government is an important guide in the preparation of local plans and neighbourhood plans. The following paragraphs of the latest NPPF version published in July 2021 are considered especially relevant:

- Neighbourhood planning (§28 - §30)
- Housing Type and Tenure (§62)
- Affordable Housing (§64)
- Small- and Medium-sized Sites (§70)
- Healthy and Safe Communities (§92)
- Community facilities (§93)
- Open Space and Recreation (§98)
- Local Green Spaces (§101 - §103)
- High quality design (§128)
- The Natural Environment (§174)
- Biodiversity (§179)
- The Historic Environment (§190)

3.3 The Government has also set out a requirement for the provision of First Homes in a Written Ministerial Statement on 24 May 2021. These requirements were subsequently incorporated into National Planning Practice Guidance. As the Parish is a 'Designated Rural Area', First Homes Rural Exception Sites are unable to come forward in The Parish. However, this does not preclude First Homes forming part of the affordable housing contributions through infill or Rural Exception Sites allowed for by the development plan and the Neighbourhood Plan seeks to include policies on First Homes.

STRATEGIC PLANNING POLICY

3.4 The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan which primarily comprises the adopted *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* and *Tendring District Local Plan 2013-2033 and Beyond Section 2*.

3.5 The *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* was adopted in January 2021 and contains a proposal for a Tendring/Colchester Borders Garden Community of eventually up to 9,000 homes, the majority of which lies within the Parish to the west of the Village (Policies SP8 and SP9).

The proposal also includes new employment land, schools and services and a new link road between the A120 and A133.

- 3.6 Policy SP8 requires that the allocation is planned for through a development plan document (DPD) prepared by the planning authorities, which will provide the basis for the submission of planning applications, and which must have robust community engagement. The Parish Council continues to engage separately with the development of the DPD but have used the Neighbourhood Plan to put markers down for how the DPD should accommodate the Village interests.
- 3.7 A consultation on the draft DPD for the Tendring/Colchester Borders Garden Community is currently taking place and seeks an opinion on two approaches, Approach A and Approach B (see Plan B). An extract from the Spring 2022 Draft Plan detailing the differences between the 2 approaches is shown below:
- *“University Expansion Land is shown north of the A133 close to the University of Essex in Approach A. As an alternative, Approach B proposes University Expansion Land south of the A133 and east of Colchester Rd (B1028). Both approaches propose 11 ha for University uses. Under Approach B land to the north of the A133 not to be allocated for University Expansion could be used for other purposes related to the Garden Community.*
 - *Both approaches include a minimum of 3.5ha land for Knowledge Based Employment located to the north of the A133 close to the University of Essex. Approach B has an additional 4ha of land extended westwards to be located closer to the existing Knowledge Gateway and the A133/Clingoe Hill junction with the University Campus.”*
- 3.8 It is noted that the content set out above in relation to the Tendring/Colchester Borders Garden Community will need to be updated as the DPD progresses. The Parish Council has worked closely with TDC and the new Garden Community Manager to agree the relationship between the emerging DPD and the policies in this Neighbourhood Plan.
- 3.9 The Village has seen a number of speculative housing schemes consented in and around the Parish, as shown on Plan C. All but one of the schemes are on site and the other is likely to commence within the next couple of years. As a result, it has been more difficult to coordinate housing delivery to improve local infrastructure as the cumulative effects have not been measured.

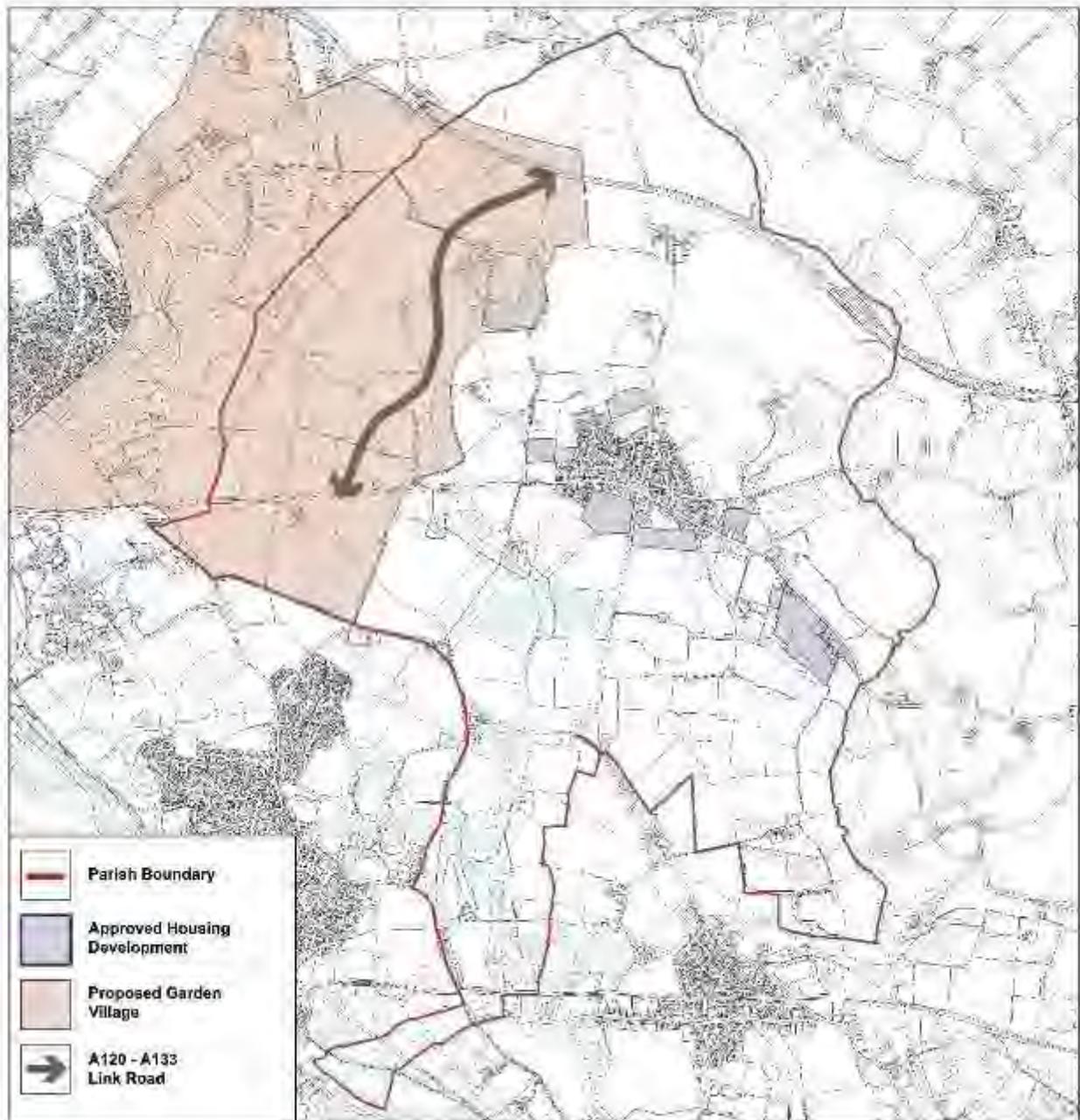
APPROACH A



APPROACH B



Plan B: Tendring/Colchester Borders Garden Community Key Diagram – Approach A and Approach B ([link](#))



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Plan C: Development locations in the Parish

3.10 The *Tendring District Local Plan 2013-2033 and Beyond Section 2* was adopted 25 January 2022. As a result of recent housing schemes, the new Local Plan Section 2 does not allocate housing sites in the Village. In this respect, TDC has confirmed that the Neighbourhood Plan's housing requirement figure for the plan period is zero, as per §66 of the NPPF and Policy LP1 of the new Local Plan Section 2. This Neighbourhood Plan does not make any housing allocations but has supported a 100% affordable housing scheme coming forward as a Neighbourhood Development Order being prepared by the Parish Council, and has focussed its attention on preparing other development management policies. The Parish Council has also

confirmed that it will consider a review of the Neighbourhood Plan should this position change.

3.11 Policy SPL1 classifies Elmstead Market as a Rural Service Centre in the settlement hierarchy and Policy SPL2 establishes a settlement boundary for Elmstead Market as a planning policy tool to direct development (see Plans D and E). Other policies that may be relevant are listed below:

- SPL3 Sustainable Design – setting out general design criteria for new development
- HP2 Community Facilities – retaining, improving and supporting new community facilities
- HP3 Green Infrastructure – protecting and enhancing Green Infrastructure Assets
- HP4 Safeguarded Local Greenspace – protecting existing green spaces (not the same as NPPF Local Green Space designation)
- LP2 and LP5 Housing Choice and Affordable Housing – requiring a mix of dwelling types, sizes and tenures and affordable housing threshold of 30% from 11 or more dwellings, but no reference to First Homes or lowering the affordable housing thresholds for its 'Designated Rural Areas'.
- LP6 Rural Exception Sites – permitting such schemes on sites adjoining the settlement development boundaries of 'Rural Service Centres'.
- LP3, LP4 and LP8 Housing Density & Layout and 'Backland' Residential Development – securing appropriate densities, layouts and protecting amenity
- PP3 Village Centres – identifying a Village Centre at Elmstead Market
- PP6 Employment sites – protecting employment land at Lanswood Park
- PPL3 Rural Landscape – safeguarding the character and appearance of the rural landscape and non-designated heritage assets
- PPL6 Strategic Green Gaps – protecting the identities of settlements
- PPL9 Listed Buildings – protecting designated heritage assets
- CP2 Transport Network – requiring the new strategic link road between the A120 and A133 and a Rapid Transit System to serve the Tendring/Colchester Borders Garden Community

3.12 Additionally, the Essex Developer's Guide to Infrastructure Contributions ([link](#)) provides details on the range of infrastructure contributions the County Council in relation to its various functions may seek from developers and landowners in order to mitigate the impact of development.

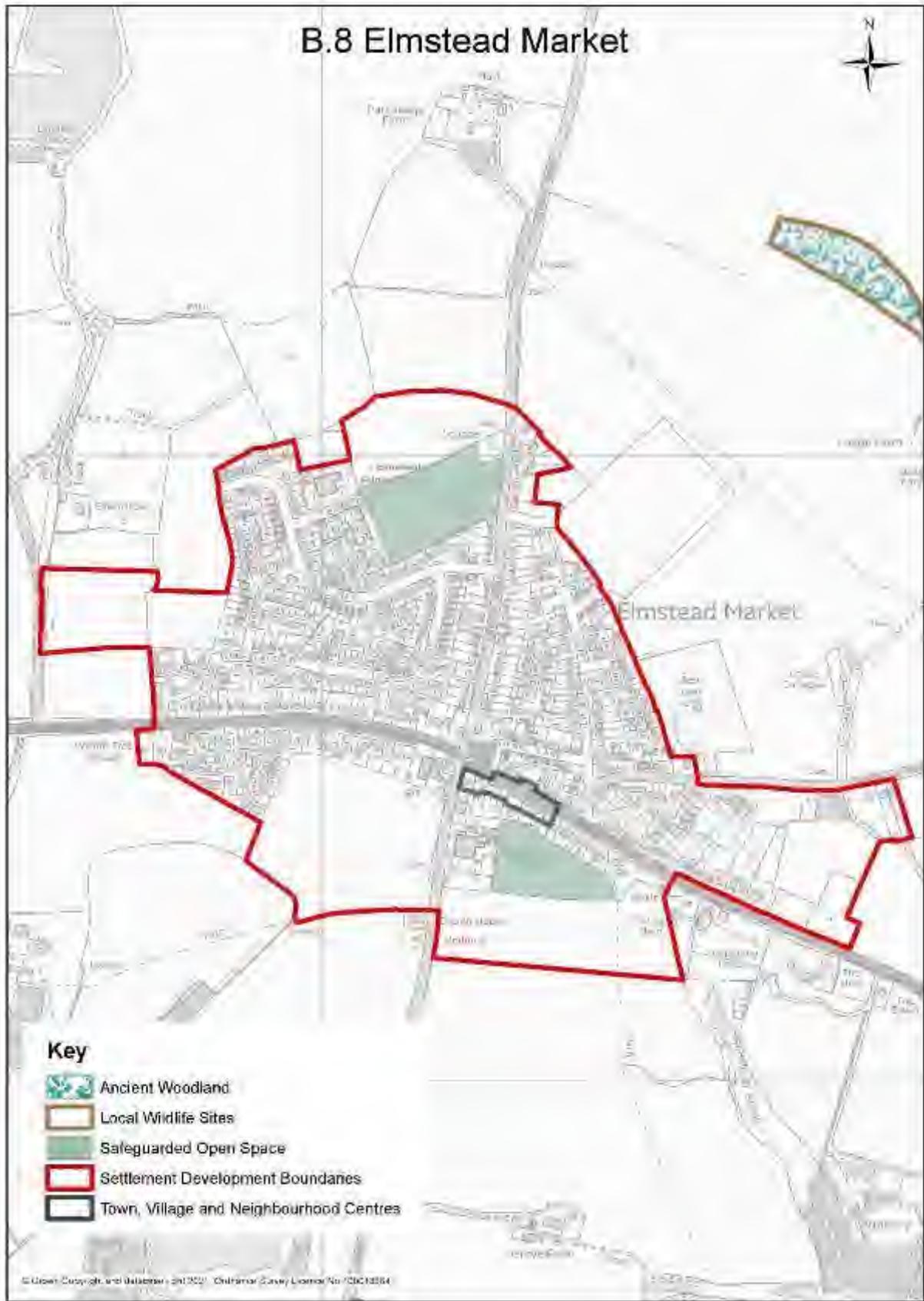
3.13 Essex County Council is the Minerals and Waste Planning Authority for the Neighbourhood Plan Area and is responsible for the production of mineral and waste local plans. *The Essex and Southend-on-Sea Waste Local Plan 2017* and the *Essex Minerals Local Plan 2014* form part of the development plan that apply in the Parish. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and

waste infrastructure from proximal development which may compromise their operation.

- 3.14 Most areas of the Neighbourhood Plan Area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing proposals contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.
- 3.15 Within the Neighbourhood Plan Area there are Mineral Consultation Areas in relation to Elmstead Hall Quarry and Wivenhoe Quarry. These areas are subject to Policy S8 of the Essex Minerals Local Plan, which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure. There is also a Waste Consultation Area in relation to Ardleigh Waste Transfer Station. This area is subject to Policy 2 of the Essex and Southend-on-Sea Waste Local Plan, which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-waste development proposed within these areas.
- 3.16 Essex County Council is currently undertaking a Minerals Local Plan Review. As mineral and waste matters are 'excluded development' for the purposes of neighbourhood planning, the Parish Council will continue to engage in this matter separately.

NEIGHBOURHOOD PLANNING POLICY

- 3.17 The neighbouring Parish to the south of Elmstead, Alresford, has a made Neighbourhood Plan. The majority of the plan focuses on expressing local identity. Its policies also include enhancing walking and cycling to neighbouring villages, such as Elmstead Market.
- 3.18 The Town of Wivenhoe in the adjacent Colchester Borough also has a 'made' neighbourhood plan. The plan makes a number of housing allocations and includes policies to enhance walking, cycling and safeguards green spaces. Elmstead is able to access a wider range of retailers in Colchester and Wivenhoe and the made Wivenhoe Neighbourhood Plan supports more 'small' retail businesses.
- 3.19 To its north, the Parish of Ardleigh is also currently preparing a Neighbourhood Plan but it has not yet been made.



**Plan E: Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 Policies Map
Elmstead Market Inset**

4. COMMUNITY VIEWS ON PLANNING ISSUES

- 4.1 There have been two neighbourhood plan surveys carried out during 2021, looking at a number of topics, including the size and types of property residents' thought were needed in Elmstead Market. In addition, there were various traffic volume surveys completed on all roads within the Village. One rationale for these pieces of work was to gauge the village residents' housing needs for now and the future.
- 4.2 Concern was raised by residents that Elmstead could lose its village identity due to excessive large-scale developments that are approved and currently being completed, but also those planned for the future. Whereas some small-scale infill developments were deemed to be more acceptable.
- 4.3 It was evident from the survey that there were insufficient smaller affordable 1-,2- and 3-bedroom properties being built to allow younger generation residents to stay in the Village. It was also suggested that all new build properties have sufficient parking. Those that responded to the surveys also suggested all future developments should have green spaces incorporated into design / plans which included recreation areas. It was suggested that the old community centre site be developed to provide smaller affordable properties for local people.
- 4.4 A major concern is that due to the increase in traffic both within and through the village it was felt that road junctions needed to be improved and upgraded, with traffic calming measures to be installed and additional pedestrian crossings to be added.
- 4.5 It was recommended that green gaps such as country parks and/or public access land should be maintained on eastern and western approaches to the Village, which would enable the community to maintain its identity as a Village and avoid coalescence with neighbouring communities.
- 4.6 Of importance it was recognised that GP facilities should be improved with the increase in resident numbers. Other facilities were also requested such as a village pub, post office and a cafe. This suggests that there is a general lack of opportunities for villagers to meet and socialise.
- 4.7 In line with encouraging and maintaining a healthy lifestyle, it was suggested that additional footpaths continued through the housing estates without having to navigate the main road, particularly if walking with children. It was also suggested for footpaths to be created within the village boundaries providing an increased number of areas for people to walk. Shared walk and cycleways could be created linked to the proposed Garden Village to encourage residents to walk or cycle and help the county meet its zero carbon aims.

VISION

“Elmstead will have grown successfully as a community through the completions of approved housing developments and sustainable infill within the existing fabric of the village settlement. The village core provides a centre bringing the old and new communities together. Although change in the wider parish has been significant, it has provided the opportunity for access to new community facilities and services and improved connectivity of the wider green infrastructure network from the village into the countryside.”

OBJECTIVES



INTRODUCTION TO THE LAND USE POLICIES

- 5.1 The following Policies relate to the Development and Use of Land in the designated Neighbourhood Area of Elmstead Parish. They focus on specific planning matters that are of greatest interest to the local community.
- 5.2 There are many parts of the Parish that are not affected by these policies, and there are many other policy matters that have been left to the adopted Tendring Local Plans to cover. This has avoided unnecessary repetition of policies between this Neighbourhood Plan and the adopted Local Plans, though they have a mutual, helpful inter-dependence.
- 5.3 Not all policy provisions are intended to apply to the Tendring/Colchester Borders Garden Community. Where this is the case, it has been made clear in the policy itself and the supporting text below the policy. There are also policy provisions and evidence which provide further detail on existing local circumstances which may influence the future masterplanning of the Tendring Colchester Borders Garden Community. The Parish Council will continue to engage with the process for bringing forward the Garden Community to ensure that safeguards for existing residents are reflected in proposals which may come forward.
- 5.4 Each policy is numbered and titled, and it is shown in bold. Where necessary, the area to which it will apply is shown on the Policies Map attached to the document. After each policy is some supporting text that explains the purpose of the policy, how it will be applied and, where helpful, how it relates to other development plan policies.



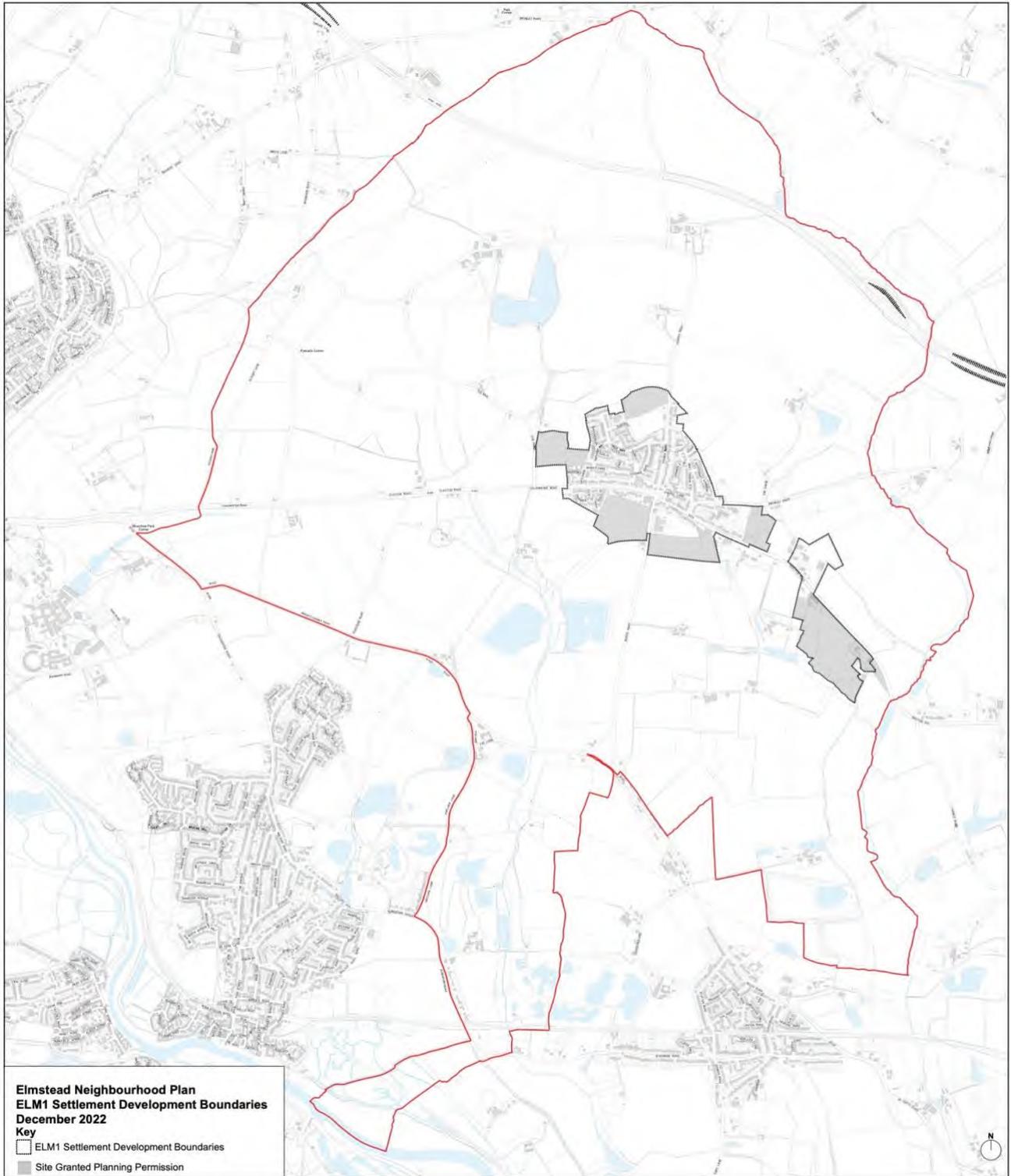
6 Elmcroft, Sara White

POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARIES

- A. The Neighbourhood Plan defines settlement boundaries at Elmstead Market and Lanswood, as shown on the Policies Map and Plan F, for the purposes of guiding development proposals outside of the Tendring/Colchester Borders Garden Community.**
- B. Proposals for development within the settlement boundaries will be supported provided they accord with the policies of the development plan. Schemes within and adjoining the defined settlement boundaries should provide defensible boundaries to create a definitive settlement edge.**
- C. Proposals for development outside the settlement boundaries will only be supported if they accord with development plan policies managing development in the countryside. Proposals which reinforce the physical and visual separation of Elmstead Market and Lanswood will be supported.**

- 5.5 The policy is intended to distinguish between the built-up areas of each of the two main settlements in the Parish and their surrounding countryside in order to manage development proposals accordingly. The policy does not relate to the development of land within the Tendring/Colchester Borders Garden Community.
- 5.6 Lanswood has not previously had a settlement boundary, but the quantum of the approved development at this location has effectively established an additional settlement in the Parish which relies on Elmstead Market for day-to-day services and facilities. The Parish Council also considers it appropriate to guide new development at this location given the prominent brownfield site on Clacton Road which may become available for development during the Plan period.
- 5.7 The policy therefore establishes a new settlement boundary at Lanswood following the observed settlement edge from buildings which have a clear functional relationship with the Lanswood settlement or have been given planning permission, and it includes the prominent brownfield site on Clacton Road but excludes buildings which are not fully integrated with the Lanswood settlement. This has allowed flexibility to accommodate residential 'infill' development provided it accords with other policies of the development plan in line with Tendring's Local Plan Part 2 approach to settlement development boundaries.

- 5.8 In the event the prominent brownfield site on Clacton Road becomes available for development in the Plan period the policy also guides its redevelopment to ensure that the part of the site which contains buildings which are not fully integrated with the Lanswood settlement is returned to open countryside and any residential 'infill' redevelopment scheme provides a defensible boundary creating a definitive settlement edge at this location.
- 5.9 The policy also updates the boundary of Elmstead Market, as shown on the Policies Map, to accommodate the approved development in the Parish. The definition of settlement boundaries remains an important feature of Tendring's Local Plan Part 2 in distinguishing how planning applications are considered if they relate to land inside or outside a boundary.
- 5.10 The policy is consistent with Local Plan Part 2 Policies SPL1 Managing Growth and SPL2 Settlement Development Boundaries in only supporting housing development within the newly defined boundaries, as Elmstead Market is defined as a Rural Service Centre where new development will occur through the completion of existing planning permissions, unidentified 'windfall' sites within settlement development boundaries or through Rural Exception Sites where a need has been identified.
- 5.11 The policy also refines Policy SPL2 Settlement Development Boundaries to make it clear that outside of these defined settlement boundaries development will only be supported if they accord with policies managing development in the open countryside to provide certainty to applicants and the community and to recognise the valued function of the countryside in shaping the rural character of Elmstead. Development coming forward within the Tendring/Colchester Borders Garden Community will be guided by the emerging DPD currently being prepared.



Plan F: Elmstead Neighbourhood Plan Settlement Development Boundaries

- A. The Neighbourhood Plan defines a Green Landscape Buffer, as shown on the Policies Map, for the spatial purpose of protecting a valued landscape on the urban fringe of the Tendring/Colchester Borders Garden Community providing access to the countryside; avoiding coalescence; and retaining the separate identities of the Tendring/Colchester Borders Garden Community and Elmstead Market.**
- B. Proposals for development within the Green Landscape Buffer will only be supported where they:**
- i. represent the provision of appropriate development for a countryside location in accordance with Policy ELM1 Settlement Boundaries;**
 - ii. improve access to, and the enjoyment of, the countryside in accordance with Policies ELM10 Important Views and ELM12 Movement and Access;**
 - iii. would not diminish the physical and/or visual separation of the Tendring/Colchester Borders Garden Community development and Elmstead Market or harm its landscape setting; and**
 - iv. protect and reinforce the identified positive features of the landscape in the Green Landscape Buffer.**

5.12 The policy anticipates development pressures that may arise from the development of the Tendring/Colchester Borders Garden Community by defining a Green Landscape Buffer that encompasses the area between the settlement of Elmstead Market and the proposed area of the Tendring/Colchester Borders Garden Community which will become all the more important as the Tendring/Colchester Borders Garden Community progresses to completion. The Tendring/Colchester Borders Garden Community DPD will define the extent of land required to accommodate the Garden Community development upon its adoption. The latest draft DPD defines the eastern boundary of the Garden Community and indicates that this boundary is unlikely to change. It is the eastern boundary of the Garden Community that forms the western boundary of the proposed Green Landscape Buffer. The policy therefore applies to land outside of the area of search for the Tendring/Colchester Borders Garden Community, although it is considered that the policy has a mutual, helpful inter-dependence as set out below.

- 5.13 The latest draft DPD also proposes a Strategic Green Gap within the area of land defined for the Garden Community to avoid sprawl or coalescence with Elmstead Market. However, Draft Policy 1: Land Uses and Spatial Approach Part C of the draft DPD permits not only development suited to the countryside, but also development for outdoors sport or recreation, cemeteries and burial grounds or allotments. Additionally, Part H proposes the siting of an A120 Industrial Business Park immediately south of the A120 and east of the new A120-A133 Link Road (as shown on Plan B). There is therefore a particular local concern that the proposed Strategic Green Gap will not be sufficient to protect remaining valued rural landscape setting of Elmstead Market.
- 5.14 The policy therefore takes the opportunity to give local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape. It requires that appropriate development, which is only that which is suited to a countryside location, by way of its height, scale and massing for example, avoids the physical and/or visual separation of the settlements either side of the Green Landscape Buffer. The policy also seeks to encourage positive landscape change in accordance with Policy PPL3.
- 5.15 The Landscape Setting of Elmstead Market Report, informed by the Local Plan Part 2 evidence base, included in the evidence base provides a comprehensive assessment of the area to justify this designation. The Parish Council has also commissioned its own landscape appraisal (Landscape Report, December 2022 by LanDesign Associates) to assess the robustness of the proposed Green Landscape Buffer, which is included in the evidence base. The policy reflects the recommendations of this landscape appraisal. All of the land identified for the Green Landscape Buffer makes a particular contribution to the local character and distinctiveness; an important contribution to the landscape setting of Elmstead Market; and is considered will be required to serve as a clear visual and physical break in the built environment has been defined on the Policies Map.
- 5.16 It is acknowledged that draft Policy 2: Requirements for all new development Part A of the draft Tendring/Colchester Borders Garden Community requires the design of boundary treatments to reflect the function and character of the development and its surroundings, which in this location will be to define the settlement edge of the Garden Community to distinguish it from the Green Landscape Buffer as open countryside beyond.



Elmstead Neighbourhood Plan

ELM 2 Green Landscape Buffer

LanDesign Associates
Chartered Landscape Architects
The Old Forge, Lower South Wraxall
Bradford on Avon, Wiltshire. BA15 2RZ
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Plan G: Elmstead Neighbourhood Plan Green Landscape Buffer

POLICY ELM3: GAPS BETWEEN SETTLEMENTS

- A. The Neighbourhood Plan defines the Elmstead Market to Lanswood Local Gap on the Policies Maps for the spatial purpose of preventing the visual coalescence between these two settlements in the Parish.**

- B. Development proposals that lie within the defined Local Gap must be located and designed in such a way as to prevent the visual coalescence of the settlements.**

- C. The Neighbourhood Plan defines the following Corridors of Significance on the Policies Maps for the spatial purpose of preventing harmful ribbon development along these corridors:**
 - i. Lanswood to Frating Hill along the A133 Clacton Road**

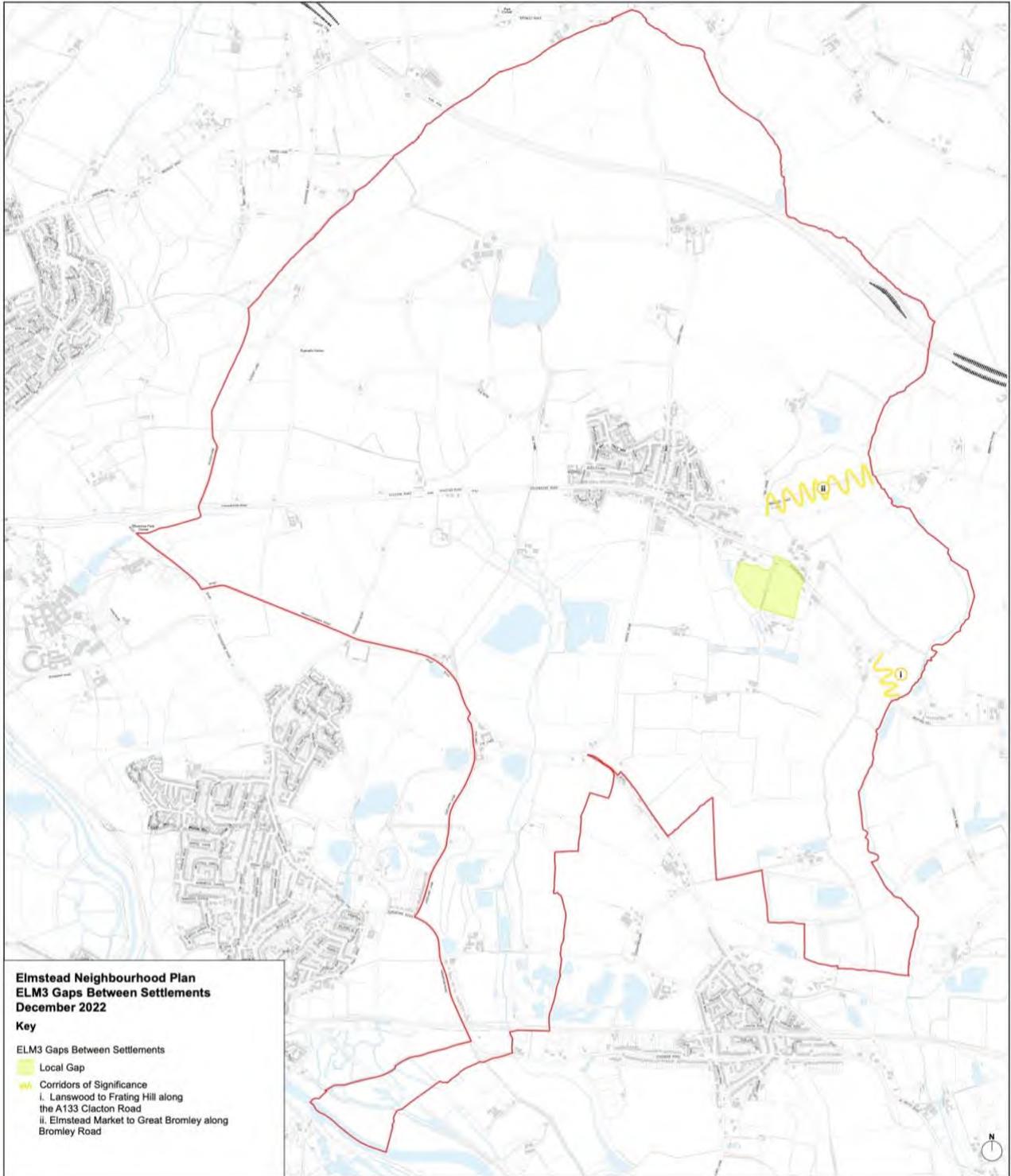
 - ii. Elmstead Market to Great Bromley along Bromley Road**

- D. Development proposals that lie within a defined Corridor should avoid an unacceptable impression of ribbon development or suburbanisation, by themselves or through cumulative impacts with other developments.**

5.17 The policy seeks to protect the essential countryside character of a key gap between the settlements of Elmstead Market and Lanswood, as well as the eastern and western approaches to the main village settlements of Elmstead Market and Lanswood. The purpose of maintaining and enhancing this gap and the corridors, which either serve as a rural buffer or visual break between settlements, or which protect the character and rural setting of settlements, is to provide additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between settlements in order to retain their individual identity.

5.18 The policy therefore takes the opportunity to give local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape. It requires that appropriate development, which is only that which is suited to a countryside location, by way of its height, scale and massing for example, avoids the visual coalescence between Elmstead Market and Lanswood and to avoid harmful ribbon development along the Corridors of Significance.

- 5.19 The Local Gap and Corridors of Significance are shown on the Policies Map. The Local Gap makes a significant contribution to maintaining the individual and rural character of its adjoining settlements. Each Corridor of Significance has been identified to prevent harmful ribbon development. Coalescence is a process and whilst some development in these corridors may not result in coalescence it may contribute to the coalescence of separate and distinct communities and the rural character of the area and is therefore a vital consideration.
- 5.20 This policy has been informed by the Local Gap and Corridors of Significance report which forms part of the evidence base. The assessment describes the Local Gap and each Corridor of Significance in greater detail and the particular contribution that it makes or is expected to make. The Parish Council has also commissioned its own landscape appraisal (Landscape Report, December 2022 by LanDesign Associates) to assess the robustness of the proposed Local Gap and Corridors of Significance, which is included in the evidence base. The policy reflects the recommendations of this landscape appraisal.



Plan H: Elmstead Neighbourhood Plan Local Gap and Corridors of Significance

POLICY ELM4: THE FORMER ELMSTEAD COMMUNITY CENTRE

Proposals for the redevelopment of the Former Elmstead Community Centre, as shown on the Policies Map, to residential use for the purpose of delivering an affordable housing scheme to meet local needs will be supported provided that the New Elmstead Community Centre has been delivered and is operational.

- 5.21 A New Elmstead Community Centre (NECC) will be provided as part of the approved development on land opposite the Former Elmstead Community Centre (FECC). The FECC will cease to operate as soon as the NECC facility is operational. The policy is therefore intended to support redevelopment of the FECC site and the extent of the site has been defined on the Policies Map.
- 5.22 There is a need to relocate this type of facility to address the weaknesses of the current location and buildings, but to retain its provisions as an essential community facility serving the Parish. The NECC is anticipated to meet this need. The provision of this NECC is therefore a replacement facility within the vicinity of the FECC and will not lead to a shortfall in provision in line with the requirements of Policy HP2 Community Facilities. The policy therefore establishes the principle for residential use on this site to deliver an affordable housing scheme to meet local needs once the NECC has become operational.
- 5.23 The Elmstead Housing Needs Assessment (HNA) establishes that there is a current estimated backlog of affordable rented housing in the neighbourhood area and a need to provide affordable routes to home ownership. The Parish Council, as landowner, has therefore investigated whether the site could be redeveloped to provide much needed affordable homes to meet this local need. A commissioned feasibility study has shown that the site has no fundamental technical constraints preventing its development for an affordable residential scheme, subject to further technical investigations, and has capacity for 6 to 9 dwellings. The Neighbourhood Plan therefore supports the provision of an affordable housing scheme to meet local need at this location. It is proposed that planning permission is granted by a Neighbourhood Development Order for such a scheme alongside this Neighbourhood Plan.

- A. Development proposals outside of the Tendring/Colchester Borders Garden Community, involving the creation of 6 or more (net) homes, will be required to provide 30% of the new dwellings as affordable housing on-site unless it can be demonstrated that it is more appropriate to make a financial contribution towards the provision of affordable housing elsewhere in the Village within the Plan period.**

- B. The starting point for affordable housing provision in the Parish, outside of the Tendring/Colchester Borders Garden Community, should be 25% First Homes, with the balance of the affordable housing being split as 70% affordable homes for rent and 5% shared ownership at 25% equity. The precise tenure mix of affordable housing will be determined on a site-by-site basis.**

- C. The starting point for residential development comprising only affordable housing provision on land outside of the settlement development boundaries, outside of the Tendring/Colchester Borders Garden Community, should be 45% affordable homes for rent with the balance of affordable housing for sale being split as 25% First Homes and 30% shared ownership at 25% equity. The precise tenure mix of affordable housing will be determined on a site-by-site basis.**

5.24 In the first instance, the policy lowers the minimum threshold at which affordable housing must be delivered by residential schemes from the 11 or more (net) homes of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2 to 6 or more (net) homes given that Elmstead has been designated as 'rural' under Section 157 of the Housing Act 1985 (SI 2005/1995). This is provided for by §64 of the current NPPF which was originally introduced in 2018 (which post-dates the 2012 NPPF under which the Tendring Local Plan Part 2 was examined and therefore makes no provision for this). The policy is intended to apply to that part of the Parish which lies outside of the Tendring/Colchester Borders Garden Community.

5.25 Whilst the majority of sites that have come forward in the Parish are for 11+ dwellings, this was as a result of a particular set of circumstances, which the Neighbourhood Plan and Tendring's adopted Local Plan Part 1 and Part 2, seeks to avoid. Historically there have been infill sites which may have delivered affordable housing contributions if this lower threshold was in force. This has resulted in a shortfall, and continued need, for rented affordable housing and a continued need for affordable housing for sale in Elmstead. The HNA, included in the evidence base, demonstrates that there is robust evidence of need for affordable housing in the neighbourhood area.

- 5.26 The Neighbourhood Plan or Tendring's Local Plan Part 1 and Part 2 does not make any housing site allocations in the Parish, apart from the Tendring Colchester Borders Garden Community, as it has met the housing requirement for the plan period. There is therefore no potential for this local affordable housing need to be met in the plan period, other than through infill sites (inside the Settlement Development Boundaries) where land available is limited and Rural Exception Sites. First Homes Exception Sites cannot come forward in designated rural areas. Lowering the affordable housing threshold for infill sites and supporting Rural Exception Sites (as per Tendring Local Plan Part 2 Policy LP6) will be the only way that Elmstead can begin to meet its affordable housing needs (other than through the proactive approach as landowners the Parish Council is taking in utilising its assets as provided for by Policy ELM3).
- 5.27 Policy ELM4 only applies to development coming forward in Elmstead outside of the Tendring Colchester Borders Garden Community and therefore, by definition, is nonstrategic (NPPF §28) nor is it considered to undermine Policy LP5 (NPPF §29). The NPPF confirms that "policies may set out a lower threshold of 5 units or fewer" (NPPF §64) and the lower threshold of 6 or more is to avoid missing vital opportunities to secure affordable homes on small sites within the settlement development boundaries. The policy has both 'regard to' the NPPF, while also supporting and upholding the general principle that Tendring's Policy Part 2 Policy LP5 Affordable Housing is concerned with, while providing "a distinct local approach" (PPG ID:41-074). It supports the Local Plan 'as a whole' including its vision and objectives which require a sufficient variety in terms of sites, size, types, tenure and affordability to the needs of a growing and ageing population.
- 5.28 The Inspector's report on Tendring's Local Plan Part 2, issued 24 November 2021, recognises in paragraph 116 that "*At the hearing sessions we heard evidence as to the historically weak rate of delivery of affordable housing and the high level of need in the district*" and recommended modifications to the Local Plan which seek to maximise the delivery of affordable housing on site. The policy therefore also requires that the affordable homes should be delivered on site, which accords with the approach of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2. However, it may be agreed that a preferable delivery strategy to optimise the value of affordable homes to the Village is to consolidate them on one site. If that is the case, then a scheme may make a financial contribution to that other scheme. If an applicant considers there is a need for an element of market housing to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2.
- 5.29 Elmstead falls within the Manningtree and Rural North Value Area in Tendring's Economic Viability Study June 2017. The area contains a network of predominantly rural settlements more closely related to the property and employment markets around Colchester resulting in an upward effect on property values. The study also demonstrates a surplus in excess of between £0.015m/ha and £1.6m/ha above the benchmark land value in the Manningtree and Rural North Value Area for notional 1 Ha; 3-unit; 7-unit; 10-unit

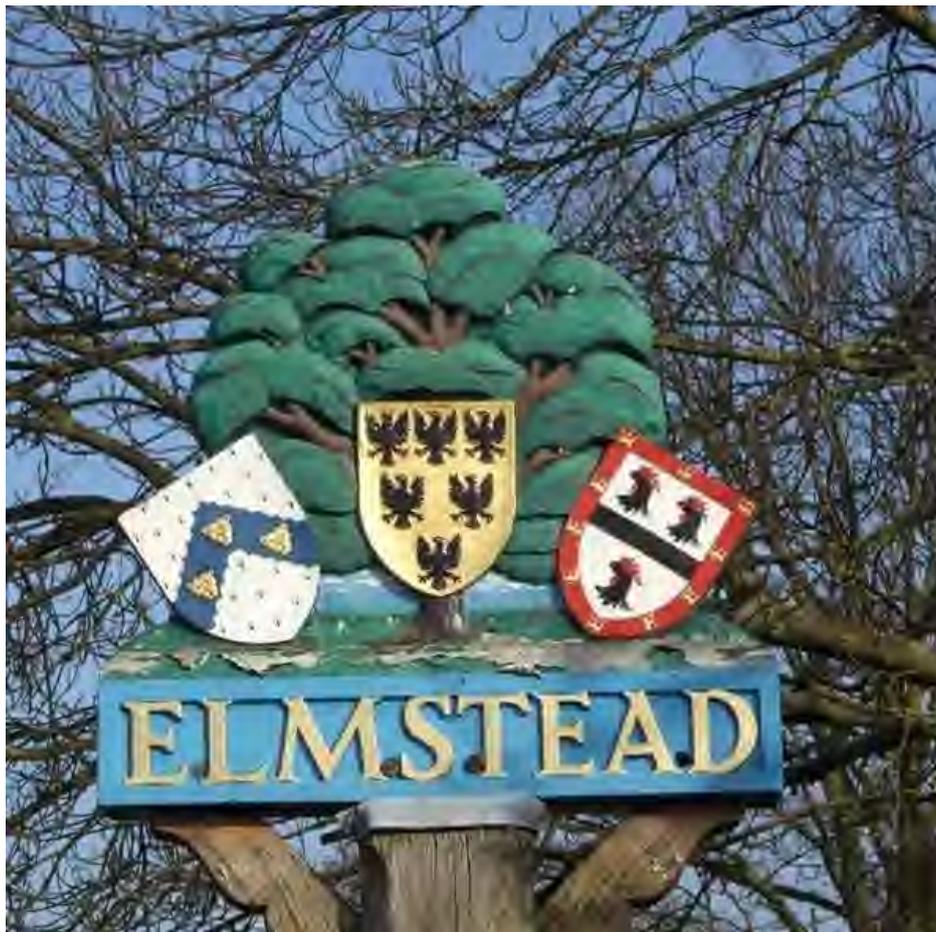
(including a 10-unit starter home scheme); 11-unit; 15-unit; 50-unit; and larger schemes.

- 5.30 The difficulties in securing affordable housing in rural areas, including Elmstead, is well researched and debated. Given that the HNA provides robust evidence of a need for affordable homes (and historic shortfall), there have been opportunities in Elmstead where a lower threshold may have delivered affordable housing contributions, there is likely to be more opportunities coming forward through infill sites, and viability ought not to be an issue when land values are high, the policy takes the opportunity provided for by the NPPF in its §64 to lower the affordable housing threshold for the Designated Rural Area of Elmstead outside of the Tendring Colchester Borders Garden Community.
- 5.31 In respect of the tenure mix, the HNA evidenced the clear lack of affordable housing for rent and for sale in the designated neighbourhood area. Due to the housing requirement for the plan period being 0, the HNA recommends that the Neighbourhood Plan should consider separate tenure mixes for wholly affordable sites and qualifying open market sites to increase the delivery of affordable home ownership products.
- 5.32 Tendring's Local Plan Part 2 Policy LP5 Affordable Housing was prepared prior to the introduction of the new 'First Homes' affordable housing product by the Government in summer 2021. First Homes are a specific discounted market sale housing and meet the definition of 'affordable housing' for planning purposes. Planning Practice Guidance now requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes and that they (and the mechanism securing a discount in perpetuity) will be secured through section 106 planning obligations.
- 5.33 The second and third part of the policy therefore makes provision for First Homes and requires a specific tenure mix for affordable housing provision on qualifying sites and wholly affordable sites respectively as a starting point as recommended by the HNA which may come forward in Elmstead during the Plan period. If an applicant considers there is a need for an element of market housing on sites outside of the settlement boundaries to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP6 Rural Exception Sites of Tendring's Local Plan Part 2.

POLICY ELM6: FIRST HOMES

The Neighbourhood Plan establishes the requirement for First Homes, outside of the Tendring Colchester Borders Garden Community, to be secured with a minimum 40% discount from full open market value.

- 5.34 25% of all affordable homes will be sought as First Homes. Planning Practice Guidance sets out a requirement for a minimum 30% discount from open market value, but higher discounts of 40% or 50% may be applied where a need is demonstrated. The HNA has demonstrated that First Homes at 40% discount are affordable to those on mean incomes and will also help to ensure viable schemes. The policy therefore increases the minimum discount from full open market value for First Homes in the Parish to 40%. The policy is intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community.



7 Traditional Village Sign (Elmstead Parish Council)

POLICY ELM7: HOUSING MIX

New residential development, outside of the Tendring/Colchester Borders Garden Community, should seek to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings.

- 5.35 Tendring's Local Plan Part 2 Policy LP2 Housing Choice adopts a flexible approach to housing mix, and states that TDC will work with the development industry and housing providers to deliver a mix of dwelling types, sizes and tenure to address local requirements. The policy is intended to contribute towards a mixed and balanced community in line with §62 of the NPPF. It gives local effect to Policy LP2 by setting a specific requirement for all new homes in the Parish. It is necessary in order to start to rebalance the current mix of homes so that it better reflects local need. The policy is intended to apply to that part of the Parish which lies outside of the Tendring/Colchester Borders Garden Community.
- 5.36 Tendring's The Strategic Housing Market Assessment Update 2015 demonstrates a need of dwelling size, for owner occupied, 10.3% one bedroom, 31.5% two bedroom, 33.3% three bedroom and 24.8% four or more bedrooms. For private rented, the change required is 6.8% one-bedroom, 19.4% two-bedroom, 52.7% three-bedroom and 21.1% four- plus bedrooms. Elmstead's HNA demonstrates a need for new housing coming forward in Elmstead to be heavily weighted towards smaller dwellings. This is also evidenced through community consultation undertaken as part of the preparation of the Neighbourhood Plan. In 2011, the designated neighbourhood area was dominated by larger homes with the proportion of 1-bedroom dwellings in the neighbourhood area being significantly lower, and the proportion of 4+- bedroom dwellings higher, than both the District and England. This highlights the imbalance in the neighbourhood area.
- 5.37 The policy therefore requires this weighting towards smaller 1-bedroom and 2-bedroom dwellings whilst acknowledging that it is important not to exclude certain dwelling types. The starting point for addressing the need for smaller dwellings in the neighbourhood area is for new developments to be made up of 89.2% 1-bedroom and 2-bedroom dwellings. This will facilitate downsizing and continue a supply of larger homes to accommodate growing families.

POLICY ELM8: ZERO CARBON BUILDINGS

- A. All development should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.
- B. Wherever feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.
- C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the 'as built' performance as predicted and will include a planning condition to require the provision of post occupancy evaluation reporting to the Local Planning Authority within a specified period, unless exempted by Clause B above. Where this reporting identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged.
- D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.
- E. An Energy and Climate Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment prepared at the earliest stage of site layout design to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the Energy Hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

5.38 The policy context for encouraging higher energy efficiency standards at the Local Plan or Neighbourhood Plan scale is complex. Background information has therefore

been set out in Appendix A. The policy may also appear rather technical, but it is a temporary measure as in due course, it is expected that the next revision of the Local Plan, if not national policy itself, will make such provisions across the District. The policy is therefore intended to apply Parish-wide.

- 5.39 This policy has five clauses, the combination of which is intended to deliver a step change in the energy performance of all new developments in the parish and, in doing so, encourage and incentivise the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, it is anticipated that designers will demonstrate compliance using a design for performance methodology such as the Passivhaus Planning package or CIBSE TM34 Operational Energy. Achieving this level of performance will make a significant contribution to mitigating climate change that the Neighbourhood Plan can deliver.
- 5.40 Clause A of the policy requires developers to ensure they address the Government's climate change targets and energy performance at the very initial stages of design. 'Zero Carbon Ready' by design means making spatial decisions on layout and orientation of buildings at the outset to maximise the passive design benefits ('free heat') of a site and avoids leaving this to technical choices and assessment at the Building Regulation stage, by which time the opportunity may have been lost. In the absence of supplementary guidance from TDC, applicants are directed to the Net-Zero Carbon Toolkit created by Cotswold District Council and two partner councils, West Oxfordshire District Council and Forest of Dean District Council. The toolkit is available as a resource for private and public sector organisations to use and adopt. ([Link](#))
- 5.41 Its Clause B incentivises all schemes, no matter what their intended use or size other than householder extensions, to use the Passivhaus Planning Package (PHPP) or equivalent design methodology for all buildings where it is feasible to do so. It is acknowledged that it may not be feasible to do so on some sites or schemes for practical reasons, which should be explained in the application.
- 5.42 In respect of scheme viability, any extra-over cost of building to the 'zero carbon ready' Passivhaus standard (now less than 5%) will diminish to zero well within the period of this Plan, as per both the Government's Regulatory Impact Assessments, research by the Passivhaus Trust and the viability assessment published by Cornwall Council. The policy will also ensure that expensive and unnecessary retrofit costs are not passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be acceptable as a reason for not using the Standard, unless the applicant can demonstrate the scheme has abnormal costs to accommodate.
- 5.43 The policy requires that the scheme density (measured by dwelling units/Ha) is assessed against that of the local 'character area' in the Design & Access Statement. Policy ELM8 defines the key design principles for the main settlements of the parish.

Outside of such areas, the applicant may define the 'character area' that is relevant for the purpose of this exercise.

- 5.44 Proposals seeking to apply the PHPP must be able to demonstrate that the Passivhaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a Passivhaus Designer accredited by the Passive House Institute (PHI) will be required and secured by condition. Upon completion a Quality Approved Passivhaus certificate for each building will be required prior to occupation, again secured by condition.
- 5.45 Clause C requires the developer of a consented housing development scheme of any size to carry out post-occupancy evaluation (POE) reporting including actual metered energy use, and to submit this to the local planning authority. It will be implemented by attaching a planning condition, which will only be discharged once the report has been submitted and any recommended actions to rectify any performance gap with the design stage assessment are carried out by the developer. Passivhaus certified schemes will not fail in this way and they are therefore exempted from this policy requirement. In the absence of supplementary guidance from TDC on POE, guidance has been included in Appendix B.
- 5.46 The policy complements Policy SPL3 Sustainable Design of Tendring's Local Plan Part 2 but adds additional requirements. Clause D requires all development proposals that are not householder applications to be accompanied by a Whole Life-Cycle Carbon Emissions Assessment. In the absence of a preferred approach from TDC, RICS methodology is preferred ([Link](#)). The assessment will enable the design team to understand and respond to the lifetime consequences of their design decisions and to design for adaptability, longevity and disassembly; contributing to resource efficiency (Clause A) and contributing to the 'circular economy' ([Link](#)). This requirement will be added to the TDC's Validation Checklist for outline and full planning applications applying to proposals in the Elmstead neighbourhood area until such a time that there is a district-wide requirement.
- 5.47 Clause E requires an Energy and Climate Statement to be submitted to cover the following:
- o an assessment of the proposal to minimise regulated and unregulated emissions, the embodied emissions and the emissions associated with maintenance, repair and replacement of the new building(s), as well as its dismantling, demolition and eventual material disposal
 - o a calculation of the energy and carbon emissions covered by the Future Homes Standard and Building Regulations and, separately, the energy demand and carbon emissions from any other part of the development that are not covered by the Future Homes Standard or Building Regulations
 - o the proposal to reduce carbon emissions beyond the Future Homes Standard and Building Regulations through the energy efficient design of the site, buildings and services

- ○ the proposal to further reduce carbon emissions through the use of zero or low emission decentralised energy where feasible
- ○ the proposal to further reduce carbon emissions by maximising opportunities to produce and use renewable energy on-site, utilising storage technologies where appropriate
- ○ the proposal for a demand-side response, specifically through installation of smart meters, minimising peak energy demand and promoting short-term energy storage
- an analysis of the expected cost to occupants associated with the proposed energy strategy

5.48 Every new build or redevelopment project in the Neighbourhood Area, however modest, provides an opportunity to make a difference and a contribution towards meeting our climate change targets for 2050. This new information requirement need not be an unreasonable expectation of even the smallest schemes for new buildings. Land values in the area are high relative to build costs and ought to be sufficient to ensure requirements to tackle improving energy and carbon performance are viable.

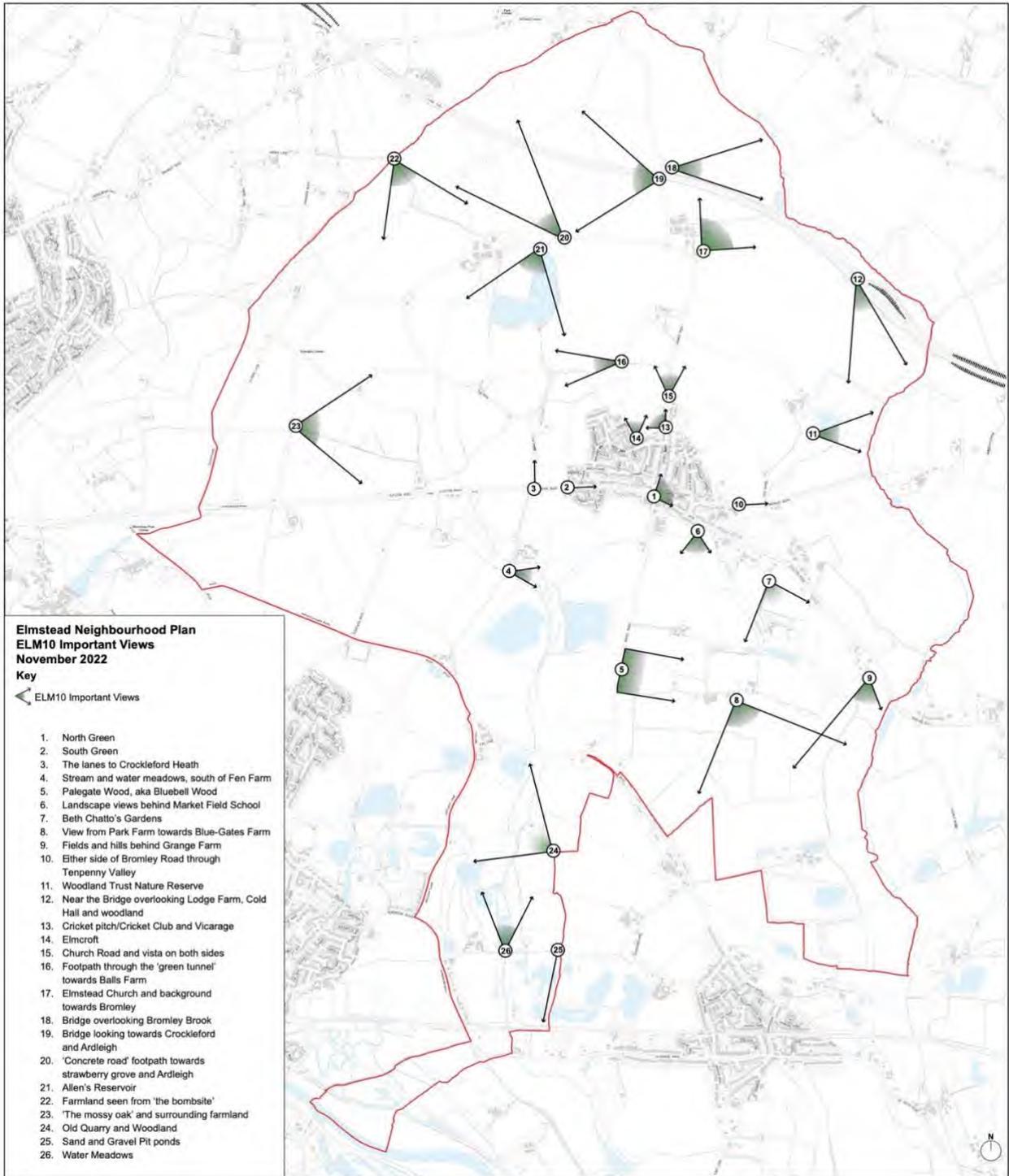
POLICY ELM9: DESIGN CODES

Development proposals, outside of the Tendring/Colchester Borders Garden Community, will be supported provided they have full regard to the essential design guidelines and codes, where applicable relevant to the character area typologies within which they are located as set out in the Elmstead Design Guidance and Codes Report at Appendix C and the Essex Design Guide.

- 5.49 There are distinctive features of Elmstead that shapes it character. These features are set out in the Elmstead Design Guidance and Codes attached at Appendix C. The policy places additional local emphasis to the design quality principles of Tendring's Local Plan Part 2 Policy SPL3 Sustainable Design by highlighting the particular characteristics of the Parish. The policy is intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community.
- 5.50 The Code document is an integral part of the policy but is extensive in distinguishing the different areas of Elmstead Market and is therefore published separately to the Neighbourhood Plan. To be clear therefore, as the Code has been prepared and consulted on as part of the Plan, its content carries the full weight of the development plan in decision making and is not subordinate or supplementary guidance carrying lesser weight.
- 5.51 The policy therefore requires that applicants should demonstrate that they have regard to the design principles and guidance the Code contains as relevant to the location of their proposals. The policy does not advocate pastiche or historic solution; however, it is important that any new development demonstrates a connection with local character and place making.

- A. The Neighbourhood Plan identifies Important Views on the Policies Map.**
- B. Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views.**
- C. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.**

- 5.52 The policy, and Policies Maps, identifies a series of views from public vantage points in and beyond the edge of the village that are considered in the Important Views report, published in the evidence base, as especially important in defining the relationship between the two settlements of the Parish and its rural hinterland.
- 5.53 The policy does not seek to prevent any development lying within a view but requires that proposals recognise and take account of these in their design. In each case, only the minimum area of land necessary to define the view has been identified. It is recognised that some of these Important views falls within the area of search for the Tendring/Colchester Borders Garden Community. However, draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Borders Garden Community requires that *'Existing landscape features, PRoW and the network of lanes within the site should be retained, enhanced and incorporated into the development'*. In that respect, the policy therefore takes the opportunity to identify some of the 'existing landscape features' which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community.



Plan I: Elmstead Neighbourhood Plan Important Views

POLICY ELM11: THE VILLAGE CORE

- A. The Neighbourhood Plan defines the Village Core and a Village Centre Boundary, as shown on the Policies Map, for the purposes of managing proposals for residential, commercial, business and service, local community and leisure uses, outside of the Tendring/Colchester Borders Garden Community.

The Village Core

- B. Proposals that provide for the following uses in the Village Core will be particularly supported:
- i. Health and Wellbeing service provision;
 - ii. A public house or drinking establishment with expanded food provision;
 - iii. Local community uses provision;
 - iv. Additional open space provision, including improvements to existing open space provision.
- C. Development proposals within the Village Core will be supported provided that the resulting layout of schemes:
- i. Achieves a positive relationship with the existing open space provision in the Village Core ;
 - ii. Achieves a positive relationship with the existing open space provision in the Village Core;
 - iii. Retains and enhances pedestrian and cycling connections to the Village Core to promote active travel; and
 - iv. Improves the movement of pedestrians and cyclists in and around the Village Core in line with Policies ELM12 and ELM15, with consideration given to traffic mitigation measures in line with Policy ELM13 intended to enhance the active travel environment and public realm where appropriate.

The Village Centre

- D. Development proposals in the Village Centre which create livelier and more active street frontages will be supported.**
- E. Proposals for a change of use that will result in the loss of an active commercial, business or service use of a ground floor frontage in the Village Centre Boundary will not be supported.**
- F. Where appropriate, residential uses above commercial, business and service units in the Village Centre will be supported, provided that the active commercial, business or service use of a ground floor frontage is not compromised and that satisfactory residential amenities can be achieved.**

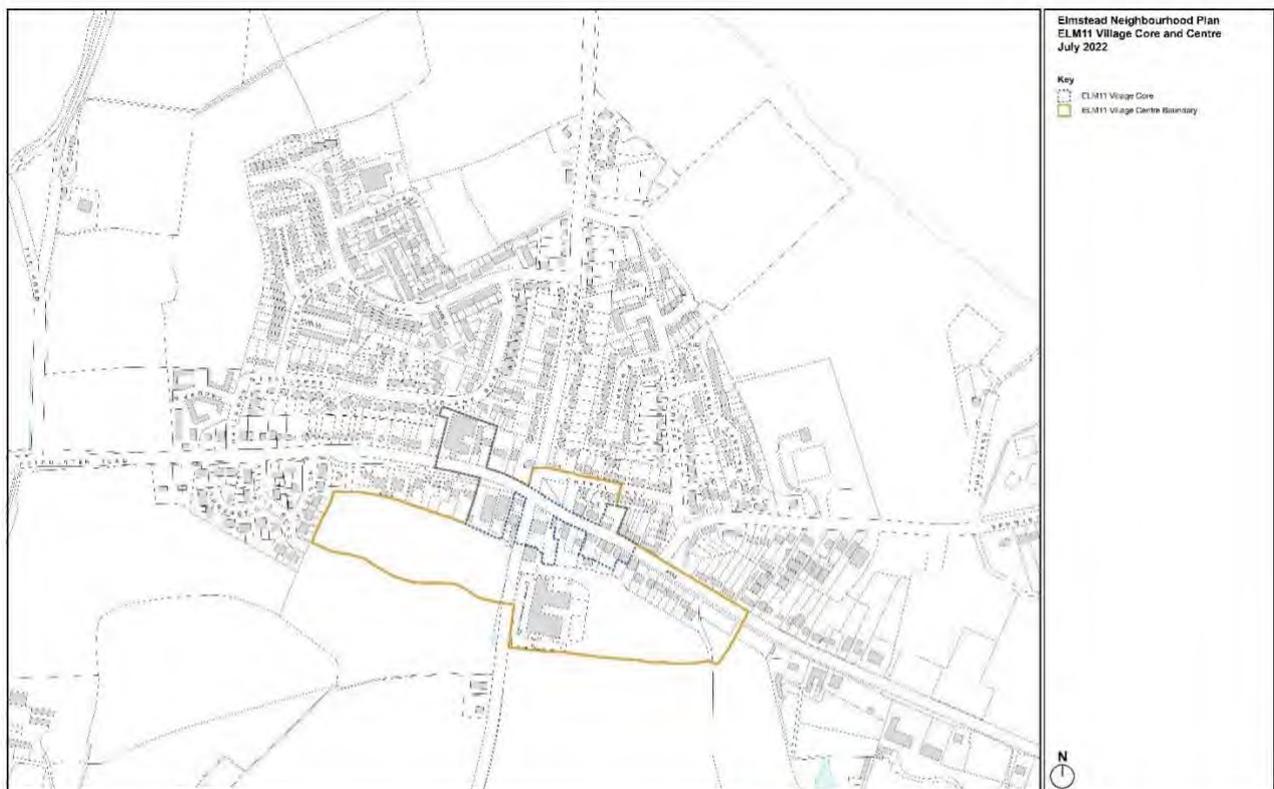
5.54 New development in the southern part of Elmstead Market will increase the population of the village and shift the 'centre of gravity' to the south and west around the Clacton Road, School Road junction. These new developments will also provide new public open space and a new Elmstead Community Centre to the south of Colchester Road with an access off School Road. The Neighbourhood Plan recognises that these changes are likely to have a significant impact on the village and has taken the opportunity to include a policy which will help integrate the new amenities, protect existing shops and control future development within the Village Core.

5.55 The policy therefore defines a Village Core area which incorporates not only the essential commercial, business and service uses within the village centre but also existing and new open space provisions. This approach is in line with the Grimsey Review 2 (July 2018) conclusions which highlight the need to reshape centres into community hubs which incorporate health, housing, arts, education, entertainment, business/office space, as well as some shops, while developing a unique selling proposition.

5.56 The Village Core functions encompasses residential, commercial, business and service, local community and leisure uses. The existing open spaces and other amenities and their connection and close proximity to the commercial, business and service uses serves a much wider purpose than simply providing retail services to meet day-to-day needs. The area functions as an important meeting place for local people to meet health, recreational and day-to-day business, commercial and service needs with new development anticipated to contribute to this wider purpose.

5.57 The policy therefore seeks to retain the Village Core functions and make provisions for redevelopments to enhance these functions through improving accessibility and the safety and enjoyment of the active travel environment, the public realm and the green environment through managing the design features for all new development proposals within the Village Core area and defining a new Village Centre Boundary ensuring any proposals promote the vitality of the Village Centre. The policy is intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community.

5.58 It is recognised that some of the changes of use within the Village Centre Boundary do not now require planning permission and new permitted development rights enable future changes of use from what are now Class E (commercial, business and service) uses to residential uses. The Parish Council encourages TDC to make an Article 4 Direction covering properties within the Village Centre Boundary to remove those rights, enabling such changes to remain in planning control. The Parish Council will submit a formal request for this following the referendum of this Neighbourhood Plan.



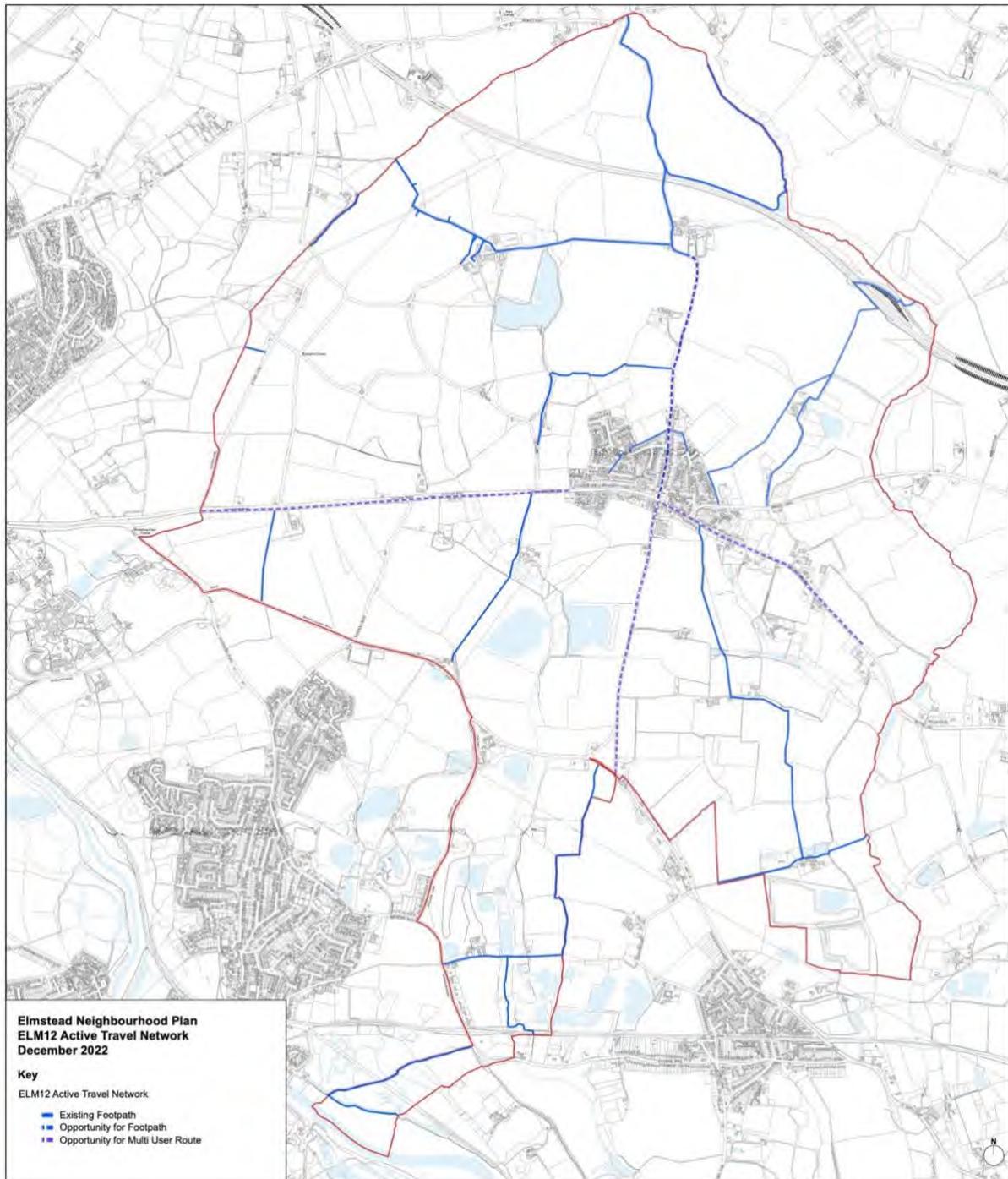
Plan J: Elmstead Neighbourhood Plan Village Core and Village Centre Boundaries

POLICY ELM12: MOVEMENT AND CONNECTIVITY

- A. The Neighbourhood Plan identifies the existing Active Travel Network, as shown on the Policies Map, for the purposes of supporting active travel in the Parish.**
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout, means of access and landscape treatment.**
- C. Proposals that will harm the functioning or connectivity of the Network will not be supported.**

- 5.59 The policy seeks to encourage safe, accessible and convenient means of walking, cycling and horse riding through the Parish. It refines Tendring's Local Plan Part 2 Policy SP5 Infrastructure and Connectivity by providing a local element to its provisions in terms of seeking an attractive, safe, legible and prioritised walking/cycling environment.
- 5.60 The Policies Map shows the full extent of the existing Network which allows applicants to determine if their proposals should take this policy into account. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network and/or improve the attractiveness of rural routes. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.
- 5.61 Opportunities for an extended footpath between Elmstead Parish Church and the settlement of Elmstead Market; multi-user routes for pedestrians and cyclists from the settlement of Elmstead Market to its west, east and south has been identified through community engagement during the project and is shown on Plan K below.
- 5.62 It is recognised that the existing Active Travel Network falls within the area of search for the Tendring/Colchester Borders Garden Community. However, draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Borders Garden Community requires that '*Existing landscape features, PRow and the network of lanes within the site should be retained, enhanced and incorporated into the development*'. In that respect, the policy therefore takes the opportunity to identify PRow, which form part of the existing Active Travel Network, and which should be considered in proposals being brought forward to deliver the Tendring/Colchester

Borders Garden Community. The Parish Council also supports the objective of the network of existing lanes within the area of search for the Tendring/Colchester Borders Garden Community to become green pedestrian and cycle links.



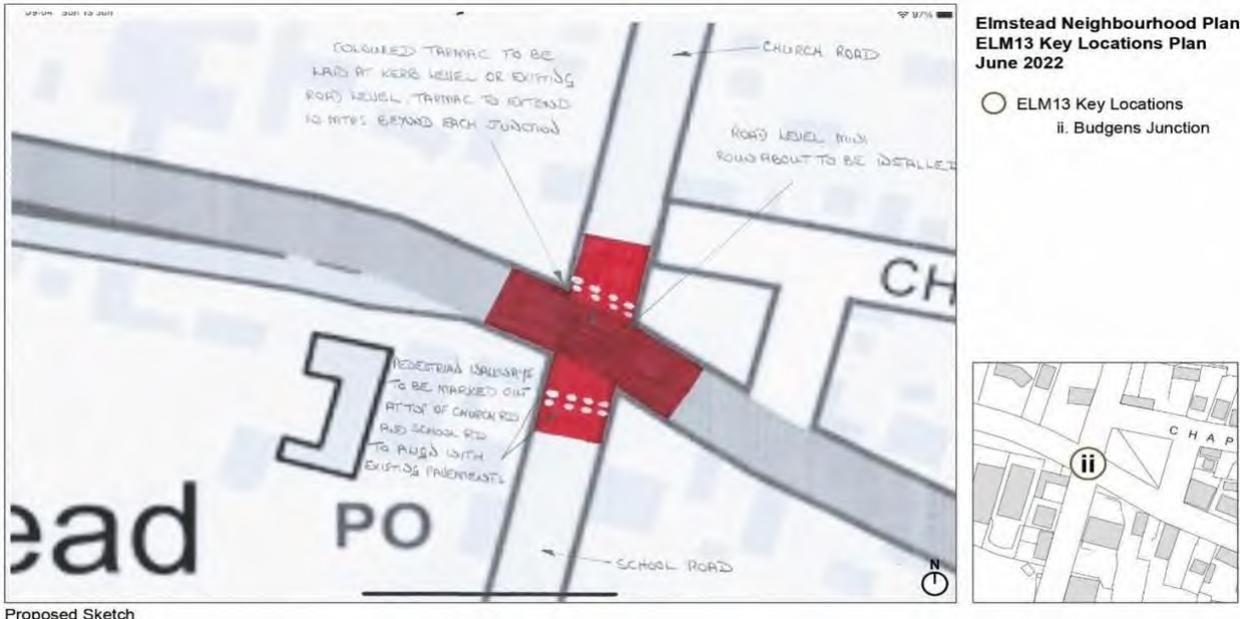
Plan K: Elmstead Neighbourhood Plan Active Travel Network and opportunities for improvement

- A. Key Locations, as shown on the Policies Map, have been identified as areas where public realm improvements and traffic mitigation measures are required to enhance the active travel environment and improve residential amenity and highway safety. Proposals which deliver such public realm improvements and traffic mitigation measures at Key Locations will be supported.**

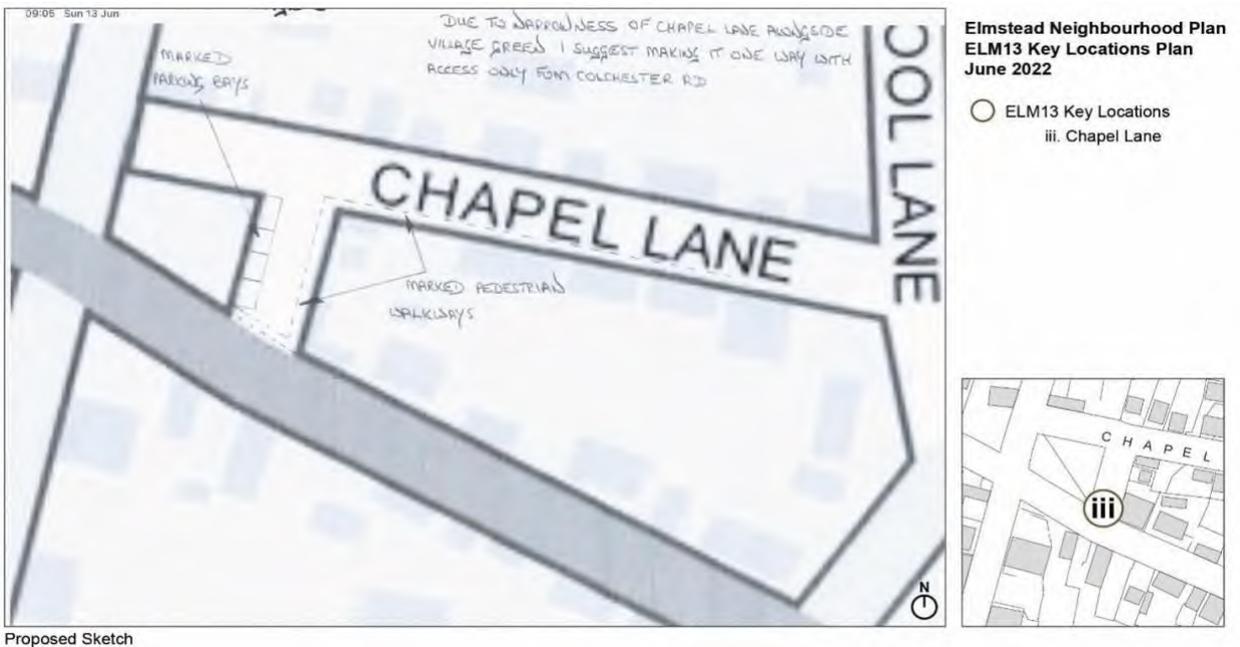
- B. Development proposals that will generate an increase in traffic on Clacton Road will be required to contribute to public realm improvements and traffic mitigation measures at Key Locations.**

- 5.63 The policy identifies Key Locations where there are opportunities for traffic mitigation measures and public realm improvements to make walking and cycling more pleasant as a means by which traffic management effects and measures are tackled and invested in by development proposals. It operates alongside Policy ELM12 in seeking to encourage walking and cycling and refines Tendring's Local Plan Part 2 Policy SP5 Infrastructure and Connectivity by providing a local element to its provisions.
- 5.64 The cumulative effects of recently approved planning applications in the Parish have been established as residential: peak am 184, peak pm 170 and business: peak am 170, pm 135. The Tendring/Colchester Garden Community, and recently approved planning applications in the Parish is expected to increase construction and operational traffic on Colchester/Clacton Road, the Budgens junction and School Road.
- 5.65 The proposed A120/A133 link road and A133 (east and west) is expected to accommodate the majority of this traffic. It should also be noted that two of the recently approved developments has direct access to School Road which already has issues during peak hours, particularly with the peak am impact of Market Field School. Whilst some improvements have been agreed to the Budgens Junction, the latest planning application for development on School Road recognises that the junction will reach its design capacity once the development traffic is included.
- 5.66 During the plan formulation process, a number of possible solutions to growing issues at Key Locations were proposed (see Plans L and M below), and the Parish Council aspires to explore such solutions alongside the Highways Authority and other relevant stakeholders for Key Locations, specifically to explore the feasibility of any potential solutions and improvements. The Policies Map therefore identifies these Key Locations.
- 5.67 It is recognised that the draft Tendring/Colchester Borders Garden Community DPD will establish transport infrastructure requirements for the Garden Community itself.

However, draft Policy 7: Movement and Connections criterion 8. of the draft Tendring/Colchester Borders Garden Community requires that the Garden Community 'provide and fund improvements in local transport infrastructure where it is necessary and appropriate to do so'. In that respect, the policy therefore takes the opportunity to identify Key Locations which should be considered in proposals being brought forward to deliver the Tendring/Colchester Garden Community.



Plan L: Possible solutions at Key Location ii. Budgens Junction



Plan M: Possible solutions at Key Location iii. Chapel Lane



**Elmstead Neighbourhood Plan
ELM13 Key Locations Plan
July 2022**

- ELM13 Key Locations
 - i. Oatlands
 - ii. Budgens Junction
 - iii. Chapel Lane
 - iv. Village Green
 - v. Clacton Road/
Bromley Road

Plan N: Elmstead Neighbourhood Plan Key Locations

POLICY ELM14: LOCAL GREEN SPACES

A. The Neighbourhood Plan designates the following Local Green Spaces, as shown on the Policies Map:

- 1. The Playing Field**
- 2. Holly Way Green**
- 3. Lucerne Green**
- 4. Old School Playground**
- 5. Cricket Pitch**
- 6. Allen's Reservoir**

B. Proposals for development in a Local Green Space will only be supported in very special circumstances.

- 5.68 The policy designates a series of Local Green Spaces in accordance with §100 - §103 of the NPPF. A designation has the policy effect of the equivalence of the Green Belt in terms of the definition of 'inappropriate development' consistent with paragraph 101 and 143 of the NPPF and of the 'very special circumstances' tests in the NPPF when determining planning applications located within a designated Local Green Space.
- 5.69 A review of all open land within and adjoining each settlement has been completed, informed by the qualifying criteria in the NPPF. The land is considered to meet those criteria and is therefore worthy of designation as illustrated and justified in the Local Green Space report in the evidence base. In the Parish Council's judgement, each designation is capable of enduring beyond the end of the plan period. The owners of these sites were notified of the proposed Local Green Space designations during the preparation of the Plan.
- 5.70 The policy has been reviewed in relation to the consideration in the Court of Appeal (2020 EWCA Civ 1259) of an equivalent policy in a neighbourhood plan in Mendip District. Policy ELM14 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.

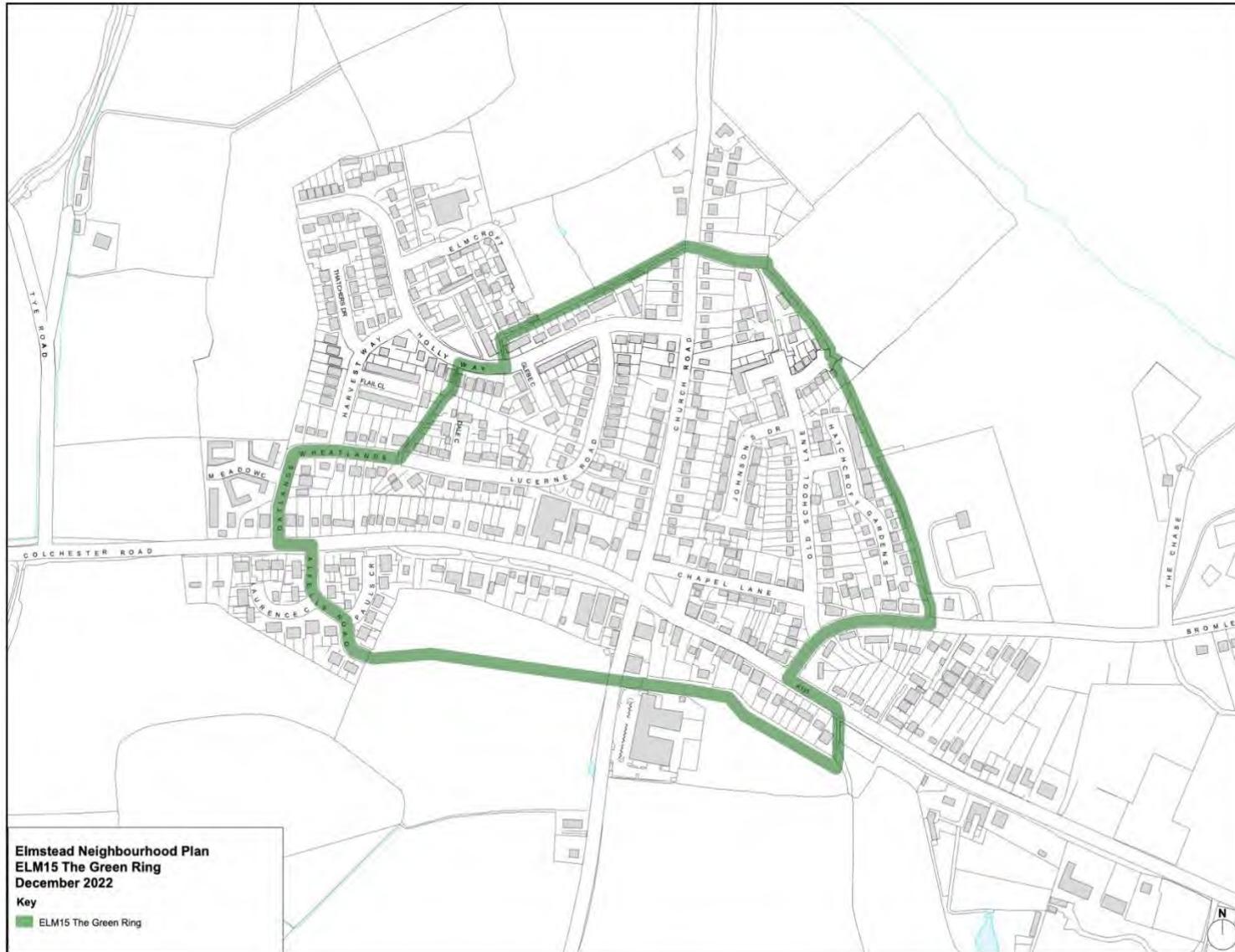


8 Allen's Reservoir (Sara White)

POLICY ELM15: GREEN RING

- A. The Neighbourhood Plan proposes the establishment of a Green Ring around the village of Elmstead, as shown on the Policies Map, comprising a variety of green infrastructure assets, including formal open space, a footpath/cycle network, and land of biodiversity value.**
- B. Development proposals that lie within the broad location of the Green Ring will be required to align their public open space requirements with its objectives, so that they contribute to its successful formation and maintenance. Proposals that will lead to the unnecessary loss of Green Ring land or features that will prejudice the completion of the Green Ring will not be supported.**

- 5.71 The policy establishes the principle of the Green Ring at Elmstead as a green infrastructure project and identifies its broad location on the Policies Map. It requires all development proposals within its broad location to make provision for its delivery and management and it resists the loss of any Green Ring land or associated features that cannot be justified.
- 5.72 The planning of green infrastructure is an increasingly important element of national policy. The NPPF acknowledges this type of infrastructure can serve many simultaneous purposes, from providing a local recreational asset, to enhancing biodiversity, protecting visual amenity and adapting to climate change. Its two most important features, however, are in creating new, north-south' pedestrian routes on the western and eastern sides of the village (to overcome the dependence on the level crossing) and in providing a new amenity for existing residential areas.
- 5.73 The Green Ring will become a defining landscape feature of the settlement of Elmstead in years to come. It is accepted that its completion will take many years beyond the plan period and will rely upon future development proposals and the support of relevant landowners. However, significant segments at the heart of the village between the existing and proposed open space provisions will be delivered in the plan period through the completion of the new open space and redevelopment around the existing open space area.



Plan O: Elmstead Neighbourhood Plan Green Ring

- A. The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife. The Neighbourhood Plan designates this as a Network, as shown on the Policies Map, for the purpose of promoting nature recovery and for mitigating climate change. The Network comprises the establishment of the 'Green Ring' around and through the village of Elmstead, a variety of green spaces, ancient woodland, trees, hedgerows, water bodies, footpaths and other land of biodiversity value.**

- B. Development proposals that lie within or adjoining the Network are required to have full regard to maintaining and improving the functionality of the Network, including delivering a net gain to general biodiversity assets, in the design of their layouts, landscaping schemes and public open space provisions.**

- C. Proposals that will lead to the loss of land lying within the Network and that will undermine its integrity will be resisted. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported, provided they are consistent with all other relevant policies of the development plan.**

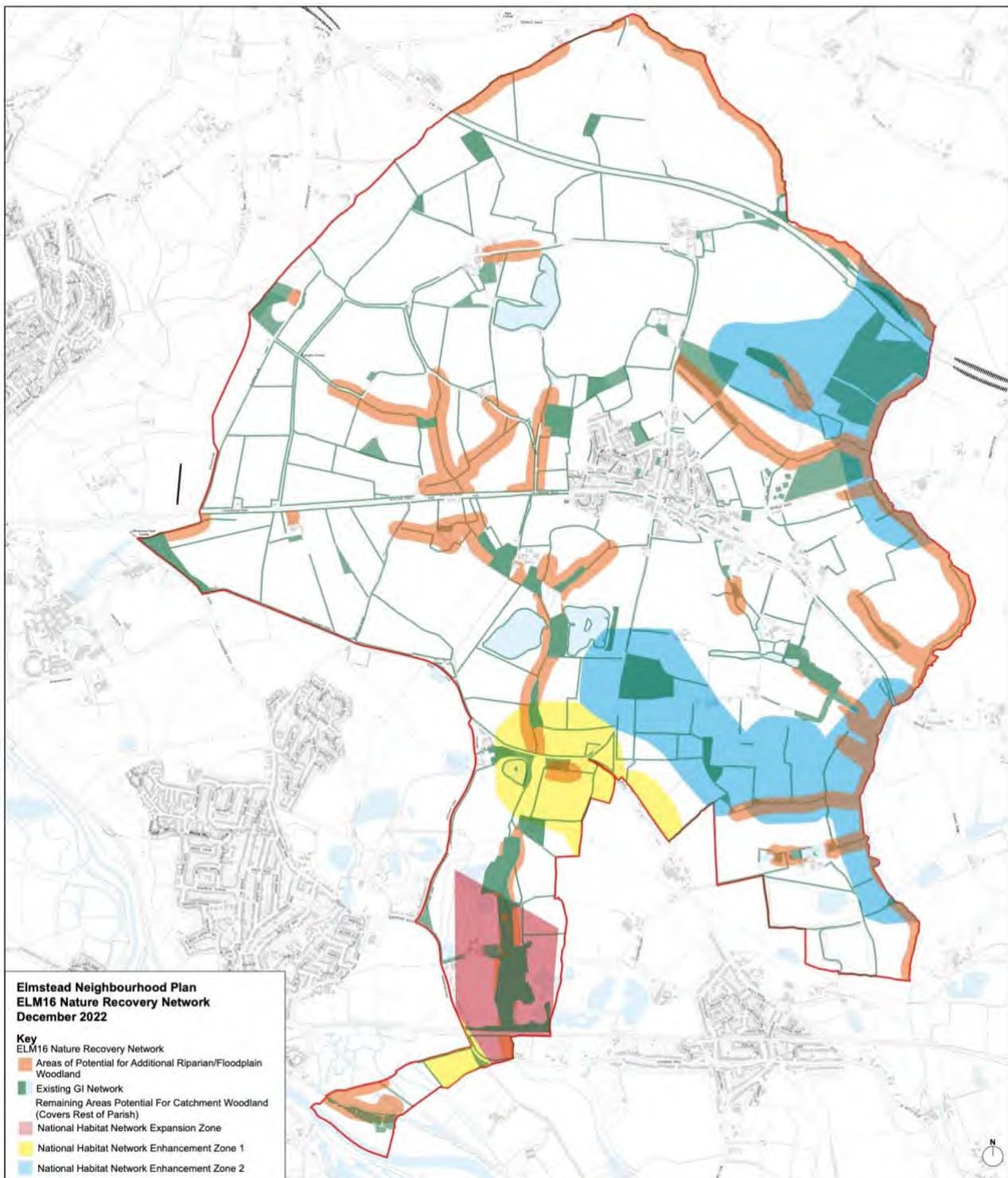
5.74 The policy defines the presence of green and blue infrastructure assets in the Parish. By doing so it supports the vision and Place and People objectives of the Essex Green Infrastructure Strategy 2020 and Tendring's Local Plan Part 2 Policy HP3 Green Infrastructure. Its purpose is linked with the vision and principles of green infrastructure in the district of defining a network of green infrastructure assets in the neighbourhood plan area as a means of providing environmental support for the community and wildlife. These assets will be maintained and added to throughout the Neighbourhood Plan area and will be the means of nature recovery through connecting and improving habitats and sequestering carbon through woodland planting.

5.75 The policy therefore requires that all development proposals that lie within the Network, or that adjoin it, should consider how they may improve it, or at the very least do not undermine its integrity of connecting spaces and habitats. The Policies Map makes a distinction between those parts of the Network that have, or are likely to have, existing biodiversity value, based on published mapped data and observation, and those that do not. Green infrastructure is multi-functional but some features – for example amenity and formal recreational land – are unlikely to have biodiversity value, or will be suited to improving that value by the nature of their use. Where proposals include provision for landscaping, new means of access or new

layouts, there may be an opportunity to relate the land better to the Network, for example in complementing existing biodiversity value through the design of the landscape scheme. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.

- 5.76 The Network will become more valuable over time, and although the majority of these features are physically attached to enable habitat connectivity, some features of the Network are not. This does not devalue their integral biodiversity or recreational value and at some point in the future an opportunity may arise to achieve similar connectivity. The Neighbourhood Plan also signals to the Responsible Authority that it should consider the role of this Network in the future Local Nature Recovery Strategy for the area which is now a requirement of the Environment Act 2021.
- 5.77 It is recognised that the existing Green Infrastructure Network falls within the area of search for the Tendring/Colchester Borders Garden Community. However, draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Borders Garden Community requires that *'Existing landscape features, PRow and the network of lanes within the site should be retained, enhanced and incorporated into the development'*. In that respect, the policy therefore takes the opportunity to identify existing green infrastructure which form part of the existing Green Infrastructure Network, and which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community. The Parish Council also supports the objective of the green corridor/buffer from Churn Wood to Turnip Lodge Lane and the landscape buffers alongside the A120/A133 link road within the area of search for the Tendring/Colchester Borders Garden Community.
- 5.78 Whilst there is land in the Parish which already have Countryside Stewardship Agreements, additional planting opportunities have been identified using the 'Working with natural processes to reduce flood risk' evidence base by the Flood and Coastal Erosion Risk Management Research and Development Programme and Environment Agency in February 2021. Specifically, opportunities for additional riparian woodland planting along water corridors. This type of planting can slow flood flows, help reduce sediment delivery to the watercourse, and provide shading. Much of the remainder of the open countryside in the Parish is suited to additional catchment woodland planting. This type of planting provides benefits across most ecosystem services, the greatest being habitat and climate regulation. There are also Enhancement and Expansion Zones identified by Natural England in December 2021 as part of its work on Habitat Network mapping to focus future action to enhance biodiversity. These opportunities are all shown on Plan P and the Parish Council will seek to work with landowners to realise such opportunities where possible avoiding the loss of the best and most versatile agricultural land.
- 5.79 It is acknowledged that draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Garden Community requires the strategy for selection of trees and other plants be selected to enhance both nature and beauty and for food. It will

be expected that the 'Working with natural processes to reduce flood risk' evidence base informs the Garden Community planting strategy in this respect.



Plan P: Elmstead Neighbourhood Plan Green Infrastructure Network including specific planting and biodiversity enhancement opportunities



9 Palegate Wood, School Road (Giles Ward)

- A. Proposals to meet increasing demand by way of the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery will be supported.**

- B. All new residential development proposals, outside of the Tendring/Colchester Borders Garden Community, will only be permitted where they provide or improve the delivery of essential health and/or wellbeing facilities and services required to serve the scale of the development proposed.**

- C. Development proposals which would have a detrimental effect on, or result in the loss of essential GP facilities and services that meet community needs and support well-being will only be permitted where it can be clearly demonstrated that:**
 - i. The service or facility is no longer needed; or**

 - ii. It is demonstrated that it is no longer practical, desirable or viable to retain them; or**

 - iii. The proposals will provide sufficient community benefit to outweigh the loss of the existing facility or service.**

5.80 Recent planning applications have demonstrated that any new development in Elmstead would give rise to a need for improvements to health and wellbeing provision capacity. Elmstead Surgery has indicated that the existing surgery is operating at capacity and there is a desire to provide more prevention-based services such as hearing, mental health, podiatry etc. through location to a larger premises in the village. The Neighbourhood Plan therefore investigated the possibility of sites to accommodate an improvement in primary care provision for the village given the limitations of the existing site to expand, however was unable to secure a suitable site.

5.81 TDC's correspondence with the North East Essex Clinical Commissioning Group and other relevant organisations reflects that "generally, the NHS policy locally is to attempt to accommodate growth wherever possible within current premises envelope, though this is likely to require capital works to adapt facilities over time". The longer-term vision, as set out in Tendring Infrastructure Delivery Plan, is "the creation of primary care hubs where GPs will share buildings with a wide range of

health providers, including dentists, pharmacies, optometrists, opticians, etc. and smaller 'spoke' facilities will provide particular specialisms not otherwise provided at the main hub." The need for smaller 'spoke' facilities is considered to "often be because of geography, e.g. an area of population is not large enough to merit its own hub but is physically separated from the main hub by a river, making journey times unacceptably long for patients". The 'hub' model includes "looking at more prevention-based and integrated service provision with social care. Ideally, they would like citizens advice, mental health, yoga, pilates, a cyber café, etc, as part of the hub provision".

- 5.82 The Tendring Colchester Borders Garden Community will include a new build Health Centre to absorb growth from the total development and relocation of existing practice/s in the area. Whilst it does not make it clear which existing practice/s are planned to relocate to this new Health Centre, it is unlikely to include Elmstead Surgery given the location of existing facilities in Colchester and with Elmstead Surgery operating at maximum capacity. In any case, Tendring's Infrastructure Delivery Plan notes that new development sites will be "reviewed individually or as part of the hub and spoke modelling exercise for enhanced primary care floor space provision in the form of reconfiguration and/or refurbishment of the existing Elmstead Surgery".
- 5.83 Given that no specific site proposals have come forward, and the existing site is unable to accommodate expansion, the policy seeks to refine Tendring's Local Plan Part 2 Policy SP5 Infrastructure & Connectivity and Policy HP1 Improving Health and Wellbeing by way of supporting the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives, in line with the STP Estate Strategy.

POLICY ELM18: LOCAL COMMUNITY USES

- A. The Neighbourhood Plan identifies the following community facilities outside the Tendring/Colchester Borders Garden Community, as shown on the Policies Map:**
- i. Elmstead Primary School;**
 - ii. Elmstead Grasshoppers Cricket Club;**
 - iii. The new Elmstead Village Hall;**
 - iv. Market Field School;**
 - v. Elmstead Parish Church, St Anne and St Laurence.**
- B. Development proposals which would affect the use of the identified community facilities will be determined against the provisions of Policy HP2 Community Facilities of Tendring's Local Plan Part 2.**
- C. Proposals to change the use of part of a community facility that is surplus to requirements will be supported where they will not undermine the overall viability and importance of the community facility concerned.**
- D. Proposals for new community facilities, particularly a public house or drinking establishment with expanded food provision, will be supported.**

5.84 The policy supplements and refines existing development plan policy on community facilities to which the policy should apply and by seeking to ensure that the long-term potential value of land in community use is not lost without good reason. The list of facilities includes all of those that are valued by the local community. On occasions, some facilities will struggle, but this will more often be related to the economic viability of the use, rather than the limitations of the premises, land or location. As finding new land for such uses is often difficult, it is important that established land is retained in that use, even if the current occupier is not viable.

5.85 The policy therefore allows for a partial change of use of a facility, if this is intended to help secure its longer-term viability. This may be an important way of putting to economic use floorspace that is no longer needed, but which can make a financial contribution to sustaining the community facility. However, such changes must be shown not to undermine the community functions of the use.

6. IMPLEMENTATION & MONITORING

- 6.1 The Neighbourhood Plan policies will be implemented through the determination of planning applications for development in the Parish by TDC.

DEVELOPMENT MANAGEMENT

- 6.2 The planning authority will use a combination of the Local Plan and Neighbourhood Plan policies to inform and determine its planning application decisions. The Parish Council is a statutory consultee on planning applications made in the Parish and it will be made aware of any future planning applications or alterations to those applications by TDC. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.
- 6.3 Where necessary, the Parish Council may seek to persuade the Secretary of State to call-in a planning application that it considers is in conflict with the Neighbourhood Plan but which the planning authority has deemed to consent. Similarly, it may also seek to persuade the Secretary of State to recover an appeal of a refused application, where the conflict with one or more Neighbourhood Plan policies has been important in the reasons for refusal. In both cases, the Parish Council will do so if it considers matters of national policy significance (for neighbourhood planning) are raised.

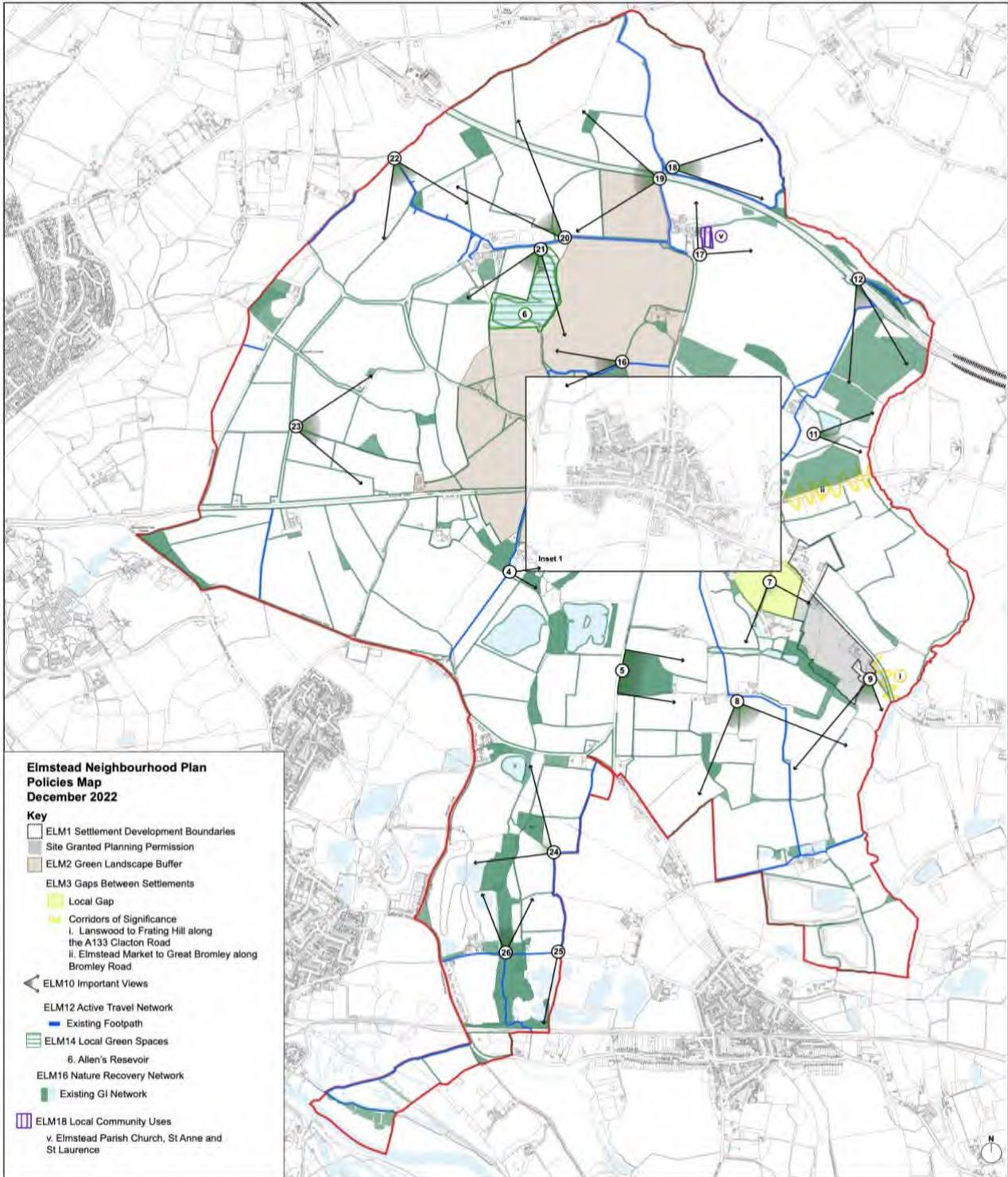
LOCAL INFRASTRUCTURE IMPROVEMENTS

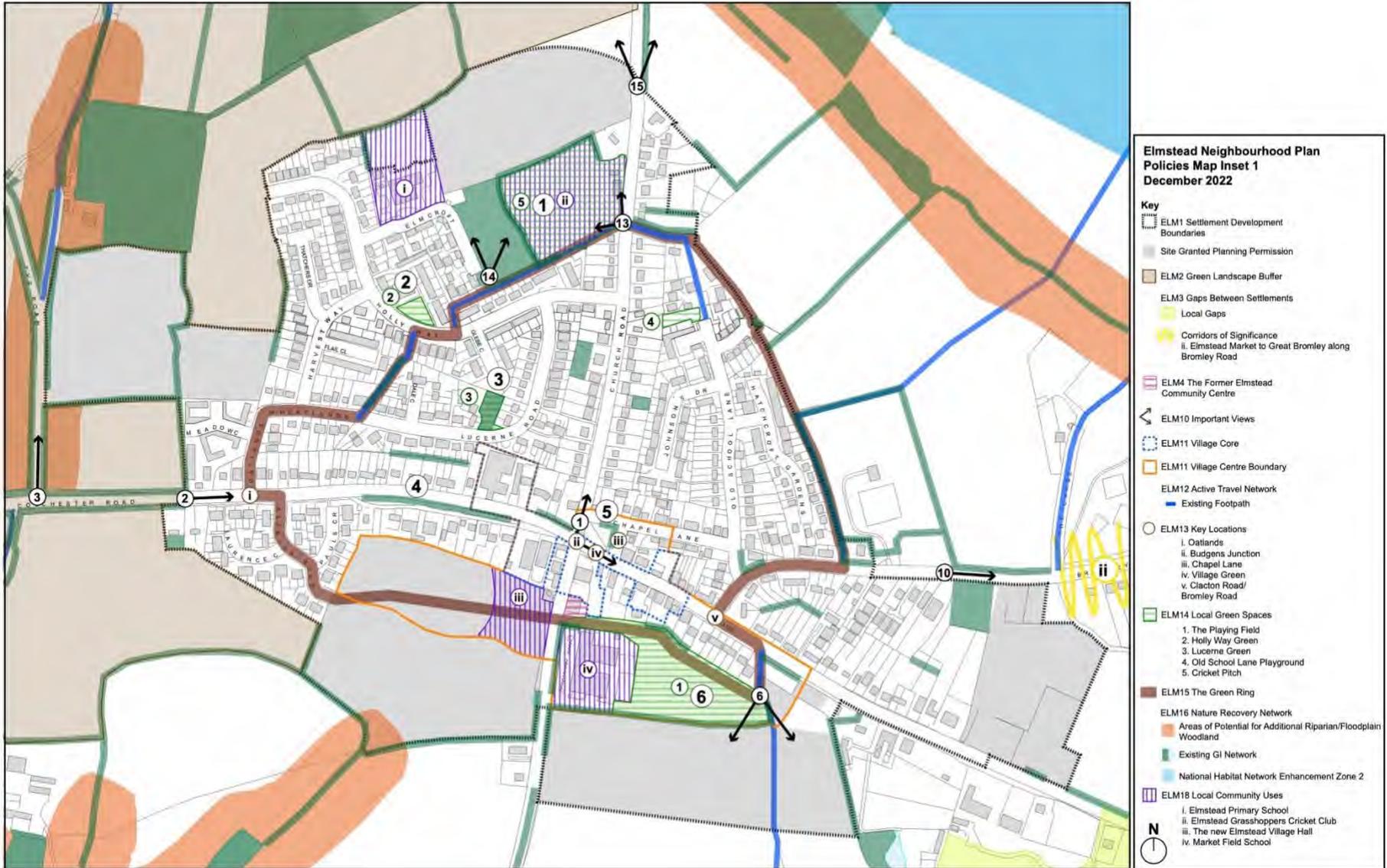
- 6.4 Where opportunities arise through S106 agreements (or through the Community Infrastructure Levy) to secure financial contributions to invest in improving local infrastructure. Should an opportunity arise, the Parish Council will review the evidence base and community consultations for the neighbourhood plan to inform its view in liaising with TDC. This is in addition to the infrastructure projects that are proposed to be delivered through site specific policies in this Neighbourhood Plan.
- 6.5 It is recognised that with the increase in new housing developments within Elmstead and surrounding villages that this will generate an increase in traffic movements on the A133 and the Bromley / Harwich roads. To mitigate the effects of this increase it is felt that traffic calming measures will need to be introduced along the A133 through the village. The junction at the A133 Road and School Road has reached capacity in its present form, therefore a small roundabout be created to help slow traffic movement and allow traffic from Church Road and School Road to move onto or off the A133. Also, mini roundabouts could be created at the Alfells and Oatlands junctions helping to slow traffic entering the village from Colchester and allowing residents to join the A133 safely.
- 6.6 It is recognised that with the increase in traffic on the A133 a new pedestrian crossing will need to be installed on the western approach to the village. A puffin crossing is

considered ideal for a busy road as the pedestrian signals are on the same side as the pedestrian and the crossing uses sensors to determine when someone is on the road allowing more time for less mobile residents to cross rather than a pre-set interval.

OTHER NON-PLANNING MATTERS

- 6.7 During the process of preparing the Neighbourhood Plan, there have been many ideas for improving or addressing current problems in the Parish that lie outside the scope of the land use planning system to control. The Parish Council has noted these issues and will take them forward through its day-to-day business and in partnership with the local community and relevant parties. These include:
- Concerns were raised over the distribution of postboxes within the Parish. While the eastern Village is well served, the more recent expansions towards the west of the Village are some distance away from the nearest postbox, requiring crossing multiple roads to use. Conversations with residents challenged by mobility impairments were of specific concern. A letter has been sent to Colchester's Delivery Manager for Royal Mail, conveying this problem and offering the Council's support in finding effective solutions.
 - Amongst the most common feedback from the community was a variety of concerns around access to and capacity of local GPs. Having been aware of this issue for some time, Councillors have talked to the General Manager responsible for the Parish's GP surgery, but unpredictable trends during the COVID 19 pandemic made long term planning impossible. A letter has been sent to the responsible manager, to in turn be forwarded to the relevant NHS strategic planning team, raising the specific concerns communicated during neighbourhood plan outreach, and offering the Parish Council's support in exploring solutions.
 - An incredible amount of support was voiced amongst the community for a pub or similar venue in the Parish. The Council has taken note of this sentiment and will consider any such proposals on their merit. For the time being the Council is working closely with Elmstead Cricket Club on a number of events, which provides a similar function as a social centre of the Village.





APPENDIX A – ZERO CARBON BUILDINGS

1. The UK Parliament declared an environment and climate emergency¹ in May 2019, followed by TDC on 6 August 2019. The Climate Change Act 2008² is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements and commits the UK government by law to reducing greenhouse gas emissions to 'net zero' by 2050.
2. In 2019, Tendring District Council declared a climate emergency acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council aims to achieve carbon neutrality by 2030. This is supported by ECC who established the Essex Climate Action Commission in 2019 to promote and guide climate action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and cross-party body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report, Net Zero: Making Essex Carbon Neutral, in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report sets out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating. The report covers a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. The report's recommendations are now incorporated into a Climate Action Plan and a focused work programme over the coming years to ensure the effects of climate change can be mitigated
3. Policy SPL3 of Tendring's Local Plan Part 2 however was prepared prior to Government committing the UK in law to 'net zero' by 2050 as per the Climate Change Act 2008 (as amended)³⁴ and emission cuts of 78% by 2035 to bring UK Law in line with the recommendations of the Committee on Climate Change (CCC) Sixth Carbon Budget Report, and the Paris Agreement commitments⁵.
4. The Energy White Paper published in December 2020 sets out the government's Vision and 10-point transition plan for how the UK will reach the UK target of 'net zero'

¹ 'Emergency' – "a sudden serious and dangerous event or situation which needs immediate action to deal with it"

² Amended by Climate Change Act 2008 (2050 Target Amendment) Order – SI 2019/1056 - 26 June 2019

³ [Insert reference to LP examination and basis on which energy policies examined]

⁴ The Climate Change Act established a long-term legally binding framework to reduce emissions, initially committing the UK to reducing emissions by at least 80% below 1990/95 baselines by 2050. In June 2019, following the IPCC's Special Report on Global Warming of 1.5°C and advice from the independent Committee on Climate Change, the CCA was amended to commit the UK to achieving a 100% reduction in emissions (to net zero) by 2050. 2019 UK Greenhouse Gas Emissions: BEIS Feb 2021 ([Link](#))

⁵ The Govt communicated to the UN the UK's contribution to the agreement on 12 Dec 2020

carbon emissions by 2050. The White Paper confirms the government's intention to ensure significant strides are made to improve building energy performance to meet this target. This means that by 2030 all new buildings must operate at 'net zero', the means by which this can be achieved is described in the diagram overleaf⁶.

5. Planning plays an important role in minimising our contribution to and increasing resilience to the effects of climate change. It can provide a positive and encouraging framework for change and can resist harmful development. The CCC highlights that we need to build new buildings with 'ultra-low' levels of energy use. The CCC also makes a specific reference to space heating demand and recommends a maximum of 15-20 kWh/m²/yr for new dwellings⁷⁸.

⁶ LETI Climate Emergency Design Guide ([Link](#))

⁷ The UK housing: Fit for the future? report published by the Committee on Climate Change in February 2019 recommends ultra-low levels of energy use and a space heating demand of less than 15-20 kWh/m²/yr. ([Link](#))

⁸ The costs and benefits of tighter standards for new buildings report, produced by Currie & Brown and AECOM for the Committee on Climate Change's UK housing: Fit for the future? Report ([Link](#))

Net Zero Operational Carbon

Ten key requirements for new buildings

By 2030 all new buildings must operate at net zero to meet our climate change targets. This means that by 2025 all new buildings will need to be designed to meet these targets. This page sets out the approach to operational carbon that will be necessary to deliver zero carbon buildings. For more information about any of these requirements and how to meet them, please refer to the UKGBC - Net Zero Carbon Buildings Framework: BBP - Design for Performance Initiative RIBA - 2030 Climate Challenge: CMAA - Net Zero Housing Project Map: CIBSE - Climate Action Plan, and: LEI - Climate Emergency Design Guide.

Low energy use

- 1 Total Energy Use Intensity (EUI) - Energy use measured at the meter should be equal to or less than:
 - 35 kWh/m²/yr (GIA) for residential

For non-domestic buildings a minimum DEC 3 (40) rating should be achieved and/or an EUI equal or less than:

 - 65 kWh/m²/yr (GIA) for schools
 - 70 kWh/m²/yr (GIA) or 55 kWh/m²/yr (GIA) for commercial offices
- 2 Building fabric is very important therefore space heating demand should be less than 15 kWh/m²/yr for all building types.

Measurement and verification

- 3 Annual energy use and renewable energy generation on-site must be reported and independently verified in-use each year for the first 5 years. This can be done on an aggregated and anonymised basis for residential buildings.

Reducing construction impacts

- 4 Embodied carbon should be assessed, reduced and verified post-construction.



Low carbon energy supply

- 5 Heating and hot water should not be generated using fossil fuels.
- 6 The average annual carbon content of the heat supplied (gCO₂/kWh) should be reported.
- 7 On-site renewable electricity should be maximised.
- 8 Energy demand response and storage measures should be incorporated and the building annual peak energy demand should be reported.

Zero carbon balance

- 9 A carbon balance calculation (on an annual basis) should be undertaken and it should be demonstrated that the building achieves a net zero carbon balance.
- 10 Any energy use not met by on-site renewables should be met by an investment into additional renewable energy capacity off-site OR a minimum 15 year renewable energy power purchase agreement (PPA). A green tariff is not robust enough and does not provide 'additional' renewables.

Notes

Note 1 - Energy use intensity (EUI) target

The EUI target is based on the total energy use of the building, including heating, cooling, hot water, lighting, power, and other services. The target is based on the total energy use of the building, including heating, cooling, hot water, lighting, power, and other services. The target is based on the total energy use of the building, including heating, cooling, hot water, lighting, power, and other services.

Note 2 - Commercial office

The target is based on the total energy use of the building, including heating, cooling, hot water, lighting, power, and other services. The target is based on the total energy use of the building, including heating, cooling, hot water, lighting, power, and other services. The target is based on the total energy use of the building, including heating, cooling, hot water, lighting, power, and other services.

Developed in collaboration with:



Supported by:



6. A 'net zero' carbon building is therefore first and foremost an energy efficient building in which the amount and cost of energy used for heating or cooling is minimised, as is the demand on the energy supply network.
7. This approach unequivocally focuses on the Energy Hierarchy – **BE LEAN, BE CLEAN, BE GREEN, BE SEEN** – the latter requiring comprehensive post occupancy monitoring, verification and rectification (if necessary) to ensure buildings perform in the way approved at design stage, ensure planning commitments are delivered and any 'performance gap' issues are resolved.
8. There is a significant weight of evidence that buildings rarely live up to their designers expectations when completed and occupied, and depart significantly from the standards against which they were certified at design stage. This is known as the 'performance gap' and is a widely acknowledged problem⁹. Research indicates this gap can be anything from 50% increase in energy use than designed for, to 500%.
9. The consultation on the 'Future Buildings Standard' announced in January 2021 aims to 'radically improve' the energy performance of new homes ensuring they are 'zero carbon ready' by 2025. This means having high levels of energy efficiency and fabric performance that produce 75 to 80 per cent lower carbon emissions than houses built to current standards.
10. By 'Zero Carbon Ready' the Government has confirmed this means that no further retrofit work will be necessary to enable them to become zero carbon homes. To do otherwise, as the Consultation Impact Assessment (CIA)¹⁰ confirms, would create homes which are not fit for purpose and would pass on a significant financial liability to future building occupiers or homeowners, many of whom may be struggling to meet the purchase price or rental costs of their new home in the first place. It could also unnecessarily push householders into fuel poverty. A Climate Change Committee Report in 2019¹¹ confirmed the costs of achieving higher energy performance standards via retrofit can be five times the cost (about £25000 per home) compared to designing these requirements into new buildings from the outset.
11. Tendring's current Policy SPL3 will require retrofit which will result in disturbance to future occupiers and may contribute to pushing householders into fuel poverty. A recent appeal decision¹² notes *"It seems to me folly to build new houses now that will commit owners to potentially expensive and disruptive alterations as the UK moves to decarbonise heating of its housing stock"*. East Hampshire District Council have also confirmed that it will demand zero-carbon homes in its new Local Plan with the Leader of the Council echoing the Planning Inspector's position: *"It is ridiculous that homes being built now will need to be retro-fitted with energy-saving measures in 10 or 15 years' time. Today's homes should be built to meet tomorrow's challenges"*¹³.

⁹ Section 3.3. The Future Buildings Standard consultation, Jan 2021 ([Link](#))

¹⁰ Paragraph 1.7 The Future Buildings Standard consultation impact assessment, Jan 2021 ([Link](#))

¹¹ The Costs and Benefits of tighter standards for new buildings; Final Report for Climate Change Committee 2019 ([Link](#))

¹² APP/K1128/W/20/3252623 paragraphs 59 and 60: 15 November 2021 ([Link](#))

¹³ Council calls for zero-carbon homes, November 2021 ([Link](#))

12. In January 2021, the Government in their response to the Future Homes Standard (FHS) consultation¹⁴, acknowledged the legislative framework had moved on since the publication of the Written Ministerial Statement (WMS) in March 2015 (HCWS488). The response confirmed that to provide certainty in the immediate term, the Government would allow local energy efficiency standards for new homes to be set locally. This is further supported by the legal opinion supplied by the Environmental Law Foundation in relation to the North Hinksey Neighbourhood Plan which confirms that the WMS from March 2015 appears to have been superseded by subsequent events and should not be read in isolation¹⁵. To all intents and purposes the WMS is no longer relevant to plan making.
13. The NPPF states at paragraph 148 that:
*“The planning system should support the transition to a low carbon future in a changing climate...it should help to shape places in ways that contribute to **radical** reductions in greenhouse gas emissions...”(Plan emphasis)*
14. The NPPF also makes clear that ‘landform, layout, building orientation, massing and landscaping’ all contribute to well-designed places which are both efficient and resilient to climate change. The Government’s Net Zero Strategy: Build Back Greener - October 2021 confirms a commitment to review the NPPF to make sure it contributes to climate change mitigation and adaptation as fully as possible.
15. There are therefore a number of ways in which climate change may be mitigated in a local area using land use and development management policies. Neighbourhood plans are well suited to providing this policy framework in the interim, where there is an absence of up to date strategic policies at the Local Plan level. Aside from ensuring sustainable patterns of land uses in settlements, policies can be used to minimise the energy demand of buildings, to store carbon and to generate renewable energy. National planning policy encourages each of them but does not specify precisely how a local area should go about realising opportunities.
16. There are practical ways that each can be delivered in a local area. The Passivhaus standard has been shown to be an effective means of designing for significantly improved energy performance of new and existing buildings. The more buildings, of all uses, that meet this standard, the better. And storing emitted carbon in plant life can reduce atmospheric carbon dioxide that is increasing global temperatures. The more that storage capacity in the local area is increased, the greater the contribution to reducing the pace of temperature increases.
17. The Government’s Heat and Building’s Strategy highlights the need for a local, as well as national, response to achieve ‘Net Zero’ and refers specifically to the ‘Local Climate Action’ chapter in the Net Zero Strategy. A key commitment of that Strategy being to promote best practice...and share successful net zero system solutions. Policy ELM7 Zero Carbon Buildings is therefore intended as an interim measure until TDC review and update their current policy.

¹⁴ The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings. Summary of response received and Government response; MHCLG. Exec Summary Page 4. ([Link](#))

¹⁵ Appendix 1 Evidence and arguments for binding Energy Efficiency policies in neighbourhood plans ([Link](#))

18. Policy ELM7 Zero Carbon Buildings will ensure the updated legal framework will apply in the Parish, whereas in the intervening period since its adoption, Policy SPL3 has become inconsistent with this framework and hence falls short of the Local Planning Authority's duty to act under Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and reflected in NPPF (2021) paragraphs 152 and 153 and footnote 53 ("Plans should take a proactive approach to mitigating and adapting to climate change", "in line with the objectives and provisions of the Climate Change Act 2008"). As such, the Parish Council will willingly offer this policy to TDC to help frame a District-wide policy in an update to the adopted Local Plan.
19. Furthermore, Policy ELM7 also applies the 'precautionary principle' which provides the basis to anticipate, avoid and mitigate threats to the environment. Hence, the policy acknowledges the CCC's Sixth Carbon Budget recommendation that delaying action or a failure to follow the critical dates in the 'balanced pathway'¹⁶ will require costly corrective action in the future¹⁷.
20. The Government addressed the CCC's recommendation head on in their response to the Future Homes Standard consultation¹⁸. Confirming that 'it is significantly cheaper and easier to install energy efficiency and low carbon heating measures when homes are built, rather than retrofitting them afterwards'. Failure to implement Policy ELM7 on new development will add to the existing and costly retrofit burden that will be required of the existing housing stock in the Parish; only adding to the costs across the area as a whole.
21. In respect of the impact of Policy ELM7 on scheme viability, any extra-over cost of building to the 'zero carbon ready' Passivhaus or similar Standard is becoming marginal as skills and supply chains begin to mature. Recent viability evidence for residential development prepared for Cornwall Council by Three Dragons¹⁹ concludes that the additional costs associated with building new dwellings to the standards required in their Sustainable Energy and Construction policy (SEC1) which sets stretching energy use targets similar to Policy ELM7 can be met without jeopardising viability in most cases. This compares favourably with earlier evidence which indicated that costs associated with building to Passivhaus levels are already less than 5% and will fall to zero well within the period of this Neighbourhood Plan, as per both the Government's and CCC's impact assessments and research by the Passivhaus Trust. The policy will ensure that expensive and unnecessary retrofit costs are not passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be acceptable as a reason for not using the Standard, unless the applicant can demonstrate the scheme has abnormal development costs to accommodate.
22. Policy ELM7 only applies to Elmstead and therefore, by definition, is non-strategic (NPPF §28) nor is it considered to undermine Policy SPL3 (NPPF §29). The NPPF confirms "all plans should" mitigate climate change (NPPF §11a). The policy has both 'regard

¹⁶ The Sixth Carbon Budget: The UK's Path to Net Zero; Committee on Climate Change, December 2020. Table 3.2a page 112. ([Link](#))

¹⁷ *ibid* (vi); Paragraph 5.3 'Retrofit Costs'.

¹⁸ *Ibid* (vii); Paragraph 1.4 'Net zero emissions and climate change'.

¹⁹ Cornwall Council Climate Emergency Development Plan Viability Assessment Update: Three Dragons November 2021 ([Link](#))

to' the NPPF and advice issued by the Secretary of State, including the Governments response to the FHS consultation, while also supporting and upholding the general principle that Tendring's Policy Part 2 Policy SPL3 Sustainable Design in particular are concerned with, while providing "a distinct local approach" (PPG ID:41-074)²⁰. It supports the Local Plan 'as a whole' including its vision and objectives which require the delivery of high environmental standards and mitigating climate change.

23. In the Parish Council's judgement, the approach taken in Policy ELM7 and the neighbourhood plan as a whole is consistent with the law as it currently stands and its interpretation of paragraphs 8(2)(a)&(e) of Schedule 4B of the TCPA 1990²¹.

²⁰ Ibid Footnote 17

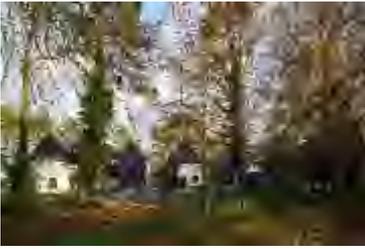
²¹ BDW Trading Limited vs Cheshire West and Chester Borough Council and Tattenhall Neighbourhood Plan (2014 - EWHC 1470 - Paragraph 82)
Crownhall Estates Ltd vs Chichester DC and Loxwood PC (2016 EWHC 73 - Paragraph 29ii)

APPENDIX B – POST OCCUPANCY EVALUATION GUIDANCE NOTE

Pulling on latest guidance and best practice, this guidance note sets out how Post-Occupancy Evaluation (POE) should be undertaken.



1. Post-Occupancy Evaluation (POE) is the method of obtaining feedback on a building's energy performance 'in use', to ensure it measures up to the commitments made by the team that designed and built it. It offers significant potential to address the performance gap and occupant satisfaction.
2. Where a monitoring regime to ensure the 'as designed' building performance targets are achieved in practice for all new and refurbished buildings is required, it is important that data is collected robustly, following good practice POE principles. It is therefore recommended that for residential development the POE methodology in section 11.4 of the Home Quality Mark ONE: Technical Manual: England, Scotland & Wales SD239 (2018)58, or as updated, is used as a guide for meeting this requirement. For non-residential buildings the BSRIA Soft Landings and Design for Performance framework (BG 76/2019), or as updated, may be used.
3. Applicants are required to set out in their Energy Statement how their monitoring regime, based on the HQM, BISRIA or similar methodology, will work in practice and be independently verified by a third party. The Energy Statement to be submitted with the planning application.
4. As each new or refurbished building comes into use, the developer must ensure performance monitoring and data collection for all relevant parameters for one whole year is carried out once the building is substantially occupied, in line with good POE practice for residential or non-residential uses. This verification process should entail, after appropriate commissioning has taken place, comparison of the 'as designed' parameters (energy, carbon, air quality and overheating risk) to monitoring data under the same categories, to assess and compare actual performance.



Carrowbreck Meadow,
Norwich



Burnham Overy Staithe,
Norfolk



Wereham Village Hall,
Norfolk



The Barrel Store, Cirencester

5. In order to account for seasonality, a minimum of 12 months monitoring data is required. On the other hand, to account for actual weather, the modelling results can be adjusted with degree days for the relevant year.
6. A 'performance gap metric', which will compare designed and actual performance (e.g. a percentage difference) for each of the 4 required parameters (energy, carbon, air quality and overheating risk) should be issued at POE stage. This needs to be issued for both the 'central' scenario and the 'lowest acceptable performance /reasonable worst-case scenario' as a minimum, with multiple scenarios considered if at all possible.
7. The process and reporting methodology used for the POE will need to be repeatable, so that performance can be monitored for at least 2 annual space heating cycles.
8. A report will then be required to be submitted to both building owners/occupiers and to Tendring District Council, which states the performance gap metric and identifies any reasons for deviation from predicted energy usage, carbon emissions, indoor air quality and overheating performance, as well as recommendations for reasonable corrective action that will be taken to reduce or eliminate the performance gap.
9. The submission of the monitoring report to owners/occupiers and the council must be secured by planning condition, to be determined at the time of application based on case-specific factors. The applicant must demonstrate that the reasonable corrective actions committed to in the monitoring report, and subsequently agreed by Tendring District Council, have been implemented through another annual heat cycle before the condition will be discharged.

Elmstead

Design Guidance and Codes
ELMSTEAD IN BLOOM

Final Report
June 2022

Quality information

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Introduction

01

1. Introduction

Through the department for Levelling up, Housing and Communities (DLUHC) Neighbourhood Planning Programme led by Locality, AECOM was commissioned to provide design support to Elmstead Parish Council. The support is intended to provide design guidance and codes based on the character and local qualities of the area to help influence residential development.

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1.1 Purpose of the report

The government is placing significant importance on the quality of design through the development of design codes which aim to set standards for design upfront and provide firm guidance on how sites should be developed. The role of design guidelines and codes in the development of a Neighbourhood Plan is expressed in the NPPF 2021, paragraph 128 which states that:

'To provide maximum clarity about design expectations at an early stage, plans... should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.'

The design guidelines and codes set out in this report will provide a detailed framework that should be followed by any future design proposals that come forward within the neighbourhood area to ensure it meets a consistent, high-quality standard of design and positively contributes to the unique character of Elmstead.

It is intended that this report becomes an integral part of the Neighbourhood Plan by informing policies that will influence the design of new development and have weight in the planning process.

1.2 Preparing the report

The following steps were agreed with the Neighbourhood Plan Steering Group to produce this report, which draws upon policy development and engagement work undertaken by the Group:



1.3 Area of study

Elmstead is a civil parish located in the Tendring district of Essex in the east of England. It lies 3km north east of Wivenhoe and 6km east of Colchester. The main built-up area within Elmstead is Elmstead Market a village which is located centrally within the parish.

The original name of the village was Almsteda and dates back to the time of the Saxon King Edward the confessor, however by the 13th Century it had become Elmstead. Historically, Elmstead was a farming community and still is to this day. Prior to the development of the railway to the south of Elmstead it was a wealthy area, however it was subsequently overtaken by Wivenhoe and Alresford due to their proximity to the railway line.

Elmstead could potentially see a lot of growth in the coming years due to the proposed garden village that lies to the west of the parish partially in Colchester and partly in the Tendring District. Although the garden village falls partly within the

neighbourhood area this document does not seek to influence the design of the garden village.

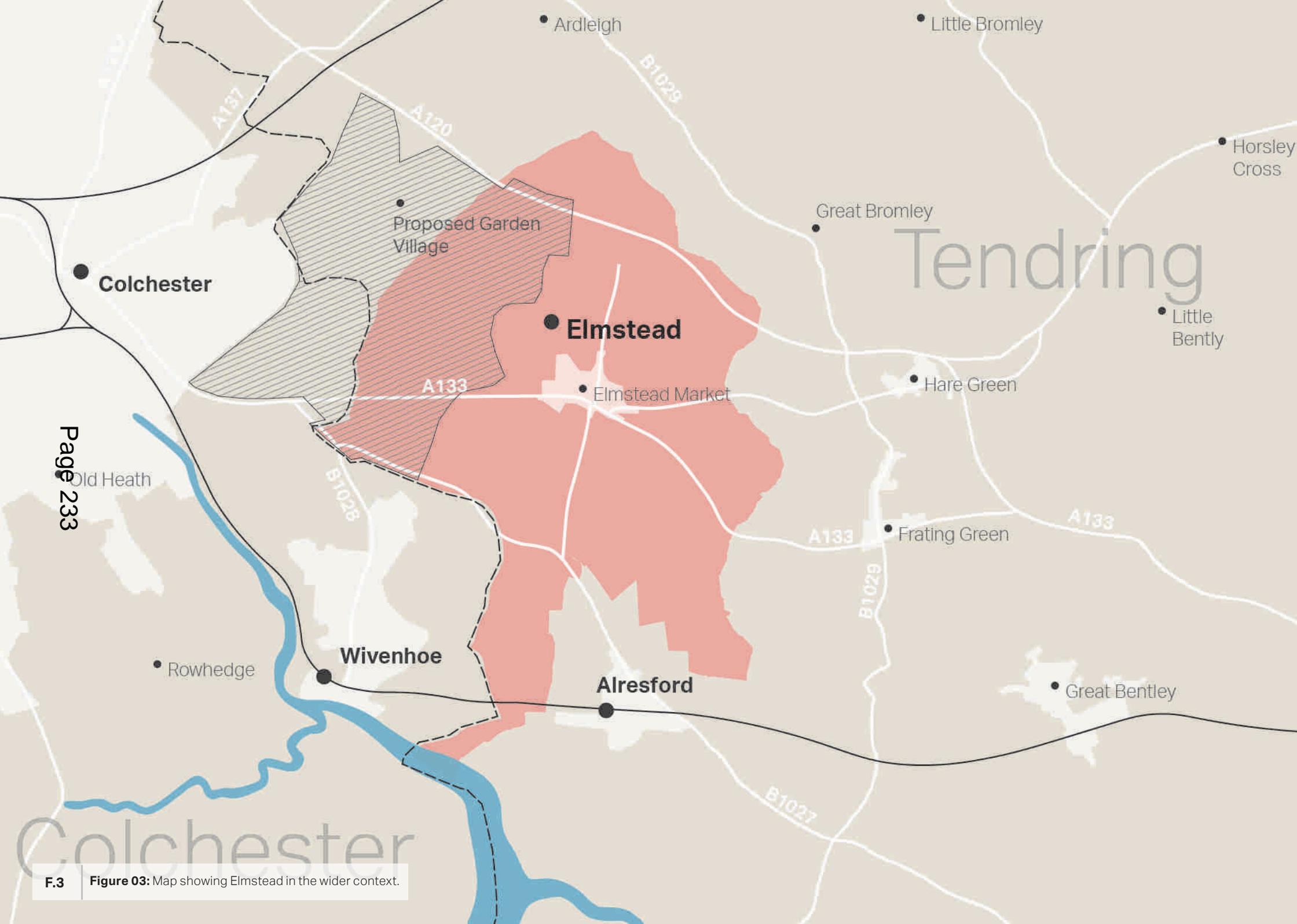
There are also a number of approved housing developments within the parish, mostly on the outskirts of the village and will form extensions to the village. The remainder of the neighbourhood area is made up of countryside with the occasional farmhouse or cluster of a few houses. Therefore, outside of the village there is a more rural feel to the area.



Figure 01: Existing village hall within Elmstead.



Figure 02: Traditional cottage within the centre of Elmstead.



F.3 Figure 03: Map showing Elmstead in the wider context.

Policy Review

02

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2. Policy Review

2.1 National planning policy and guidance

As the National Planning Policy Framework (paragraph 126) notes, “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Page 235 National and local policy documents can provide valuable guidance for bringing about good design and the benefits accompanying it. Some are there to ensure adequate planning regulations are in place so that development is both fit for purpose and able to build sustainable, thriving communities. Other documents are more technical and offer specific design guidance which can inform design codes and masterplanning activities.

Developers should refer to these key documents when planning future development in Elmstead. The following documents at a national level have informed the design guidance within this report:

2021 National Model Design Code DLUHC

This report provides detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on 10 characteristics of good design set out in the National Design Guide. This guide should be used as reference for new development.

2020 - Building for a Healthy Life Homes England

Building for a Healthy Life (BHL) is the new (2020) name for Building for Life, the government-endorsed industry standard for well-designed homes and neighbourhoods. The new name reflects the crucial role that the built environment has in promoting wellbeing. The BHL toolkit sets out principles to help guide discussions on planning applications and to help local planning authorities to assess

the quality of proposed (and completed) developments, but can also provide useful prompts and questions for planning applicants to consider during the different stages of the design process.

2019 - National Planning Policy Framework DLUHC

Development needs to consider national level planning policy guidance as set out in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG). In particular, NPPF Chapter 12: Achieving well-designed places stresses the creation of high-quality buildings and places as being fundamental to what the planning and development process should achieve. It sets out a number of principles that planning policies and decisions should consider ensuring that new developments are well-designed and focus on quality.



2019 - National Design Guide
DLUHC

The National Design Guide (Ministry of Housing, Communities and Local Government, 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

2007 - Manual for Streets
Department for Transport

Development is expected to respond positively to the Manual for Streets, the Government’s guidance on how to design, construct, adopt and maintain new and existing residential streets. It promotes streets and wider development that avoid car dominated layouts but that do place the needs of pedestrians and cyclists first.



2.2 Local planning policy context

Local planning policy can provide guidance that is tailored to the local context where the development is located which is supported by analysis taken directly from the area. Therefore, it is vital that local policy is considered when proposing development within Elmstead.

Elmstead lies within the District of Tendring which has an adopted local plan from 2007. More recently Tendring is working with neighbouring districts Braintree and Colchester to address strategic planning matters. Collectively they are known as the North Essex Authorities and have produced the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities’ Shared Strategic Plan. Section 1 of the plan was adopted in January 2021 and Section 2 was adopted in January 2022.

2021 - Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities’ Shared Strategic Section 1
North Essex Authorities

Section 1 of the local plan sets out the need for a strategic approach and covers cross boarder opportunities and challenges. In particular section 1 focuses on cross boundary garden communities such as the one boarding Colchester and Tendring that will have an impact on Elmstead as it falls within the parish boundary.

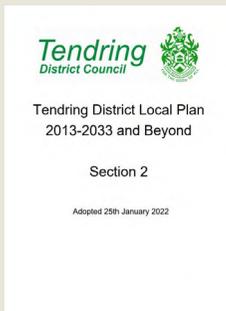


2021 - Tendring District Local Plan 2013-2033 and Beyond: Section 2

Tendring District Council

Section 2 covers local policies for the Tendring District, identifying the main characteristics of the district and its challenges. The plan sets out the vision with strategic priorities for achieving sustainable development and planning for economic growth.

The Local Plan also provides a broad framework of policies and proposals for individual communities to add further detail and local requirements through the preparation of a Neighbourhood Plan, which is currently being done in Elmstead.



**Neighbourhood Area
Context Analysis**

03



3. Neighbourhood Area Context Analysis

This section outlines the broad physical, historic and contextual characteristics of the Neighbourhood Area as well as focusing in on the main built up area, Elmstead Market.

3.1 Access and movement

Elmstead is set in a fairly rural area, however it is located nearby to a number of towns including Colchester to the west. Due to its location the main routes in and out of the parish and the village Elmstead Market are via road.

The main road through the village is the A133/ Clacton Rd connecting Elmstead to Colchester to the west and Clacton-on-Sea to the east. This is a busy road through the centre of the village with fast moving traffic. The A120 runs east to west through the north of the neighbourhood area and prevents some through traffic running through the village. Due to these convenient connections many residents travel by car to nearby towns for work.

There is a road that runs north to south through the village centre, School Rd/ Church Rd. This connects to Alresford to the south and creates a crossroad in the centre of the village which acts as a focal point. Within the village there are also a

number of local roads that are used by the residents as most are not through routes but cul-de-sacs.

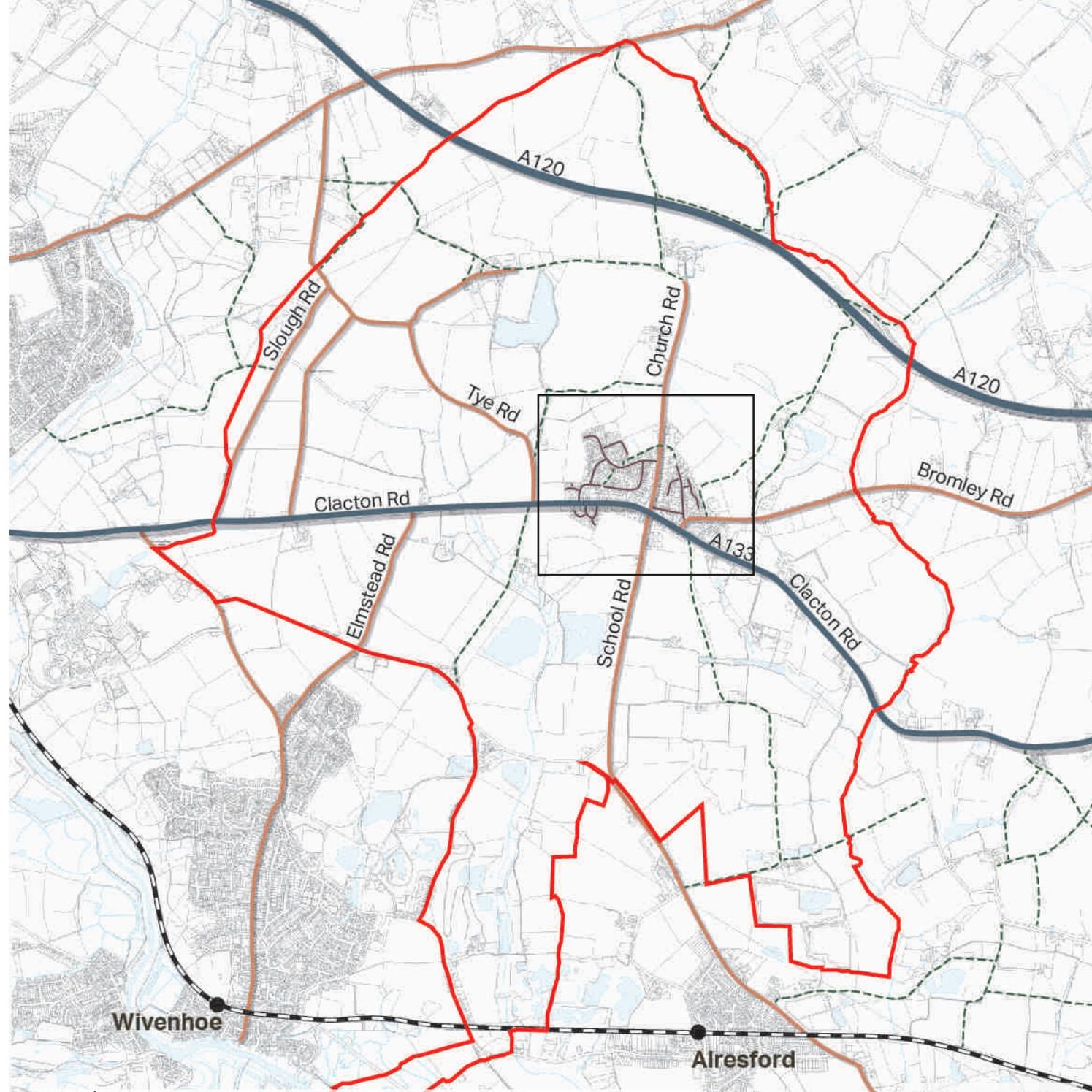
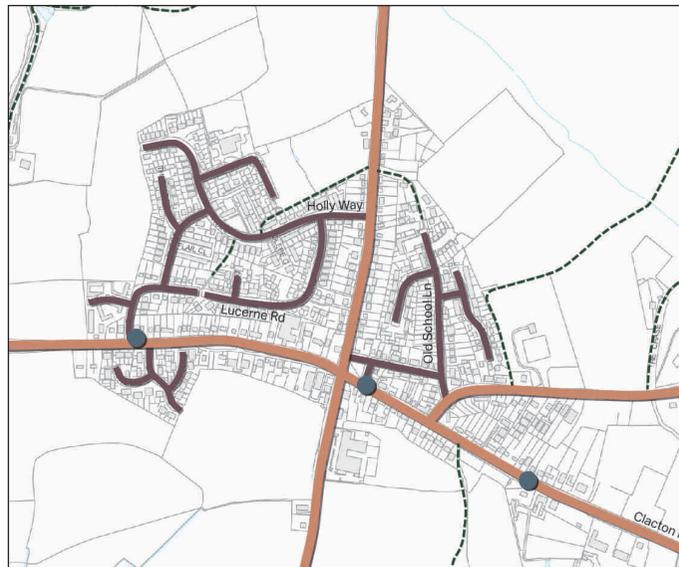
There are some Public Right of Ways connecting the village to the surrounding countryside mainly to the north and to the south.

To the south of the neighbourhood area lies a railway line with frequent connections to Colchester and London to the west and Frinton-on-Sea and Walton-on-the-Naze to the east. The nearest train station is Alresford station to the south which is roughly 5.5km from the village.

There are several bus services that run through the village with three bus stops along the A133/ Clacton Rd. The bus routes go to Colchester to the west and Clacton-on-Sea or Jaywick to the south east.

KEY

-  Neighbourhood area boundary
-  Water body
-  Primary road
-  Secondary road
-  Local road
-  PRoW
-  Railway line
-  Railway station
-  Bus stop



F.4 | **Figure 04:** Access and movement within Elmstead with inset of Elmstead Market.



3.2 History and heritage

There has been a settlement in the Elmstead area since the Saxon times and is mentioned in the Domesday Book of 1086. Traditionally, Elmstead was a farming community, which is still present today. Much of the landscape and housing derives from its agricultural roots.

Page 241

Historically there were three distinct areas within Elmstead known as Elmstead, Elmstead Market and Elmstead Heath. The area known as Elmstead Heath at the southern end of School Road was given to Alresford in the 1940s, therefore is no longer part of Elmstead.

The area known as Elmstead was to the north of the parish surrounding the Grade II* listed Elmstead Hall and the Grade I listed Church of St Anne and St Lawrence. Elmstead Market the third historical area, now considered the core of the village was developed around the crossroad which was the site of the original market. Subsequently, this encouraged houses and cottages to be built around the village green

near the crossroad. This area of housing depicts much of the village's traditional character.

In more recent years ribbon development has taken place along the A133 that runs east to west through the village, extending the village in both directions.

There are a number of listed buildings within the neighbourhood area. There is a cluster of Grade II listed buildings within the village as well as some scattered throughout the rest of the parish. To the south east of the village there is a registered park and garden, the Beth Chatto gardens named after Beth Chatto an award-winning garden designer who chose to live in the village after falling in love with the parish. Just outside of the parish boundary to the west there is also Wivenhoe Park which is also listed.

There are also some buildings within Elmstead that are not nationally recognised but have local significance to the community and local character.



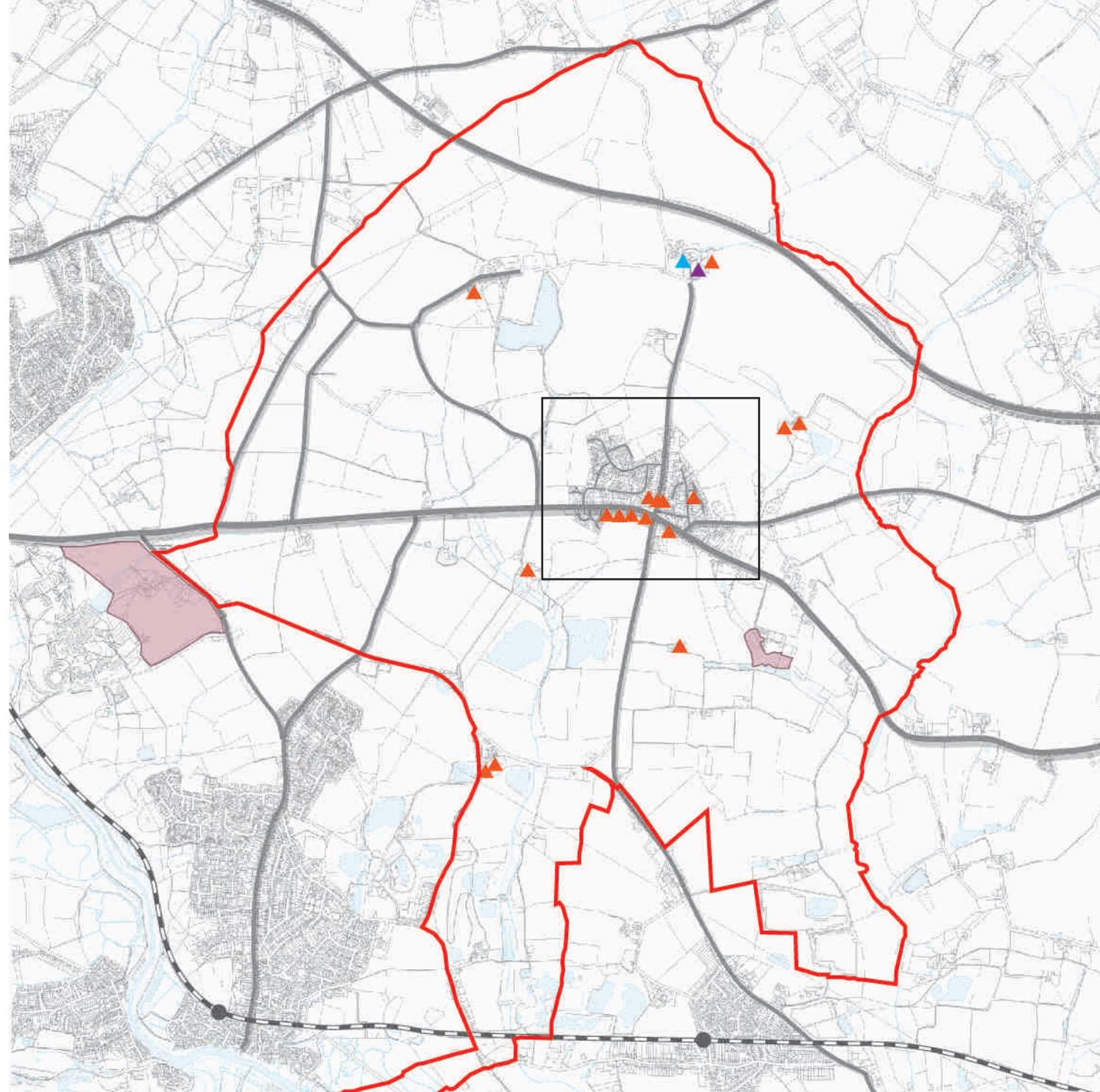
Figure 05: The Church of St Anne and St Lawrence, Grade I Listed Building.



Figure 06: Glen Cottage, Grade II Listed Building.

KEY

-  Neighbourhood area boundary
-  Water body
-  Roads
-  Railway line
-  Railway station
-  Registered Parks and Gardens
-  Grade I Listed Building
-  Grade II Listed Building
-  Grade II* Listed Building



F.7 | **Figure 07:** Heritage assets within Elmstead with inset of Elmstead Market.



3.3 Landscape and green infrastructure

Elmstead has a countryside setting with various landscape and green infrastructure elements. There are scattered areas of woodland within the neighbourhood area, some of which contain ancient woodland which should be protected. Some of these wooded areas are also local wildlife sites.

Page 243

The Woodland Trust have planted young trees to the west of the village to create a new woodland providing a valuable resource for local people and wildlife such as breeding barn owls and buzzards. There are a number of important views throughout the neighbourhood area, as identified by the Neighbourhood Planning Group, some of which look out to the open countryside, others to the woodland and some overlook the green spaces within the village.

Elmstead Market has some open green spaces within the village including a cricket ground to the north and school playing

fields to the south. In the centre of the village there is the village green to the north of the A133 as well as a strip of green space to the south of the A133.

The location of the green spaces within the village and the footpaths around the village could offer an opportunity to connect the green spaces in and around the village.



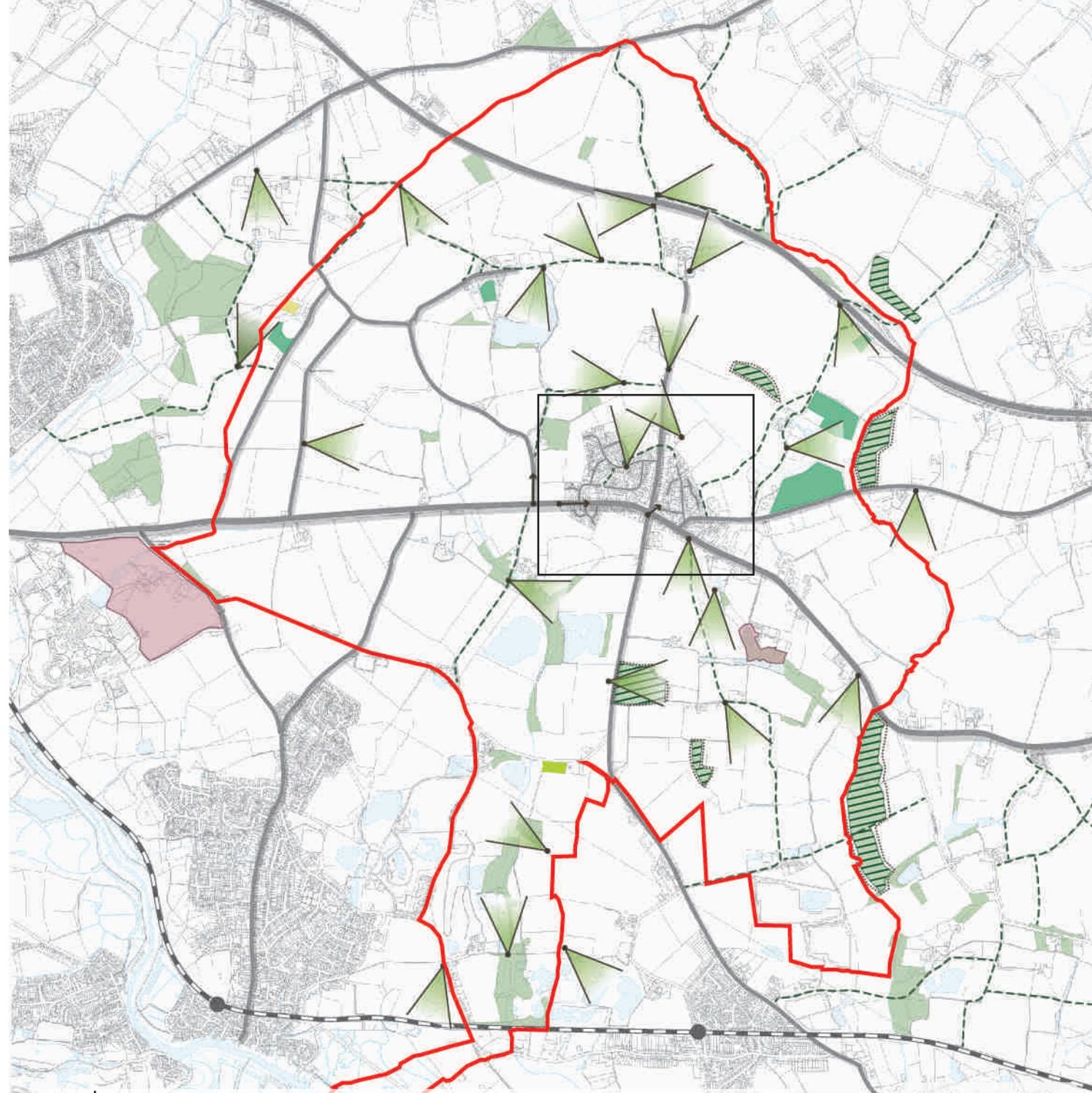
Figure 08: View across the cricket pitch.



Figure 09: Footpath along the village green.

KEY

-  Neighbourhood area boundary
-  Water body
-  Roads
-  Railway line
-  Railway station
-  Registered Parks and Gardens
-  Primary woodland
-  Ancient woodland
-  Young trees
-  Orchard
-  Local wildlife site
-  PRoWs
-  Important views



F.10 | **Figure 10:** Landscape and green infrastructure within Elmstead with inset of Elmstead Market.



3.4 Character areas

The following pages provide a more detailed character analysis of the village and surrounding area. Elmstead has been split into six-character areas identified during the site visit. These character areas are distinguished by their general style and period of development, as well as details such as layout, street types and architectural features. This character study will help ensure that development within these areas conforms to the local character.

The village makes up five of the character areas: the village centre, village gateways, general neighbourhood, 20th Century estate and modern estates. The remaining character area, the countryside identifies any buildings outside of the development boundary of the village, as any development in this area will need to be sensitive to its landscape and countryside setting.

Character area	Area characteristics
Village centre	This area is centred around the historic crossroad and the two parts of the village green to the north and to the south of the road. Houses are arranged with their primary facades facing the green which is characteristic of this character area. The main amenities within the village are located along the main road including Budgens, the petrol station and the village hall. The houses are more traditional with some thatched cottages.
Village gateway	The entrances to the village from the east and the west have wide streets with fast moving traffic. The houses are generally two-storey with generous front gardens and large setbacks from the road. They are mostly detached houses with gaps in between creating a sense of openness.
General neighbourhood	This area has a green character with a mixture of two-storey houses and bungalows. The streets are generally quieter with a footpath on one or both sides of the road. There is often a large setback from the street with vegetated front gardens. Many of the boundary treatments use hedges which contributes to the green feel of the area.
20th Century estate	This area has mainly been built in the later half of the 20th Century with many of the buildings having a 70s style of light coloured brick and shallow pitched roofs making it highly distinctive from other parts of the village. The houses are fairly uniform with a strong building line and consistent setback from the road with a front garden.
Modern estate	This small area consists of a more modern development. The houses are situated close together with only a small setback from the street often with no front garden just a paved area for car parking. This area has a more suburban feel due to the higher level of enclosure along the street, which is not part of the character of Elmstead, however the orientation of the dwellings to face onto an open green space is characteristic of Elmstead.
Countryside	This area covers the parish area outside of the village, therefore it has a mostly open character with a green landscape. There are scattered farmhouses and the occasional dwelling or small cluster of housing. The houses in this area are generally setback from the road and do not negatively affect the surrounding landscape setting.

KEY

 Neighbourhood area boundary

 Water body

 Roads

 Railway line

 Railway station

 Approved housing development

 Village centre

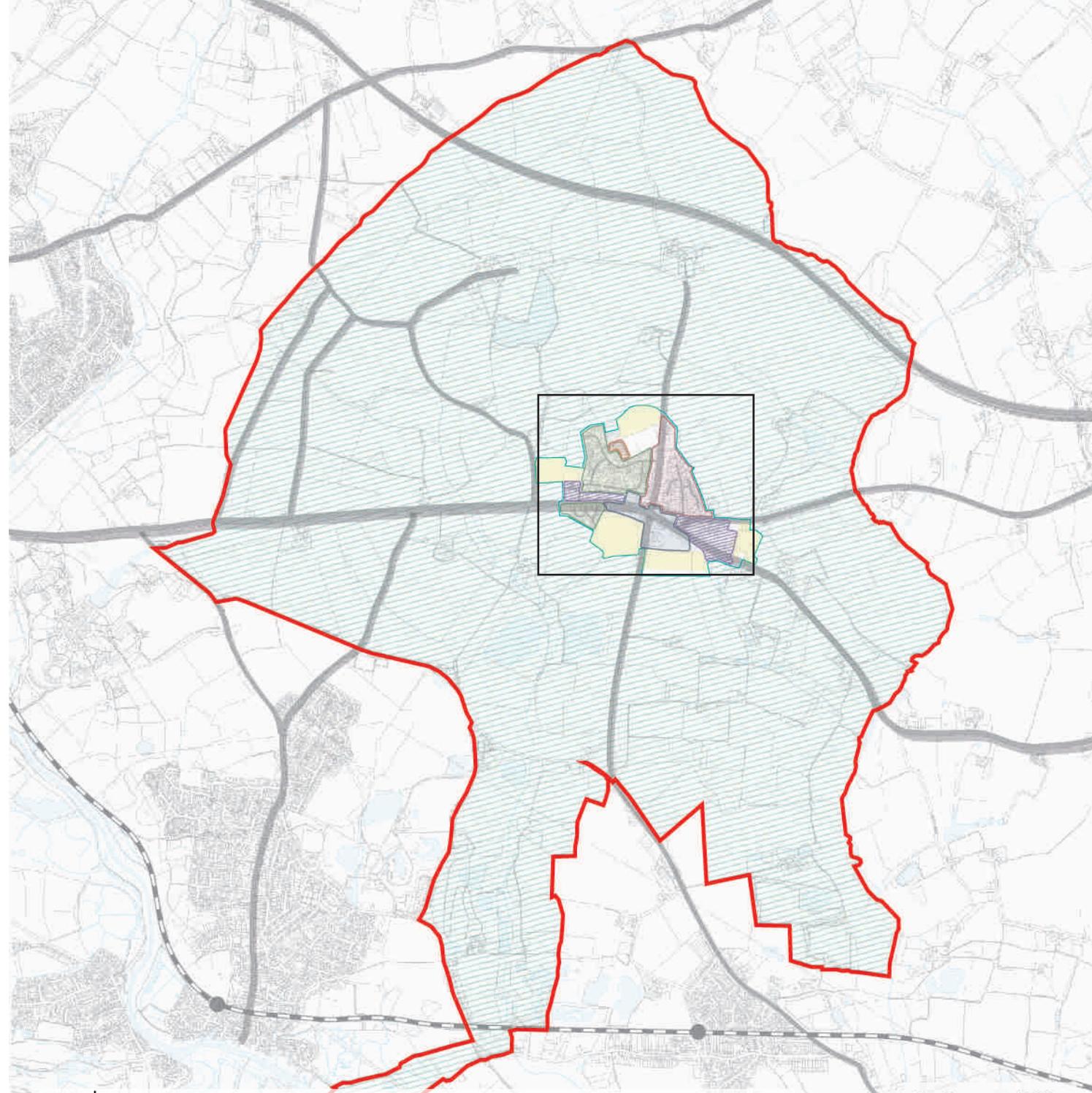
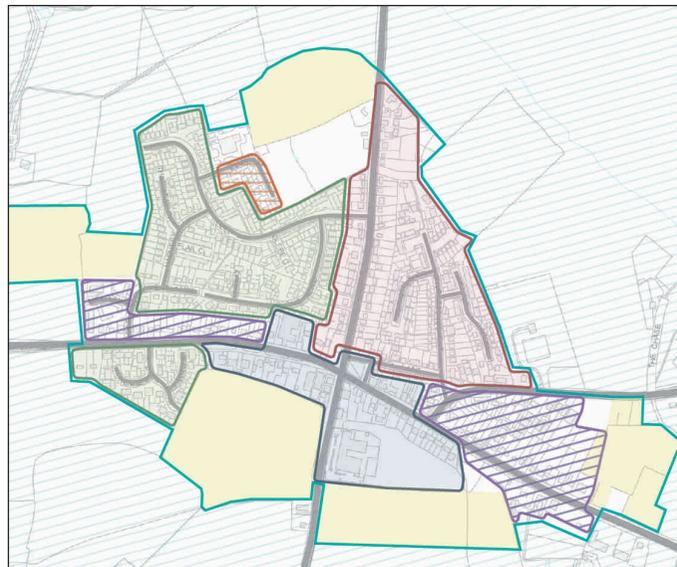
 Village gateway

 General neighbourhood

 20th Century estate

 Modern estate

 Countryside



F.11 | **Figure 11:** Character areas within Elmstead with inset of Elmstead Market.





F.12

Figure 12: Crossroad in the village centre.



F.14

Figure 14: Large setbacks and consistent boundary treatments in the general neighbourhood.



F.16

Figure 16: Modern estate housing overlooking green space.



F.13

Figure 13: Wide road and houses with gaps in between in the village gateway.



C.F.15 Earth

Figure 15: Uniform bungalows with front gardens in the 20th Century estates.



F.17

Figure 17: Individual house set within the countryside.



Design guidance & codes

04

4. Design guidance & codes

This section sets out the principles that will influence the design of potential new development and inform the retrofit of existing properties within the Neighbourhood Area. A combination of local images and best practice examples have been used to exemplify the design guidelines and codes.

4.1 Introduction

The guidance and codes provided in this section outlines expectations that applicants for planning permission in the neighbourhood area will be expected to follow in relation to design.

This section sets out the guidelines and codes that can be applied to the whole neighbourhood area relating to the local pattern of streets and spaces, building traditions and materials as well as the natural environment, all of which help to determine the character and identity of the existing built environment and any new development.

4.1.1 The Codes

This section introduces a set of design principles that are specific to Elmstead. These are based on:

- Baseline study of the parish and village in Chapter 3;
- Understanding national design documents such as the National Design Guide and National Model Design Code documents to inform the design guidance and codes;
- Discussion with members of the Neighbourhood Plan Steering Committee.

The codes are divided into five sections by theme, as shown on this page, each one with a different number of subsections. A short introductory text with more general design guidance is provided at the beginning of each section followed by a series of more prescriptive codes and parameters. At the end of this section there is a set of questions to consider when presented with a development proposal.

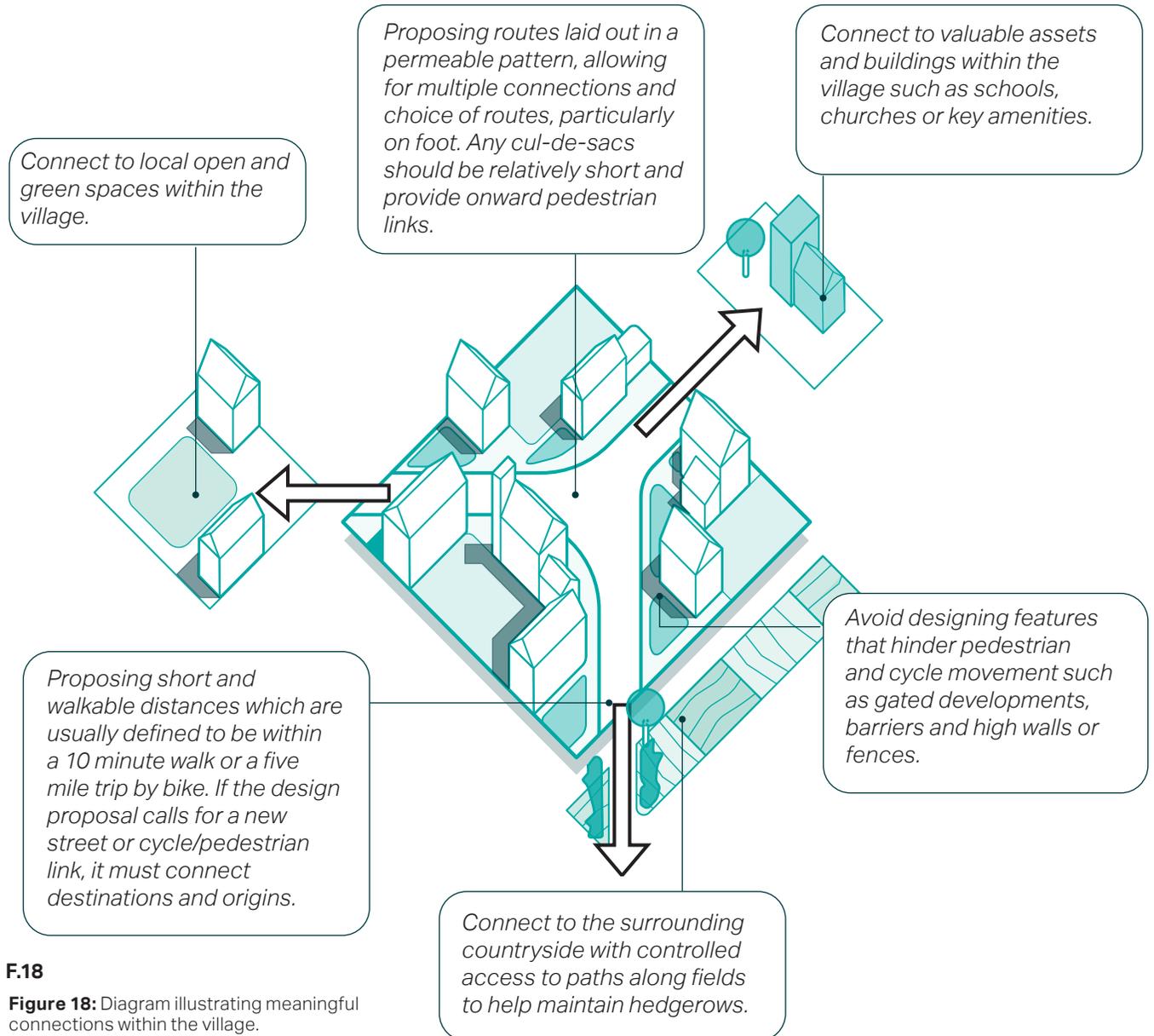
Theme	Code	Title
Strategic design	SD1	Provide meaningful connections
	SD2	Pattern of development
	SD3	Settlement edges
	SD4	Heritage assets
	SD5	Views and landmarks
Built form	BF1	Enclosure
	BF2	Building lines and boundary treatments
	BF3	Corner buildings
	BF4	Overlook public space
	BF5	Roofline and building heights
	BF6	Architectural details, materials, and colour palette
	BF7	Waste storage and servicing
	BF8	Infill development
	BF9	Extensions and alterations
	BF10	Housing mix
Access and movement	AM1	Prioritise walking and cycling
	AM2	People friendly streets
	AM3	Parking typologies
	AM4	Legibility and wayfinding
	AM5	Street lighting
Landscape, nature, open space	LO1	Create a green network
	LO2	Landscaping and trees
Sustainability and climate change	SC1	Sustainable buildings
	SC2	Water management

4.2 Strategic design

SD1. Provide meaningful connections

Elmstead Market has a good network of footpaths connecting the village to the surrounding countryside. Within the village connections can be improved to provide various routes to encourage walking and cycling. Good practice favours a generally connected street layout that makes it easier to travel by foot, cycle, and public transport.

A more connected pattern creates a 'walkable neighbourhood' where routes link meaningful places together. New development in Elmstead should seek to connect to the existing village and create easy direct routes to existing services and amenities. New development should improve the existing street network by:



F.18

Figure 18: Diagram illustrating meaningful connections within the village.

SD2. Pattern of development

There is a settlement boundary surrounding the main built-up area of the village, indicating that development should take place within this boundary in order to preserve the countryside and avoid coalescence with neighbouring villages and towns. Some guidance for the pattern of development with Elmstead includes:

- Any future development should seek to conserve and enhance the character of the existing settlement in terms of form and character as well as reflecting the local context and making a positive contribution to the existing built form.
- Proposals for development outside of the settlement boundary will only be supported if they are appropriate to a countryside setting.

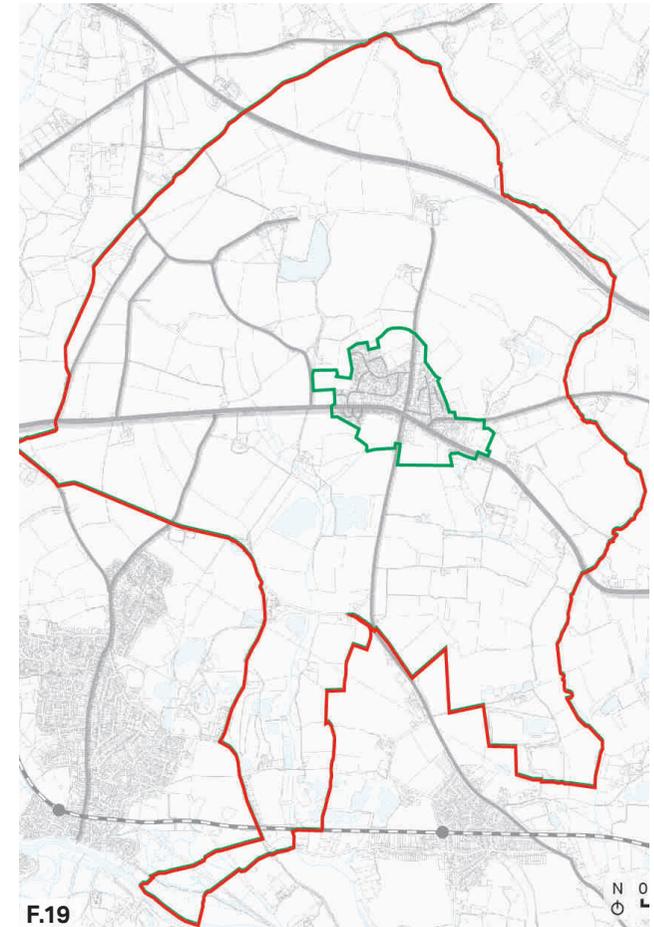
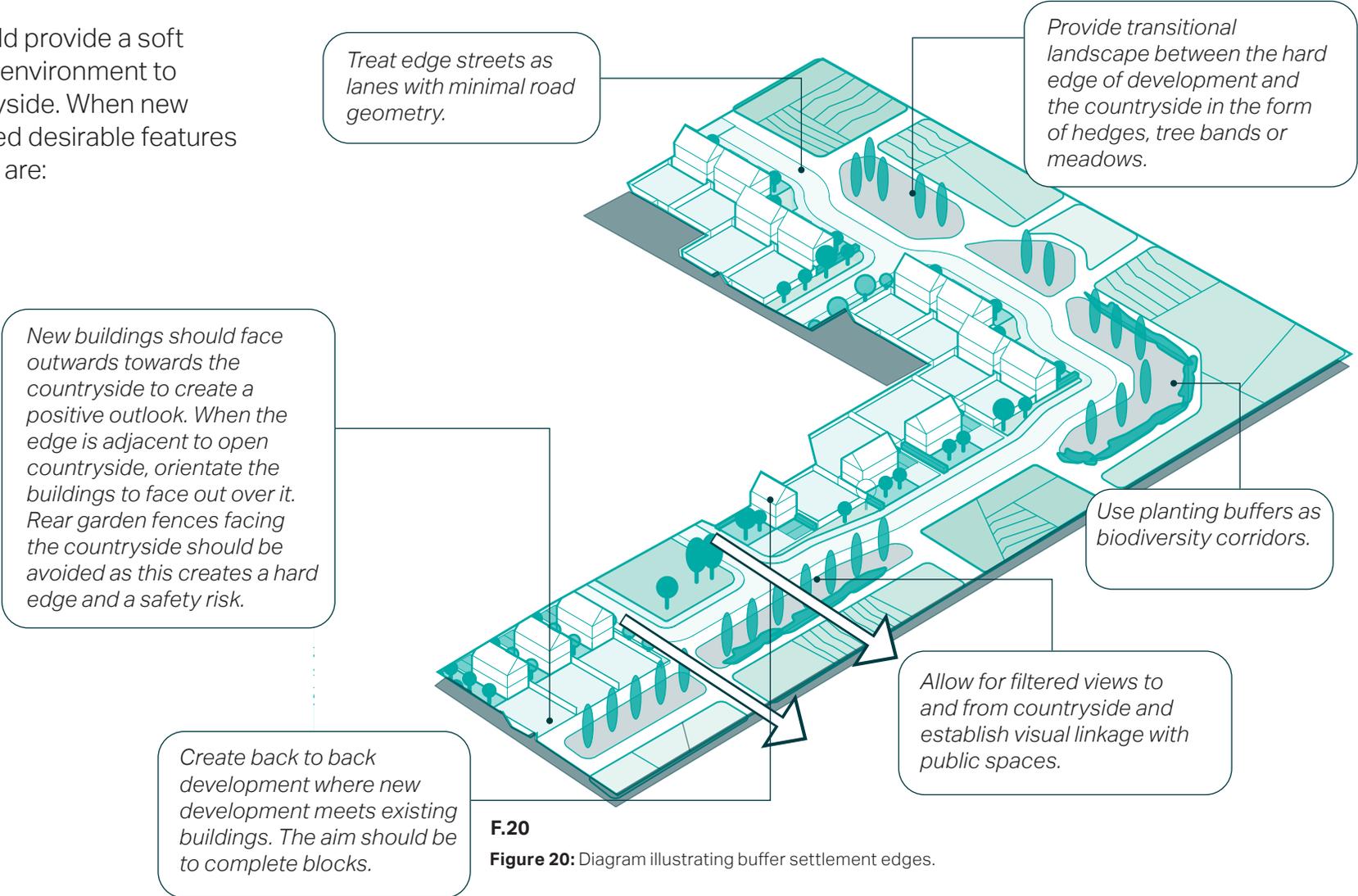


Figure 19: Settlement boundary shown in green surrounding the village.

SD3. Settlement edges

Settlement edges should provide a soft transition from the built environment to the surrounding countryside. When new development is proposed desirable features for the settlement edge are:



F.20
Figure 20: Diagram illustrating buffer settlement edges.

SD4. Heritage assets

Elmstead has a long history which has resulted in a number of heritage assets that are essential to its character. The numerous listed buildings and their settings as well as non-designated local heritage assets and their historic features must be respected.

Any proposed development should be sympathetic to the design and historical significance of these assets.

- New development will need to respect and respond to the historical context of the immediate surroundings as well as the wider area.
- Development which affects any designated and non-designated heritage asset must demonstrate how local distinctiveness is reinforced.
- Particular consideration shall be given to maintaining their role in framing, punctuating or terminating key views through, out of and into the village. As well as key views to the surrounding landscape.

- Consideration should also be given to the retention of open spaces and gaps between buildings to sustain the historic form and pattern of development as well as the setting of the heritage assets.



F.21

Figure 21: Church of St Anne and St Lawrence, Grade I listed building.



F.22

Figure 22: War memorial located on the village green.

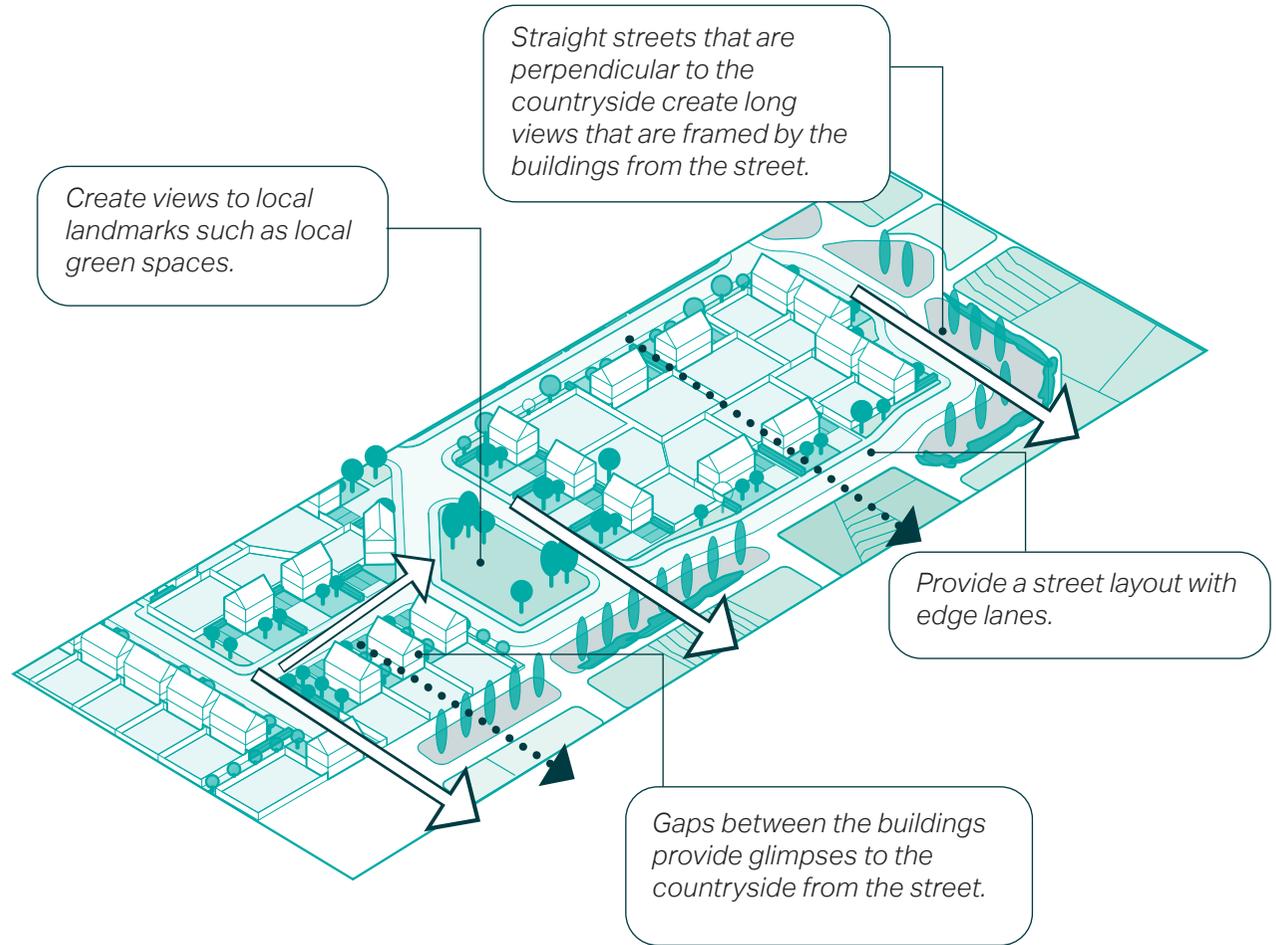
SD5. Views and landmarks

Within Elmstead a number of important views have been identified that contribute to the character of the area. Therefore, new development should seek to minimise any negative impact on these views.

Furthermore, new development should aim to create views by providing framed moments within the built environment of landmarks, green space or the open countryside.

Generous gaps between buildings should be created to provide glimpses and filtered views to the countryside beyond. This will connect people with nature and contribute to the general feel of openness.

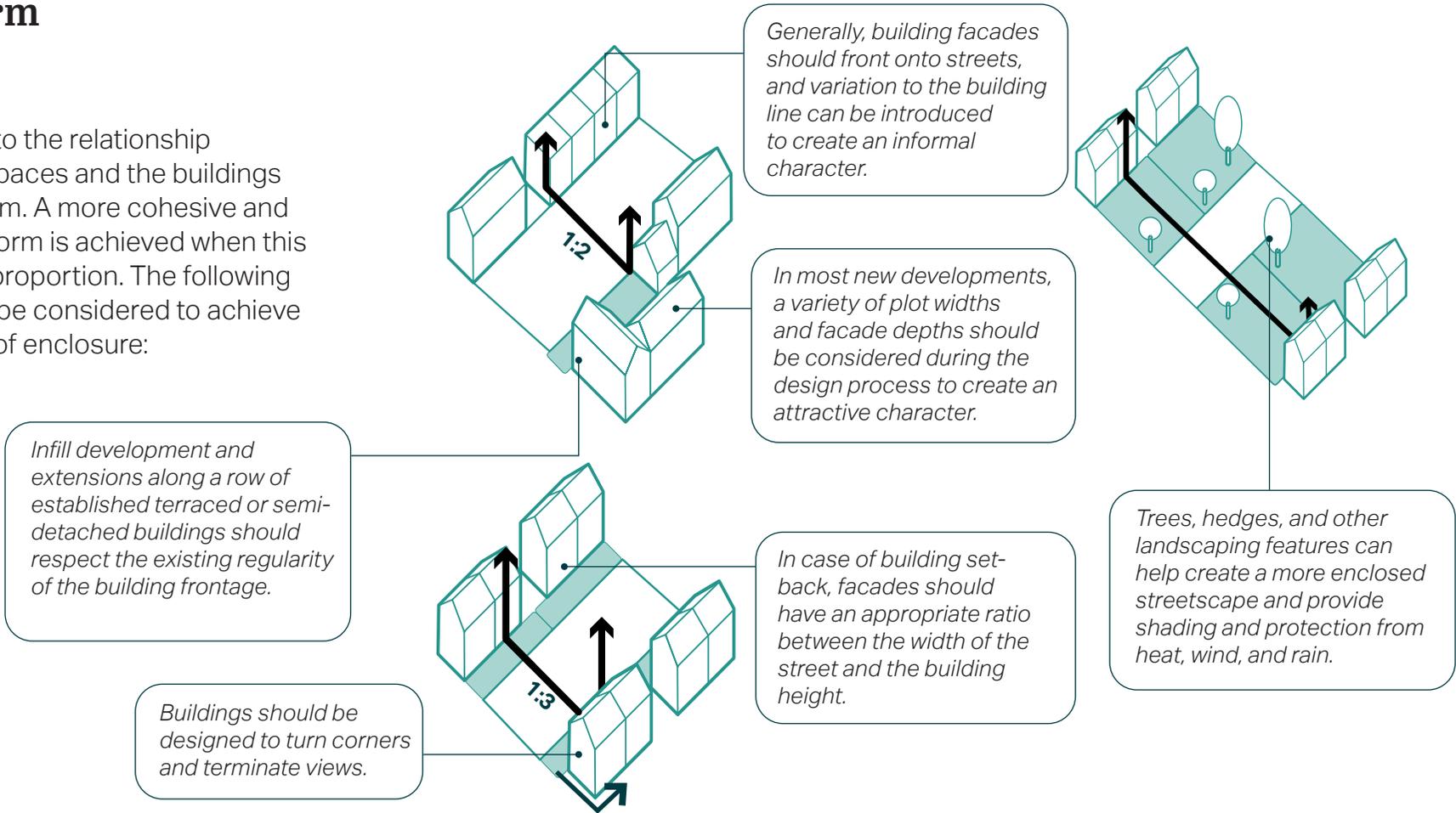
Streets should be perpendicular to the open countryside to create long views along the street. This allows everyone to enjoy the countryside views and enhances legibility through orientation in relation to the open space.



4.3 Built form

BF1. Enclosure

Enclosure refers to the relationship between public spaces and the buildings that surround them. A more cohesive and attractive urban form is achieved when this relationship is in proportion. The following guidance should be considered to achieve the desired level of enclosure:



F.23

Figure 23: Diagrams showing different levels of enclosure created by building heights and street widths.

BF2. Building lines and boundary treatments

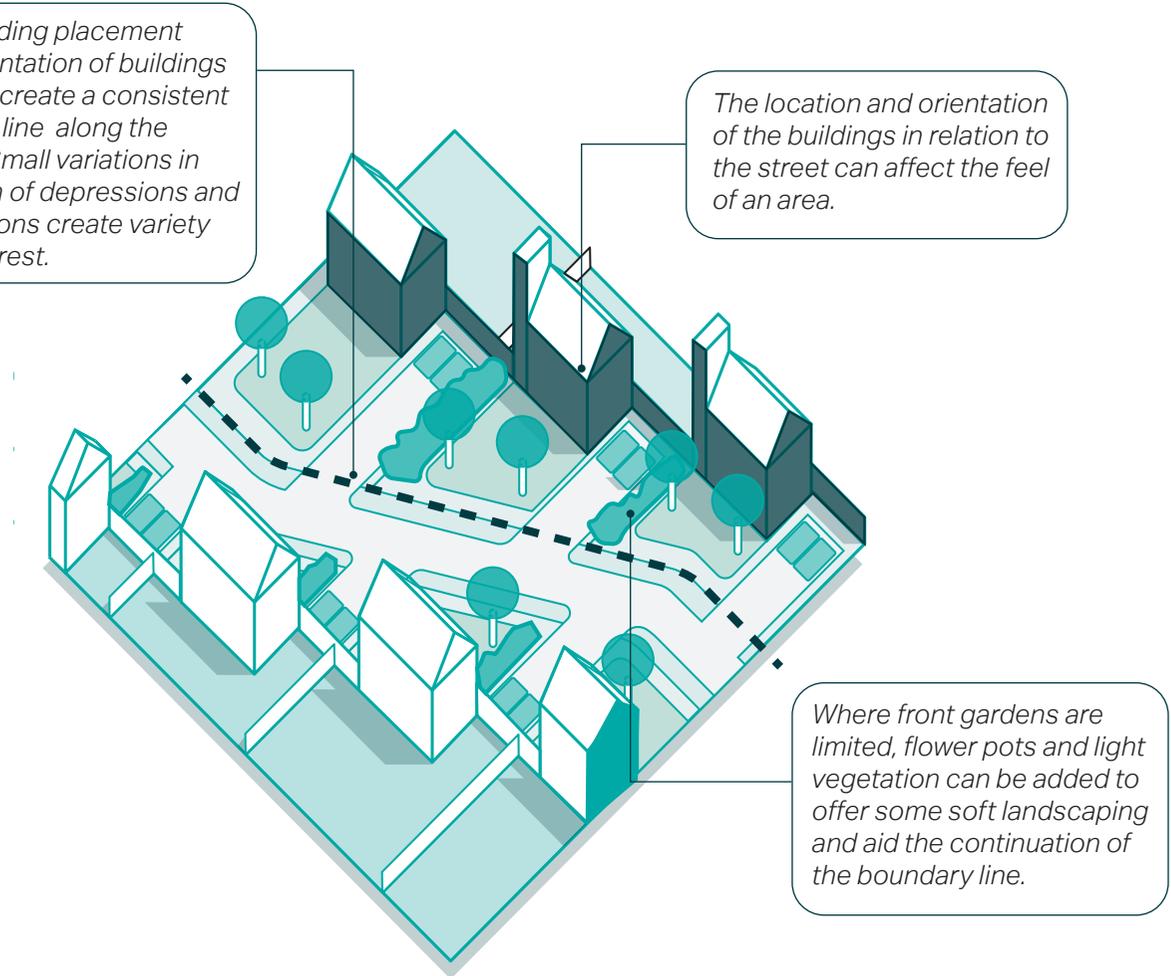
Building Lines

Within Elmstead there is often a strong building line along the street which reinforces the sense of continuity and helps to define the character of the street.

The building line along a street should generally be consistent and form a unified whole, allowing for subtle variations with recesses and protrusions. This provides variety and movement along the street. Some other guidelines for building lines are:

The building placement and orientation of buildings need to create a consistent building line along the street. Small variations in the form of depressions and protrusions create variety and interest.

The location and orientation of the buildings in relation to the street can affect the feel of an area.



F.24

Figure 24: Diagram showing a continuous building line.

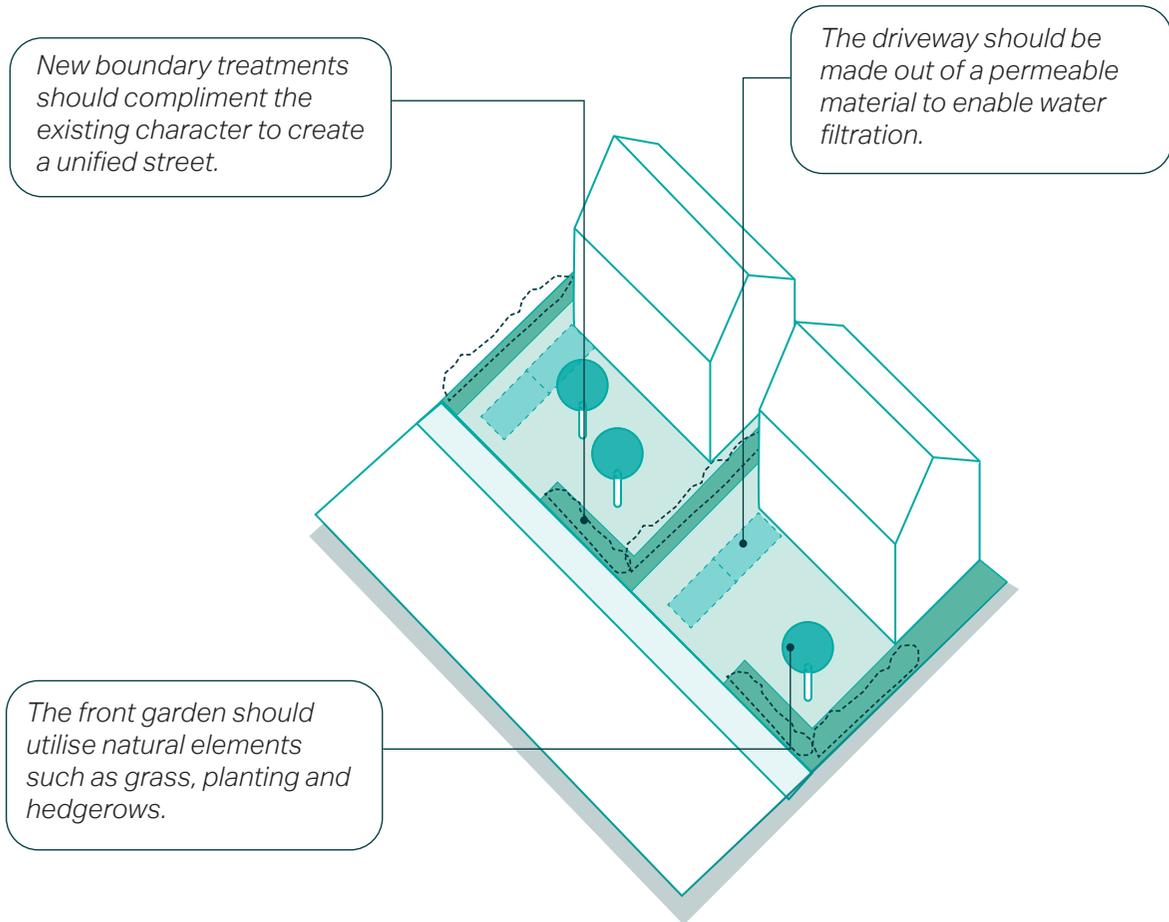
Boundary Treatments

The use of boundary treatments throughout Elmstead varies between the different character areas, however the areas with the most cohesion within Elmstead generally make use of consistent boundary treatments. Therefore, boundary treatments should be used at the plot edge to bring a sense of continuity to the street.

Boundary treatments also provide good separation between the public and private domains. Therefore, having no form of boundary treatment should be avoided.

Properties should have a front garden or privacy strip ranging from 1 to 6m in depth to create the desired amount of enclosure along the street.

Using a range of high-quality materials such as brick, hedgerows, ironmongery, planting, or a combination of these along the property edge bringing cohesion and provided visual interest. In addition, the height of the boundary treatment should not intrude on neighbouring views and lighting.

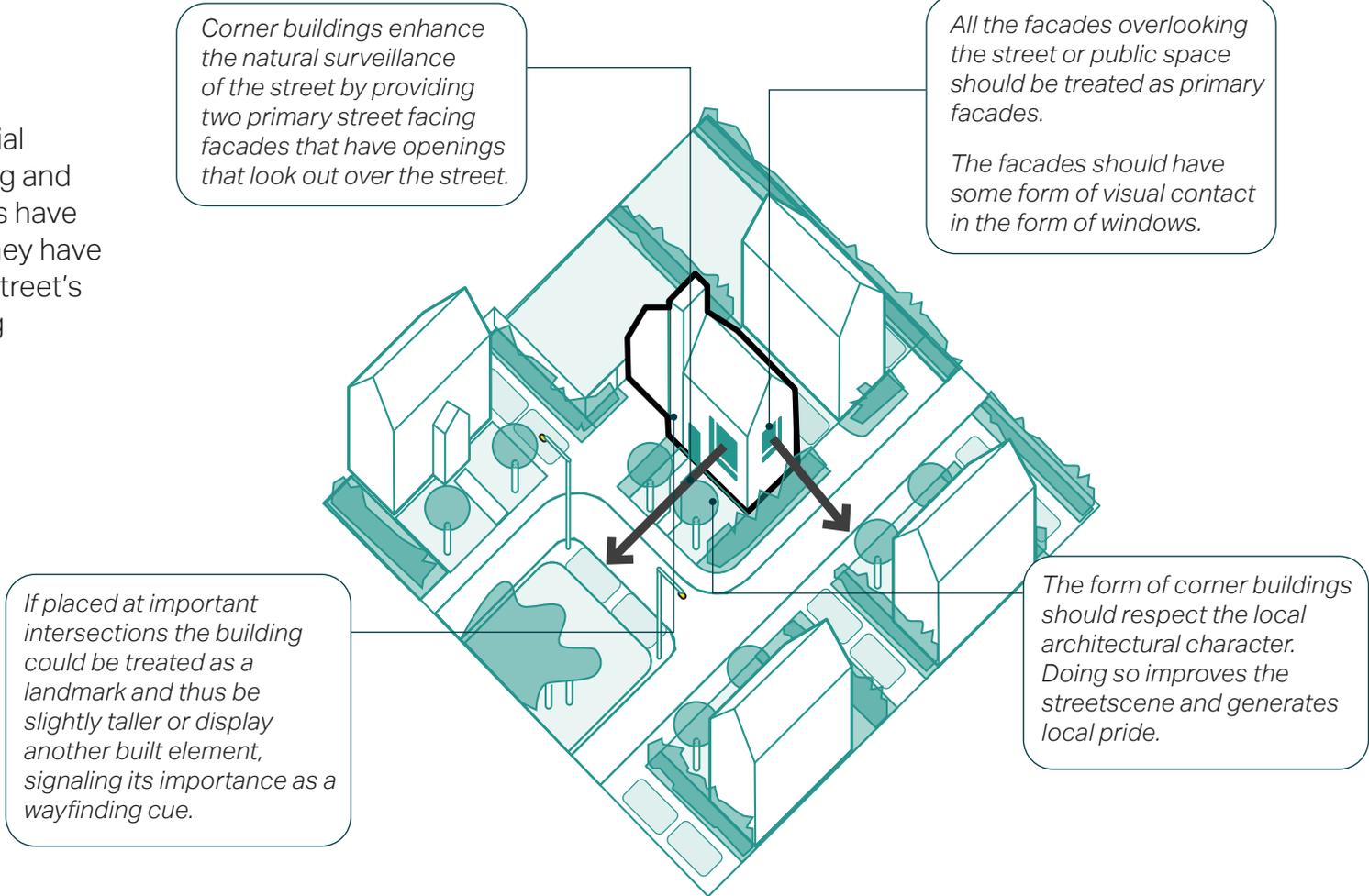


F.25

Figure 25: Diagram illustrating boundary treatments.

BF3. Corner buildings

Corner buildings are one of the crucial aspects of a successful visual setting and built environment. As these buildings have at least two public facing façades, they have twice the potential to influence the street's appearance. Therefore, the following guidelines apply to corner buildings:

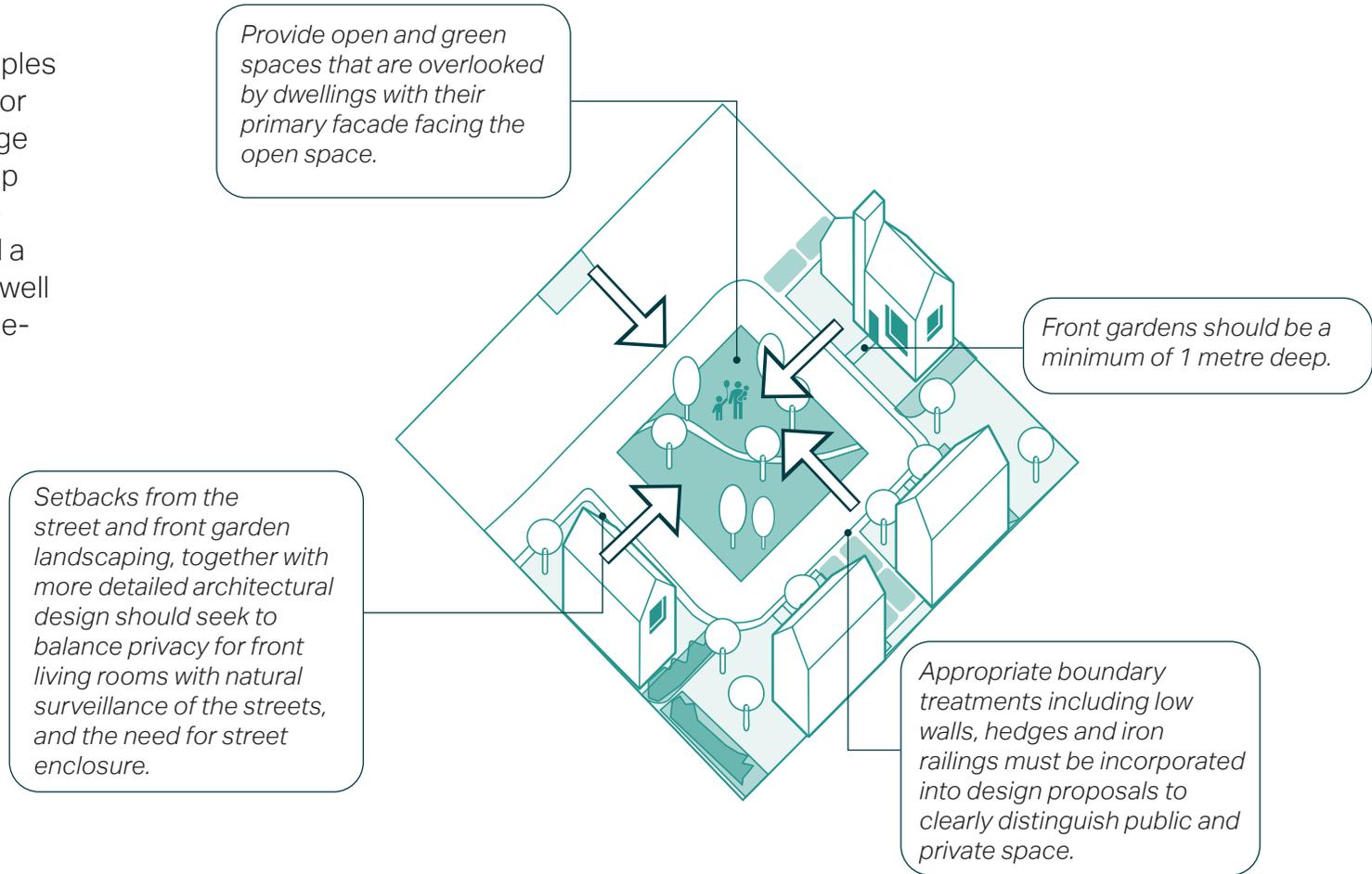


F.26

Figure 26: Diagram showing a corner building with windows on both street facing façades.

BF4. Overlook public space

Within Elmstead there are multiple examples of buildings fronting onto public space, for example the dwellings that face the village green. This creates a positive relationship with the open space and gives life to the public realm and is therefore considered a key attribute of Elmstead's character as well as a fundamental principle for good place-making.



F.27

Figure 27: Diagram showing dwellings overlooking public space.

BF5. Roofline and building heights

Roofline

Creating a good variety in the roofline helps make a place attractive. Within Elmstead there are a number of different roof types but the most common are pitched and hipped roofs. The pitches and height of the roofs vary throughout the village with some areas such as the 20th Century estates character area having roofs with a shallow pitch compared to other areas of the village. This variation across the different areas of the village creates visual interest. Some considerations for rooflines are:

- Roofline should be well articulated and in proportion with the dimensions of the building with subtle changes to avoid monotonous elevations.
- Local traditional roof detailing elements should be considered throughout the design process.

Building heights

Throughout the village there are a mixture of two storey and one storey dwellings with the occasional building up to 2.5 storeys in height. The building heights are vital to maintaining the village character of Elmstead as introducing taller buildings may create a more urban feel which would be out of character for Elmstead. Therefore, some design considerations for building heights are:

- New buildings should respect the existing character of the village by providing development at an appropriate scale with the right amount of enclosure along the street.
- The building heights of new development should respect the existing surrounding buildings and not dominate the streetscape.



F.28

Figure 28: One storey bungalow within Elmstead.



F.29

Figure 29: Dwellings with shallow gable ended pitched roofs.

BF6. Architectural details, materials and colour palette

The combination of architectural features, materials and the colour palette found in Elmstead are unique to the place and create an important link between the built environment and the village's history.

Therefore, development within the village should closely align with the materials and colour palette set out in the next few pages.

The architectural details have been split into four categories. They are roofs, facades, ground materials and property boundary.

Roof materials and colour palette

The most common roof forms found in Elmstead are pitched and hipped roofs. Therefore, future development should replicate these styles using similar materials.

Roof materials seen throughout Elmstead include slate or concrete tiles, some clay pantiles as well as the occasional thatched roof although not many remain.

The colour palette is generally darker colours such as dark grey, brown or red.



Slate tile



Concrete tile



Clay pantile



Thatch



Materials



Brown



Dark grey



Red



Colour Palette

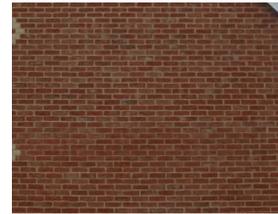
Facade materials and colour palette

Facades contribute to Elmstead's character through their materials and colour palette. Brick is one of the most dominant materials used throughout the village. Different coloured bricks can be seen in different areas of the village. For example the modern estate generally use red brick where as the earlier 20th Century estates use lighter brown bricks. There are also instances of different coloured render and weatherboarding.

The colour palette is generally warm including facades with red, yellow and brown as well as white and cream rendering.



Brown Brick



Red brick



Render



Weatherboarding

Materials



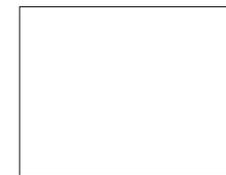
Red



Brown



Yellow



White



Cream

Colour Palette

Ground materials and colour palette

Ground materials include concrete, concrete pavers, permeable gravel, and some unpaved roads. The materials used depends on the street typology with concrete used for main streets and residential streets.



Concrete



Concrete pavers



Gravel road

Materials

Quieter streets and edge lanes may use concrete pavers and permeable options depending on their context and requirements for the road.

Roads are generally a dark grey colour due to the concrete material used though concrete pavers and gravel roads can be lighter in colour, either honey or buff coloured.



Dark grey



Honey



Buff

Colour Palette

Property boundary materials and colour palette

Within Elmstead there are a mixture of boundary treatment materials. Some of the most common are brick walls and green hedges. There are some instances of wooden fences some of which are painted white.



Brick wall



Green hedge



Timber fence

Materials



Red



Brown



White



Green

Colour Palette

BF7. Waste storage and servicing

With modern requirements for waste separation and recycling, the number and size of household bins has increased causing issues with the aesthetics of properties. Some guidelines for future development are:

- Bins should be located away from areas used as amenity spaces.
- Create a specific enclosure of sufficient size for all the necessary bins. Cycle storage could also be integrated.
- Bins should be placed within easy access from the street and, where possible, open on the pavement side to ease retrieval.
- Bins should be placed as close to the dwelling's boundary to the public highway, such as against wall, fence, hedge but not in a way as to obstruct pedestrian and vehicle movements.

- The materials palette should be referred in order to select suitable materials for enclosures.



Figure 30: Waste storage along the boundary treatment.



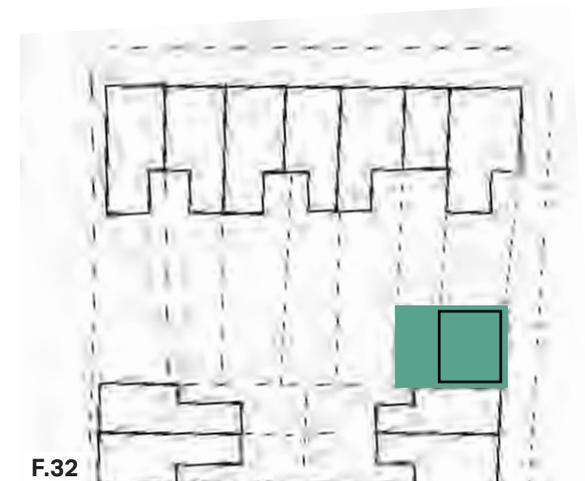
Figure 31: Positive example on how to conceal the presence of bins in back gardens.

BF8. Infill development

Infill development takes two main forms, the first is development that has a primary frontage to an existing street. The second is backland development which is located to the rear of existing properties. Some guidelines for both types of infill development are:

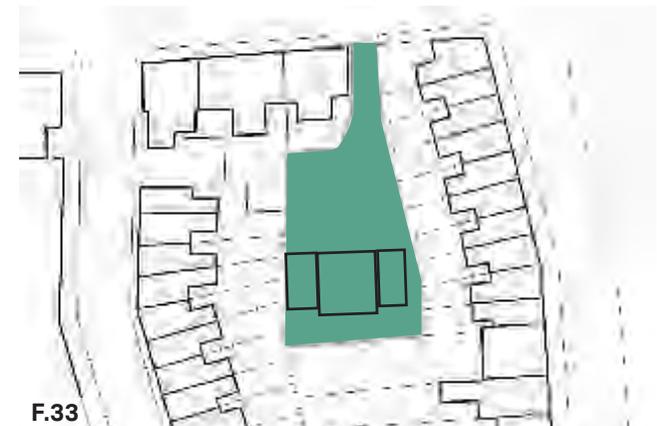
- Sufficient private amenity for residents of existing buildings should be retained.
- The height of a proposal should take into consideration the surrounding context in terms of height and massing.
- Development fronting onto an existing street should comply with the existing building line and should have its primary aspect and windows facing the street, particularly if aspect in all other directions is constrained due to overlooking of neighbouring properties.
- The materials and detailing of the infill development should be in keeping with the existing buildings.

- Where appropriate, green roofs can be considered to ensure no net loss of green cover and to enhance biodiversity.



F.32

Figure 32: Plan showing infill development with a frontage to the existing street.



F.33

Figure 33: Plan showing backland infill development.

BF9. Extensions and alterations

Side Extensions

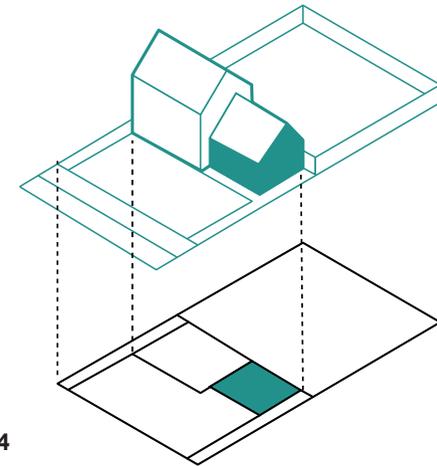
Side extensions are another popular way to extend a building to create extra living space. However, if they are badly designed, they will detract from the appearance of the building and the wider townscape. Single-storey and double storey side extensions should be set back from the main building and complement the materials and detailing of the original building, particularly along the street elevation. The roof of the extension should harmonise with that of the original building; flat roofs should be avoided. Side windows should also be avoided unless it can be demonstrated that they would not result in overlooking of neighbouring properties.

Rear Extensions

Single storey rear extensions are generally the easiest way to extend a house and provide extra living space. The extension should be set below any first-floor windows

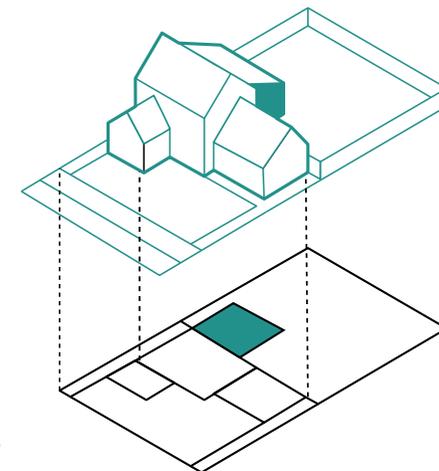
and designed to minimise any effects of neighbouring properties, such as blocking daylight. A flat roof is generally acceptable for a single storey rear extension.

Double storey rear extensions are not common as they usually effect neighbours' access to light and privacy, however, sometimes the size and style of the property allows for a two-storey extension. In these cases, the roof form and pitch should reflect the original building and sit slightly lower than the main ridge of the building.



F.34

Figure 34: Diagram showing a side extension.



F.35

Figure 35: Diagram showing a rear extension.

BF10. Housing mix

Providing a good housing mix within Elmstead is crucial for meeting the need of different groups within the community and ensuring there is a mixed and balanced community.

- Any new development should enrich the supply of housing by providing a variety of options in terms of size and height, whilst still respecting the existing surroundings.
- Additional consideration should be given to creating starter homes and smaller houses for downsizing as this is currently lacking in Elmstead.



F.36

Figure 36: Large house within Elmstead.



F.37

Figure 37: Bungalow within Elmstead.

4.4 Access and movement

AM1. Prioritise walking and cycling

It is essential that the design of new development includes streets that incorporate the needs of pedestrians, cyclists, and, if applicable, public transport users. Some guidelines for future development are:

- Routes must be laid out in a connected pattern, whilst cul-de-sacs must be relatively short and provide onward pedestrian and cycle links;
- Streets must incorporate opportunities for street trees, green infrastructure, and sustainable drainage;
- Crossing points must be placed at frequent intervals on pedestrian desire lines and at key nodes;
- Junctions must enable good visibility between vehicles and pedestrians. For this purpose, street furniture, planting,

and parked cars must be kept away from visibility splays to avoid obstructing sight lines; and

- Sufficient width of footway should be provided to facilitate a variety of mobilities, such as young family with buggies, mobility scooter, wheelchairs, etc. The Department for Transport Manual for Streets (2007)¹ suggests that in lightly used streets, the minimum width for pedestrians should generally be 2m.

1. Manual for Streets (2007). Available at: <https://www.gov.uk/government/publications/manual-for-streets>



F.38

Figure 38: Footpath within a residential area that creates alternative routes for pedestrians and cyclists, Great Kneighton.



F.39

Figure 39: Alleyways with high fences on either side should be avoided.

AM2. People friendly streets

The following pages introduce suggested guidelines and design features including a range of indicative dimensions for street types that may be found in smaller developments. Any adoptable roads should conform to the [Essex Design Guide](#) for residential streets and any layout should reflect the guidance set out in the [Street Type Table](#) contained within the guide.

Residential street

Residential streets should provide access to homes from the surrounding primary roads.

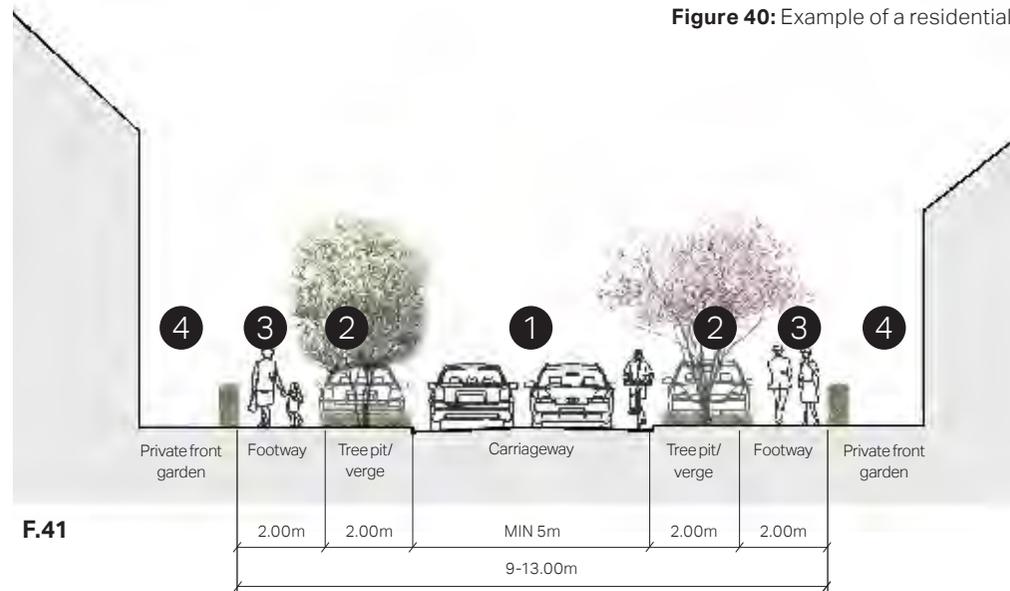
- The carriageway should accommodate two-way traffic as well as cyclists and parking bays. Traffic calming should be achieved by design through traffic calming measures such as landscaping and building layout, avoiding the traditional forms of engineered traffic calming such as humps, cushions and chicanes.

- Residential streets should have a good level of enclosure, created by built form with consistent building lines and setbacks.
- Where possible, street trees and greenery should be provided along the street.



F.40

Figure 40: Example of a residential street in Elmstead.



F.41

Figure 41: Cross-section to illustrate a residential street.

- Carriageway should accommodate both vehicles and cyclists (local access). Traffic calming measures may be introduced at key locations.
- Tree verge or pit with small trees. The latter are optional but would be positive additions. Parking bays on both sides of the carriageway to alternate with trees to avoid impeding moving traffic or pedestrians.
- Footway.
- Residential frontage with boundary hedges and front gardens.

Edge Lane

Any development opposite to a green edge should be treated as an edge lane where traffic volume is lower and there is an immediate connection with nature. Some guidelines for edge lanes are:

- Edge lanes are low-speed streets that front houses with gardens on one side and a green space on the other. Carriageways typically consist of a single lane of traffic in either direction, and are shared with cyclists;
- The lane width can vary to discourage speeding and introduce a more informal and intimate character. Variations in paving materials and textures can be used instead of kerbs or road markings; and
- Edge lanes should be continuous providing high level of connectivity and movement. Cul-de-sacs must be avoided.



Figure 42: Cross-section to illustrate some guidelines for edge lanes.

1. Shared lane (local access) - width to vary.
2. Green verge with trees. It is optional but would be positive additions. Parking bays to be interspersed with trees to avoid impeding moving traffic or pedestrians.
3. Residential frontage with boundary hedges and front gardens.
4. Green space and potential for implementing swales into the landscaping.



Figure 43: Examples of an edge lanes within Elmstead.

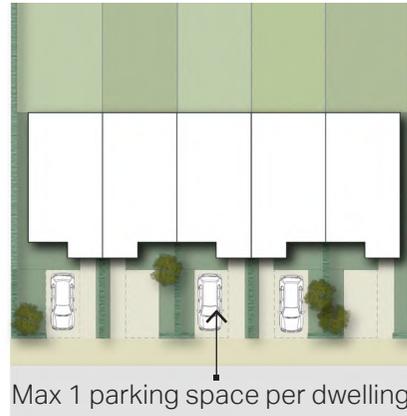
AM3. Parking typologies

Parking for new developments should comply with the Essex Planning Officers' Association (EPOA) parking standards.

On-plot parking

Page 273

- On-plot parking can be located to the front or the side of the main building and can be a covered or open car port.
- High-quality and well-designed soft landscaping should be used to increase the visual attractiveness of the parking.
- Boundary treatments such as hedges, trees, flowerbeds and low walls also increase attractiveness and provide a clear distinction between public and private space.
- Hard standing and driveways must be constructed from porous materials to minimise surface water run-off.



F.44

Figure 44: On-plot front parking.



F.46

Figure 46: On-plot side parking.



F.45

Figure 45: On-plot front parking, Elmstead.



F.47

Figure 47: On-plot side parking, Elmstead.

On-street parking

- A parallel car parking space should be 2.5m x 6m long. There must not be more than 6 spaces in a row without a break.
- Potential negative impacts on the streetscene can be mitigated by the use of recessed parking bays with planting in between.



F.48

Figure 48: Diagram showing on-street parking.

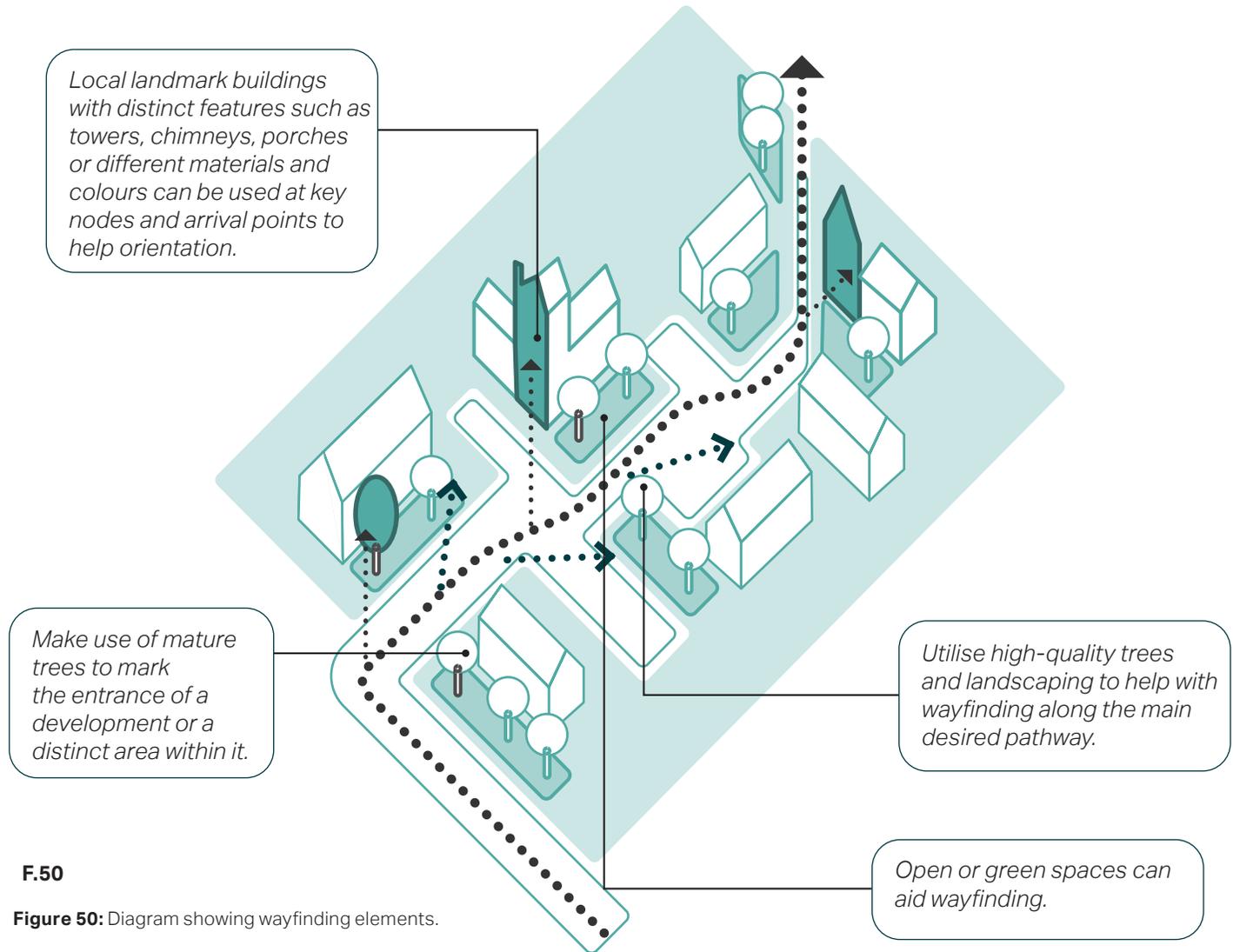


Figure 49: On-street parking, Elmstead.

AM4. Legibility and wayfinding

Signage and wayfinding techniques are an integral part of encouraging sustainable modes of transport as they make walking and cycling easier by ensuring that routes are direct and memorable.

- Places should be created with a clear identity and be easy to navigate.
- Local landmark buildings or distinctive building features such as towers or chimneys can aid legibility.
- Landscape features, distinctive trees and open spaces can also be used as wayfinding aids as well as providing an attractive streetscape.



F.50

Figure 50: Diagram showing wayfinding elements.

AM5. Street lighting

Street lighting should be used appropriately throughout the village and the countryside to minimise the impact on existing dark skies, reducing light pollution that disrupts natural habitats. Some design considerations for street lighting includes:

- Ensure that lighting schemes will not cause unacceptable levels of light pollution, particularly in intrinsically dark areas. These can be areas very close to the countryside or where dark skies are enjoyed.
- Consider lighting schemes that could be turned off when not needed (part night lighting) to reduce any potential adverse effects.
- Reduce the impact on sensitive wildlife receptors throughout the year, or at particular times by turning the lighting down or off.

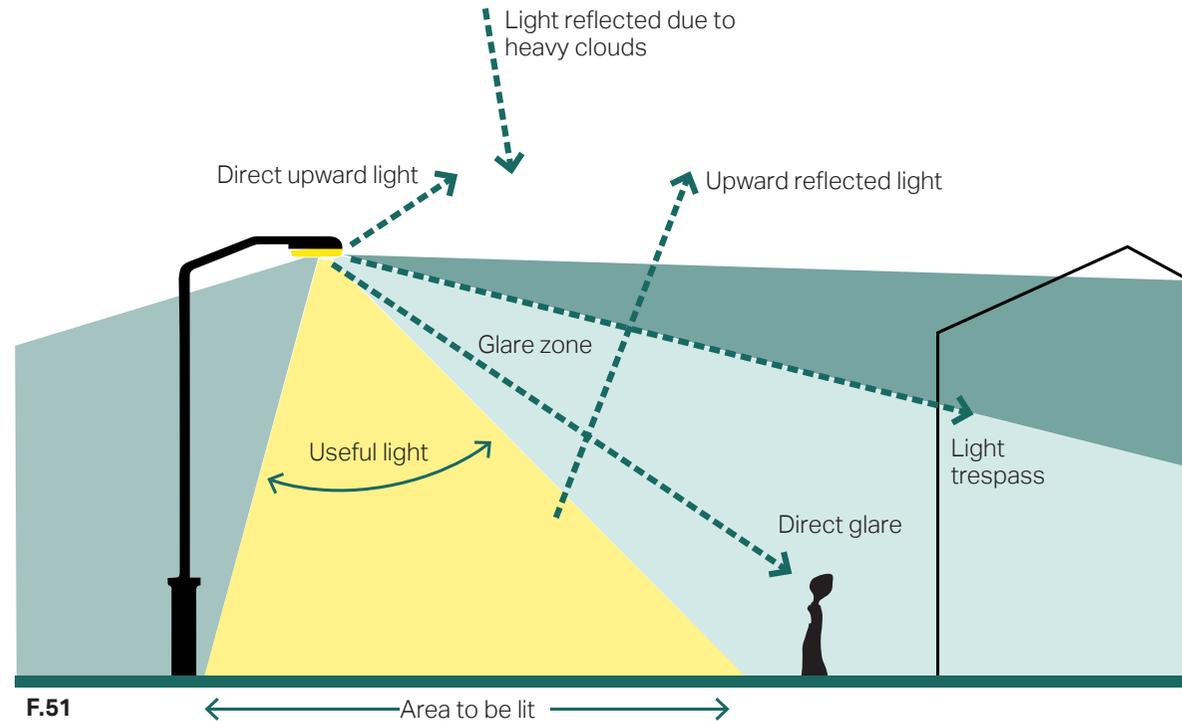


Figure 51: Diagram showing the different elements of light pollution and 'good' lighting.

4.5 Landscape, nature and open space

LO1. Create a green network

Elmstead has rich green infrastructure with open countryside surrounding the village as well as green spaces, front and back gardens, landscaping and street trees which all contribute to the green network.

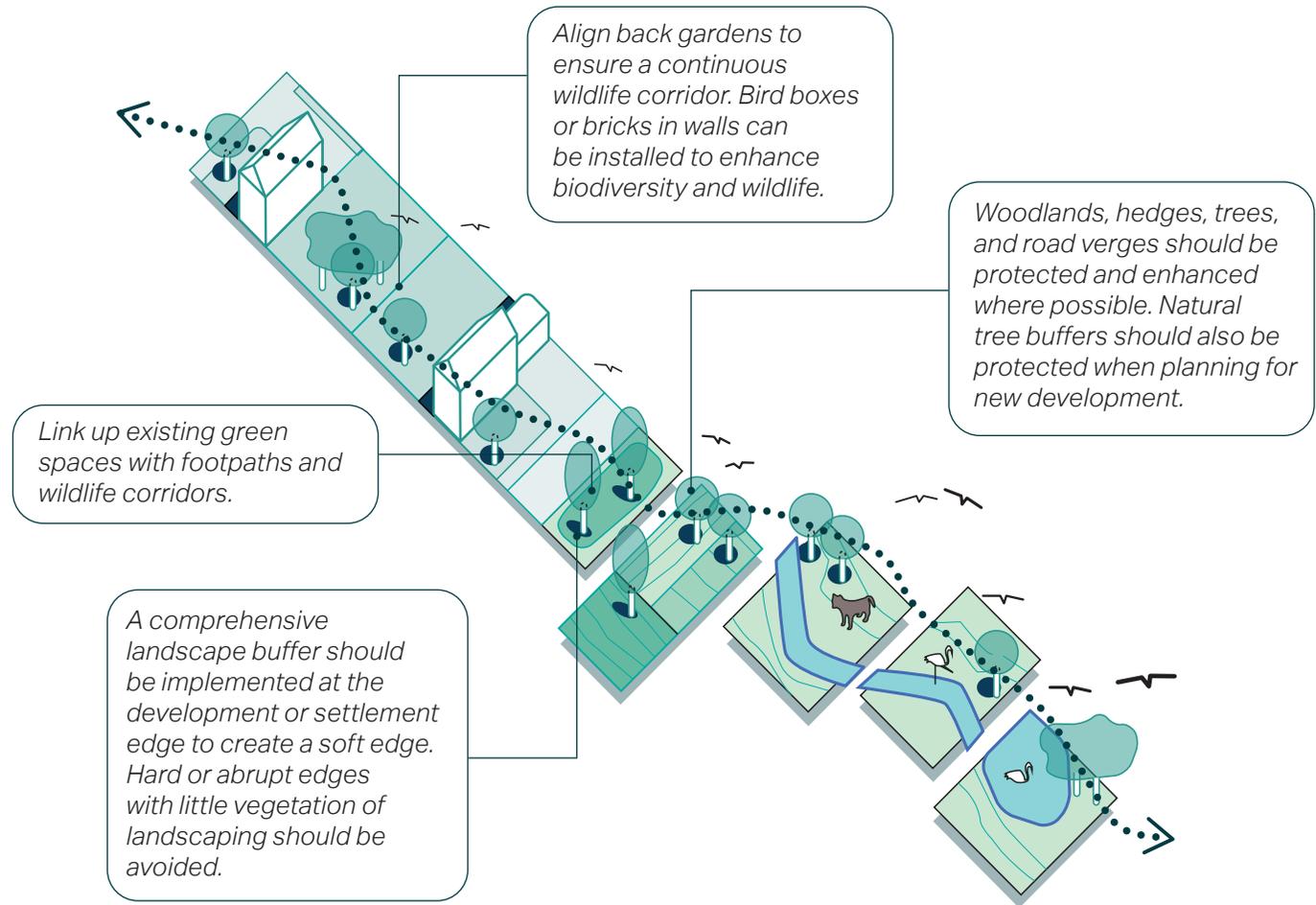
In order to create a comprehensive green network existing green spaces and footpaths should be identified and linked up for the benefit of people and wildlife.

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F.52

Figure 52: Diagram showing how a green network can be created in Elmstead by linking existing green spaces.



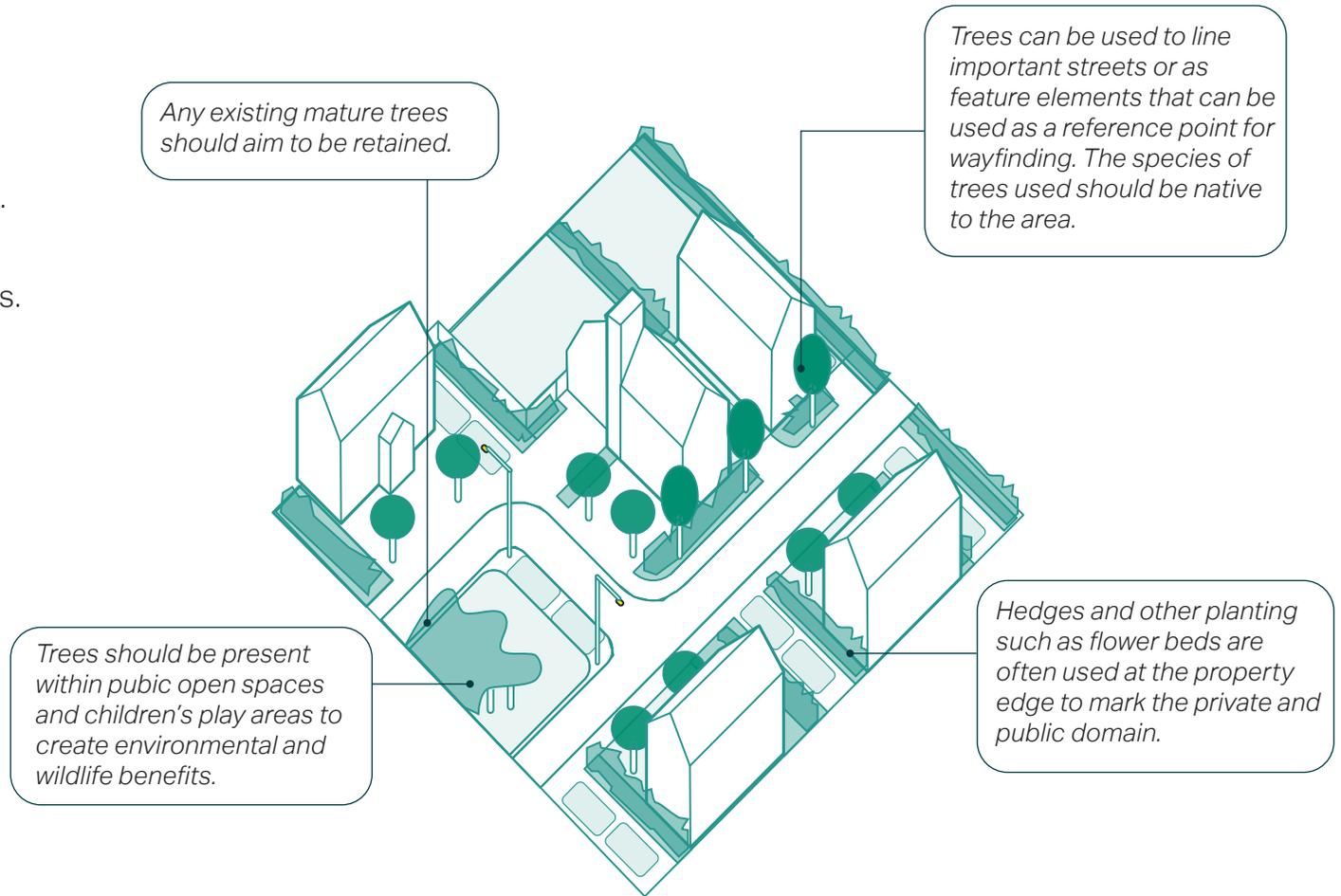
F.53

Figure 53: Diagram showing a green network.

LO2. Landscape and trees

Providing street trees and landscaping within the built environment creates an interesting and varied streetscape and brings physical and mental health benefits.

Providing street trees within the built up areas of the village can bring many benefits. Firstly, they are aesthetically pleasing and create variation and interest along the street. Furthermore, they can add to the identity of a place and act as a traffic calming measure. They also can improve people's physical and mental health.



F.54

Figure 54: Illustrative diagram of landscaping and trees in a residential area.

4.6 Sustainability and climate change

SC1. Sustainable buildings

Energy efficient or eco design combines all-round energy efficient construction, appliances, and lighting with commercially available renewable energy systems, such as solar water heating and solar electricity.

Starting from the design stage, there are strategies that can be incorporated towards passive solar heating, cooling and energy efficient landscaping which are determined by local climate and site conditions. The retrofit of existing buildings with eco design solutions should also be encouraged.

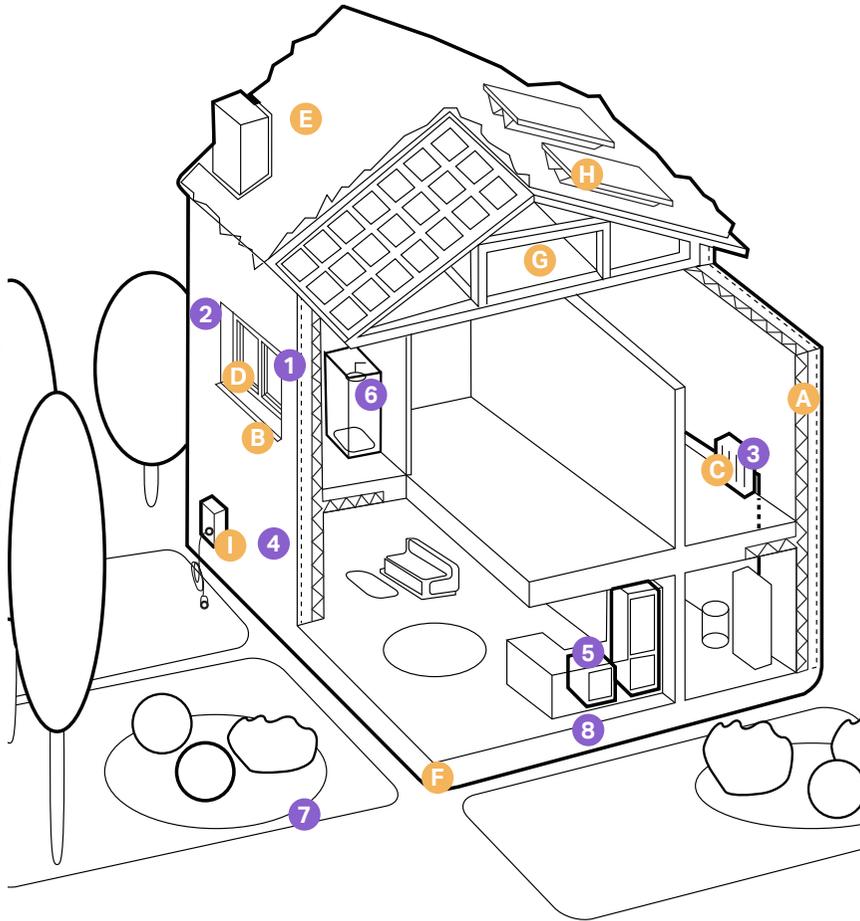
The aim of these interventions is to reduce overall home energy use as cost effectively as the circumstances permit. The final step towards a high-performance building would consist of other on site measures towards renewable energy systems.

It must be noted that eco design principles do not prescribe a particular architectural style and can be adapted to fit a wide variety of built characters. A wide range of solutions is also available to retrofit existing buildings, including listed properties, to improve their energy efficiency¹ to the heritage significance.

- Buildings must be built with high levels of energy efficiency. Construction materials should be effectively reused, recycled and locally sourced. Material should be transported on site in the most sustainable manner and have low embodied energy.
- Buildings must achieve at least a minimum level of carbon reductions through a combination of energy

efficiency, on-site energy supply and/or (where relevant) directly connected low carbon or renewable heat and choose from a range of (mainly off-site) solutions for tackling the remaining emissions.

¹ Historic England. <https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>



F.55

Figure 55: Diagram showing low-carbon homes in both existing homes and new builds.

Existing homes

- 1  **Insulation**
in lofts and walls (cavity and solid)
- 2  **Double or triple glazing with shading**
(e.g. tinted window film, blinds, curtains and trees outside)
- 3  **Low-carbon heating**
with heat pumps or connections to district heat network
- 4  **Draught proofing**
of floors, windows and doors
- 5  **Highly energy-efficient appliances**
(e.g. A++ and A+++ rating)
- 6  **Highly waste-efficient devices**
with low-flow showers and taps, insulated tanks and hot water thermostats
- 7  **Green space (e.g. gardens and trees)**
to help reduce the risks and impacts of flooding and overheating
- 8  **Flood resilience and resistance**
with removable air back covers, relocated appliances (e.g. installing washing machines upstairs), treated wooden floors

Additional features for new build homes

- A  **High levels of airtightness**
- B  **Triple glazed windows and external shading**
especially on south and west faces
- C  **Low-carbon heating**
and no new homes on the gas grid by 2025 at the latest
- D  **More fresh air**
with mechanical ventilation and heat recovery, and passive cooling
- E  **Water management and cooling**
more ambitious water efficiency standards, green roofs, rainwater harvesting and reflective walls
- F  **Flood resilience and resistance**
e.g. raised electrical, concrete floors and greening your garden
- G  **Construction and site planning**
timber frames, sustainable transport options (such as cycling)
- H  **Solar panel**
- I  **Electric car charging point**

Electric vehicle charging points

New development should cater for electric vehicles on both on-street and off-street car parking spaces. Some guidelines for each typology are:

On-street car parking

- Car charging points should be provided next to public open spaces;
- Where charging points are located on the footpath, a clear footway width of 1.5m is required next to the charging point, for a wheelchair user and a pedestrian to pass side-by-side; and
- Charging points should be located in a way that are not blocked by petrol or diesel vehicles.

Off-street car parking

- Mounted charging points and associated services should be integrated into the design of new developments; and
- Cluttered elevations, especially main façades and front elevations, should be avoided.



Figure 56: Examples of on-street car charging points.



Figure 57: Examples of off-street mounted car charging points.

SC2. Water management

The term sustainable drainage system (SuDS) covers a range of approaches to surface water management that reduce flood risk and improve water quality in a more sustainable way. Collecting water for reuse is the most sustainable option and has the added benefit of reducing pressure on important water sources. Where reuse is not possible the most effective type of SuDS depend on site-specific conditions such as the underlying ground conditions or topography. However, a number of overarching principles can be applied:

- Reduce runoff rates by facilitating infiltration into the ground or by providing attenuation that stores water so that it does not overwhelm water courses or the sewer network;
- Integrate into development and improve amenity through early consideration in the development process and good design practices;
- SuDS are often as important in areas that are not directly in an area of flood risk themselves, as they can help reduce downstream flood risk by storing water upstream;
- Some of the most effective SuDS are vegetated, using natural processes to slow and clean the water whilst increasing the biodiversity value of the area;
- Best practice SuDS schemes link the water cycle to make the most efficient use of water resources by reusing surface water; and
- SuDS must be designed sensitively to augment the landscape and provide biodiversity and amenity benefits.

Sustainable Drainage Systems

Any development should seek to reduce flood risk overall through the creation of multi-functional green infrastructure and sustainable drainage systems. It is essential to demonstrate that the development will be safe and it does not increase the flood risk elsewhere.

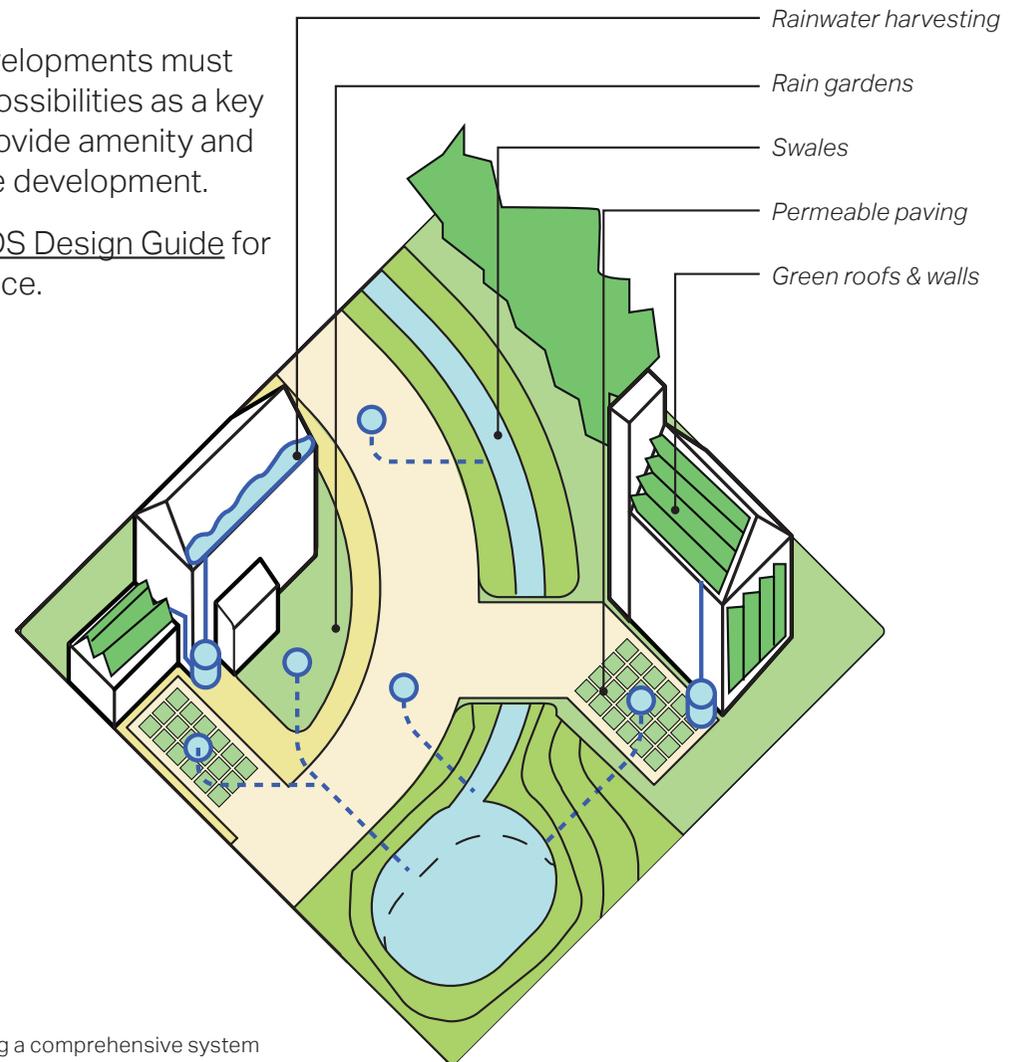
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It is important to challenge the traditional approach to managing flood risk and change to one that recognises the value of water as a resource and maximises the benefits through the design process.

New developments should consider the amenity and aesthetic value of surface water in the urban environment alongside long term environmental, biological and social factors in the context of climate change and urbanisation.

SuDS should be considered as a key design tool to achieve those wider goals and not a mere functional requirement.

- New and existing developments must capitalise on SuDS possibilities as a key design element to provide amenity and aesthetic value to the development.
- See to the [Essex SuDS Design Guide](#) for more detailed guidance.



F.58

Figure 58: Diagram showing a comprehensive system of green and blue infrastructure.

Storage and slow release

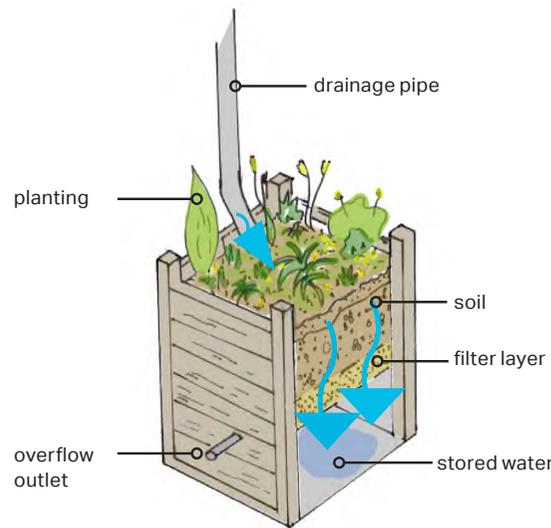
Rainwater harvesting refers to the systems allowing the capture and storage of rainwater as well as those enabling the reuse in-site of grey water. Simple storage solutions, such as water butts, can help provide significant attenuation. To be able to continue to provide benefits, there has to be some headroom within the storage solution. If water is not reused, a slow release valve allows water from the storage to trickle out, recreating capacity for future rainfall events.

New digital technologies that predict rainfall events can enable stored water to be released when the sewer has greatest capacity to accept it.

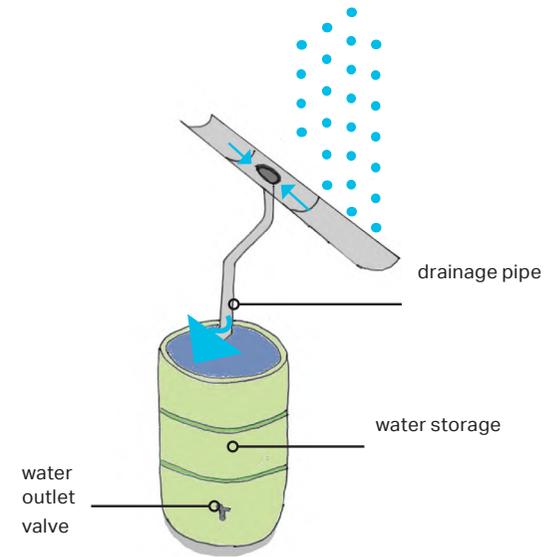
These systems involve pipes and storage devices that could be unsightly if added without an integral vision for design. Therefore, some design recommendations would be to:

- Conceal tanks by cladding them in complementary materials.
- Use attractive materials or finishing for pipes.

- Combine landscape/planters with water capture systems.
- Underground tanks.
- Utilise water bodies for storage.



F.59 **Figure 59:** Diagram showing how a stormwater planter.



F.60 **Figure 60:** Diagram showing how a water butt works.

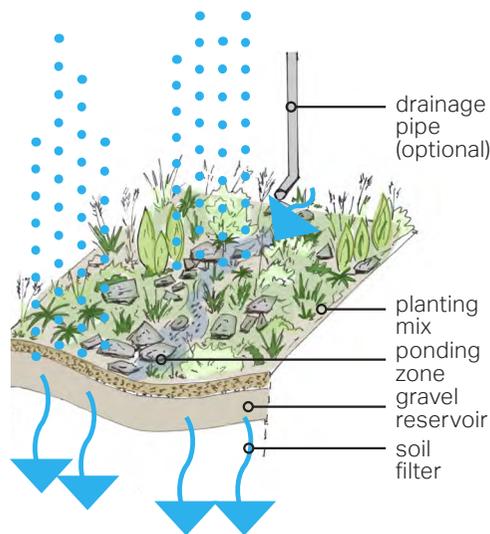
Bioretention systems

Bioretention systems, including soak away and rain gardens, can be used within each development, along verges, and in semi-natural green spaces. They must be designed to sit cohesively with the surrounding landscape, reflecting the natural character of the town. Vegetation must reflect that of the surrounding environment.

They can be used at varying scales, from small-scale rain gardens serving individual properties, to long green-blue corridors incorporating bioretention swales, tree pits and mini-wetlands, serving roads or extensive built-up areas.

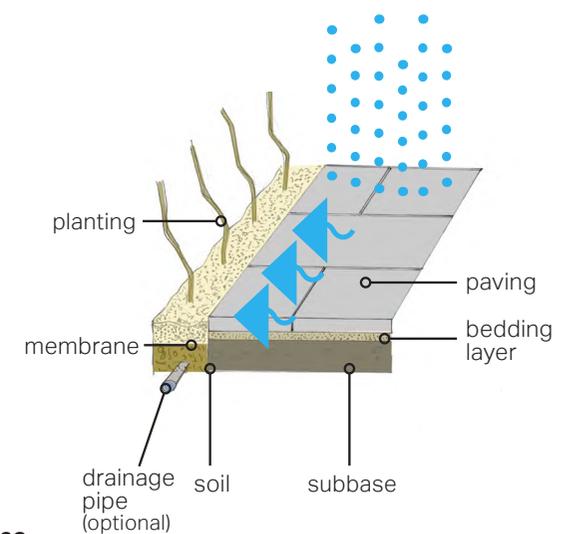
These planted spaces are designed to enable water to infiltrate into the ground. Cutting of downpipes and enabling roof water to flow into rain gardens can significantly reduce the runoff into the sewer system. The UK Rain Garden Design Guidelines provides more detailed guidance on their feasibility and suggests planting to help improve water quality as well as attract biodiversity.¹

¹ UK Rain Gardens Guide. Available at: <https://raingardens.info/wp-content/uploads/2012/07/UKRainGarden-Guide.pdf>
Elmstead Design Guidance and Codes



F.61

Figure 61: Diagram showing how a rain garden works.



F.62

Figure 62: Diagram showing how a soak away garden works.

4.7 Development proposal checklist

As the design guidance and codes in this chapter cannot cover all design eventualities, this section provides a number of questions based on established good practice against which the design proposals should be evaluated.

4.7.1 General questions to ask and issues to consider when presented with a development proposal

The aim is to assess all proposals by objectively answering the questions below. Not all the questions will apply to every development. The relevant ones, however, should provide an assessment as to whether the design proposal has taken into account the context and provided an adequate design solution.

As a first step there are a number of ideas or principles that should be present in all proposals. These are listed under 'General design guidelines for development.' Following these ideas and principles, a number of questions are listed for more specific topics on the following pages.

General design guidelines for new development:

- Integrate with existing paths, streets, circulation networks and patterns of activity.
- Reinforce or enhance the established settlement character of streets, greens, and other spaces.
- Harmonise and enhance existing settlement in terms of physical form, architecture and land use.
- Relate well to local topography and landscape features, including prominent ridge lines and long-distance views.
- Reflect, respect, and reinforce local architecture and historic distinctiveness.
- Retain and incorporate important existing features into the development.
- Respect surrounding buildings in terms of scale, height, form and massing.
- Adopt contextually appropriate materials and details.
- Provide adequate open space for the development in terms of both quantity and quality.
- Incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features.
- Ensure all components e.g. buildings, landscapes, access routes, parking and open space are well related to each other.
- Positively integrate energy efficient technologies.
- Make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation, and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.
- Ensure that places are designed with management, maintenance and the upkeep of utilities in mind.
- Seek to implement passive environmental design principles by, firstly, considering how the site layout can optimise beneficial solar gain and reduce energy demands (e.g. insulation), before specification of energy efficient building services and finally incorporate renewable energy sources.

2

Local green spaces, views & character:

- What are the particular characteristics of this area which have been taken into account in the design; i.e. what are the landscape qualities of the area?
- Does the proposal maintain or enhance any identified views or views in general?
- How does the proposal affect the trees on or adjacent to the site?
- Can trees be used to provide natural shading from unwanted solar gain? i.e. deciduous trees can limit solar gains in summer, while maximising them in winter.
- Has the proposal been considered within its wider physical context?
- Has the impact on the landscape quality of the area been taken into account?
- In rural locations, has the impact of the development on the tranquillity of the area been fully considered?
- How does the proposal impact on existing views which are important to the area and how are these views incorporated in the design?
- Can any new views be created?
- Is there adequate amenity space for the development?
- Does the new development respect and enhance existing amenity space?
- Have opportunities for enhancing existing amenity spaces been explored?
- Will any communal amenity space be created? If so, how this will be used by the new owners and how will it be managed?
- Is there opportunity to increase the local area biodiversity?
- Can green space be used for natural flood prevention e.g. permeable landscaping, swales etc.?
- Can water bodies be used to provide evaporative cooling?
- Is there space to consider a ground source heat pump array, either horizontal ground loop or borehole (if excavation is required)?

3

Street grid and layout:

- Does it favour accessibility and connectivity? If not, why?
- Do the new points of access and street layout have regard for all users of the development; in particular pedestrians, cyclists and those with disabilities?
- What are the essential characteristics of the existing street pattern; are these reflected in the proposal?
- How will the new design or extension integrate with the existing street arrangement?
- Are the new points of access appropriate in terms of patterns of movement?
- Do the points of access conform to the statutory technical requirements?

4

Buildings layout and grouping:

- What are the typical groupings of buildings?
- How have the existing groupings been reflected in the proposal?
- Are proposed groups of buildings offering variety and texture to the townscape?
- What effect would the proposal have on the streetscape?
- Does the proposal maintain the character of dwelling clusters stemming from the main road?
- Does the proposal overlook any adjacent properties or gardens? How is this mitigated?
- Subject to topography and the clustering of existing buildings, are new buildings oriented to incorporate passive solar design principles, with, for example, one of the main glazed elevations within 30° due south, whilst also minimising overheating risk?
- Can buildings with complementary energy profiles be clustered together such that a communal low carbon energy source could be used to supply multiple buildings that might require energy at different times of day or night? This is to reduce peak loads. And/or can waste heat from one building be extracted to provide cooling to that building as well as heat to another building?

5

Gateway and access features:

- What is the arrival point, how is it designed?
- Does the proposal maintain or enhance the existing gaps between settlements?
- Does the proposal affect or change the setting of a listed building or listed landscape?
- Is the landscaping to be hard or soft?

6

Building materials & surface treatment:

- What is the distinctive material in the area?
- Does the proposed material harmonise with the local materials?
- Does the proposal use high-quality materials?
- Have the details of the windows, doors, eaves and roof details been addressed in the context of the overall design?
- Does the new proposed materials respect or enhance the existing area or adversely change its character?
- Are recycled materials, or those with high recycled content proposed?
- Has the embodied carbon of the materials been considered and are there options which can reduce the embodied carbon of the design? For example, wood structures and concrete alternatives.
- Can the proposed materials be locally and/or responsibly sourced? E.g. FSC timber, or certified under BES 6001, ISO 14001 Environmental Management Systems?

7

Household extensions:

- Does the proposed design respect the character of the area and the immediate neighbourhood, and does it have an adverse impact on neighbouring properties in relation to privacy, overbearing or overshadowing impact?
- Is the roof form of the extension appropriate to the original dwelling (considering angle of pitch)?
- Do the proposed materials match those of the existing dwelling?
- In case of side extensions, does it retain important gaps within the street scene and avoid a 'terracing effect'?
- Are there any proposed dormer roof extensions set within the roof slope?
- Does the proposed extension respond to the existing pattern of window and door openings?
- Is the side extension set back from the front of the house?
- Does the extension offer the opportunity to retrofit energy efficiency measures to the existing building?
- Can any materials be re-used in situ to reduce waste and embodied carbon?

8

Building heights and roofline:

- What are the characteristics of the roofline?
- Have the proposals paid careful attention to height, form, massing and scale?
- If a higher than average building(s) is proposed, what would be the reason for making the development higher?
- Will the roof structure be capable of supporting a photovoltaic or solar thermal array either now, or in the future?
- Will the inclusion of roof mounted renewable technologies be an issue from a visual or planning perspective? If so, can they be screened from view, being careful not to cause over shading?

9

Building line and boundary treatment:

- What are the characteristics of the building line?
- How has the building line been respected in the proposals?
- Has the appropriateness of the boundary treatments been considered in the context of the site?

10

Car parking:

- What parking solutions have been considered?
- Are the car spaces located and arranged in a way that is not dominant or detrimental to the sense of place?
- Has planting been considered to soften the presence of cars?
- Does the proposed car parking compromise the amenity of adjoining properties?
- Have the needs of wheelchair users been considered?
- Can electric vehicle charging points be provided?
- Can secure cycle storage be provided at an individual building level or through a central/ communal facility where appropriate?
- If covered car ports or cycle storage is included, can it incorporate roof mounted photovoltaic panels or a biodiverse roof in its design?

Next steps

05

5. Next steps

5.1 Delivery

The design guidelines and codes will be a valuable tool in securing context-driven, high-quality development within Elmstead. They will be used in different ways by different actors in the planning and development process, as summarised in the table.

Actors	How they will use the design guidelines
Applicants, developers, & landowners	As a guide to community and Local Planning Authority expectations on design, allowing a degree of certainty – they will be expected to follow the Guidelines and Codes as planning consent is sought.
Local Planning Authority	As a reference point, embedded in policy, against which to assess planning applications. The Design Guidelines and Codes should be discussed with applicants during any pre-application discussions.
Parish Council	As a guide when commenting on planning applications, ensuring that the Design Guidelines and Codes are complied with.
Community organisations	As a tool to promote community-backed development and to inform comments on planning applications.
Statutory consultees	As a reference point when commenting on planning applications.

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Elmstead Parish Important Views



Neighbourhood Plan Evidence Report

2022



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No. *Picture and view*

1 **North Green**

Direction

North East

Momples Hall, Village Green, War Memorial, flagpole and historic buildings which surround the Village Green (North).



This is an important view and location in the village for all villagers, both to view and as a place to gather for important village occasions such as Remembrance Sunday.

The panorama is of Momples Hall (a Grade II listed house. C17/C18 of possibly earlier origin, with later alterations and additions. Timber framed and rough rendered with a red plain tiled roof) adjacent to the large, grassed village green, planted with mature trees and with a paved path inset diagonally across it, which is regularly used by villagers to access other areas of the village. The Village Green is the site of the Elmstead Parish War Memorial.

Surrounding the village green are a number of historic buildings which include Spring Cottage (Grade II listed Cottage. C15/C16. Timber framed and plastered with a thatched roof and Tudor House (Grade II listed, C17 or earlier and timber framed).



South Green is a long stretch of grassed village green with herbaceous borders, cherry trees and planters. South Green is home to the Elmstead village sign and has a number of seats that are regularly used by villagers. The cherry blossom along South Green in the Spring is a sight enjoyed by all who pass through the village.

Along the South Green, you will find the following buildings of interest:

Glen Cottage. Grade II listed, probably C18. Timber framed and plastered. Thatched roof.

Lime Cottages Pair of cottages. C18. Timber framed and weatherboarded. Thatched roof.

The Thatch Cottage. Early C17 with later additions and alterations. Timber framed, C19 red brick faced. Thatched roof.

The Limes House. C17 with C18 facade, C19 right wing and other alterations and additions. Timber framed, painted brick facade, plastered right range.

3 **The lanes to Crockleford Heath**

North



An important view in the village, much enjoyed by walkers of the lanes that lead to the hamlet of Crockleford Heath.

4 **Stream and water meadows, south of Fen Farm**

South-East



A south-east facing view of arable land with a line of trees and hedging and track, just off the public foot path at Fen Farm.

5 **Palegate Wood, aka Bluebell Wood**

East



An ancient, lowland mixed deciduous Woodland which is well-known in the local area for the stunning carpet of Bluebells in the Spring.

6 **Landscape views behind Market Field School**

South



Looking towards Grove Farm, this view is of farmland, with a public footpath diagonally across the field. To the left will be the new 63 home development, Asterwood.



A world-known garden made up of five different types of gardens, which all deal with challenging soils and aspects and give different views across the site:

GRAVEL

This flat garden is situated in one of the driest parts of the country, not irrigated, and having poor, free-draining soil, it has become renowned for its spectacular display of drought-tolerant plants.

SCREE

The Scree Garden features a large collection of easy alpines.

WATER

The site slopes down towards the Water Garden which includes a series of ponds and moisture loving plants.

WOODLAND

The undulating Woodland Garden on the edge of the gardens is full of shade-loving bulbs, perennials and shrubs planted underneath a dense canopy of tall oaks.

RESERVOIR

An open area, recently re-designed and predominantly planted with low maintenance trees and shrubs, interspersed with a few herbaceous perennials and grasses.

8 **View from Park Farm towards blue-gates farm**

South-East



A south-east facing view from Park Farm of arable fields, tree line and hedging.

9 **Fields and hills behind Grange Farm**

South-West



A south-west facing view, next to the Grange Farm housing development, looking across the valley to the Frating hall Wood.



A view looking east, down Bromley Road. On the left is the Wood Trust site of scrubland, high hedging and looking towards Mill Wood and on the right-hand side of the road, past the high hedging is turfed field, looking in the distance to trees.

11 **Woodland Trust Nature Reserve**

East



Looking east over the grassland and field with horses towards Mill Wood.

12 **Near the Bridge overlooking Lodge Farm, Cold Hall and woodland**

South-East



A south-east view looking across the grass and scrub land.





A view looking north/north-west of the Elmstead Cricket Club building and grounds with the Vicarage (hidden behind the trees). The view across the pitch of open farmland has now disappeared and is now of the Pavilion View development.

14 **Elmcroft**

North



Situated next to the Cricket Pitch, Elmcroft is a grassed area with a mix of mature and younger trees, popular for local children to play in and for dog walkers to walk on. Looking north, there is a large ditch next to the Cricket pitch that separates both areas and to the left of Elmcroft, is the Elmcroft residential area and access road – a mix of houses and bungalows.



A popular view with walkers in the village as they walk down to the Church. On the left is open farmland which has been planted with sweetcorn in previous years and on the right, mature hedging and trees which neighbours open farmland.



A view, looking west of public footpath with mature trees that form a 'green tunnel' and mature hedging.



A view looking north-east, of Elmstead Church, which is hidden behind the mature trees and looking over towards Bromley across the arable fields.



Looking east from the approach to the bridge and the bridge over the A120 which looks towards Bromley Brook and Boudge Hill Wood. Arable farmland neighbours the A120 together with a line of mature trees and hedging.

19 Bridge looking towards Crockleford and Ardleigh

West



Looking west, up the A120, this view is from the approach to the bridge and from the bridge of the open farmland next to the A120 and the mature trees and hedging which edge the A120.



Looking north-west across to Ardleigh, this view is of arable farmland with lines of mature trees and hedging along the path.



A south-west view of Allen's Reservoir and the grassed area that surrounds the reservoir with some mature trees.

22 **Farmland seen from 'the bombsite'**

South-East



A south-east facing view of grassland with mature trees that frame the view.

23 **'The mossy oak' and surrounding farmland**

East



An easterly view, looking towards Blossom Wood Farm of open farmland.



Views of the Sand and Gravel pit. Open farm-land with dense hedging with mature trees.

25 **Sand and Gravel Pit ponds**

South-East



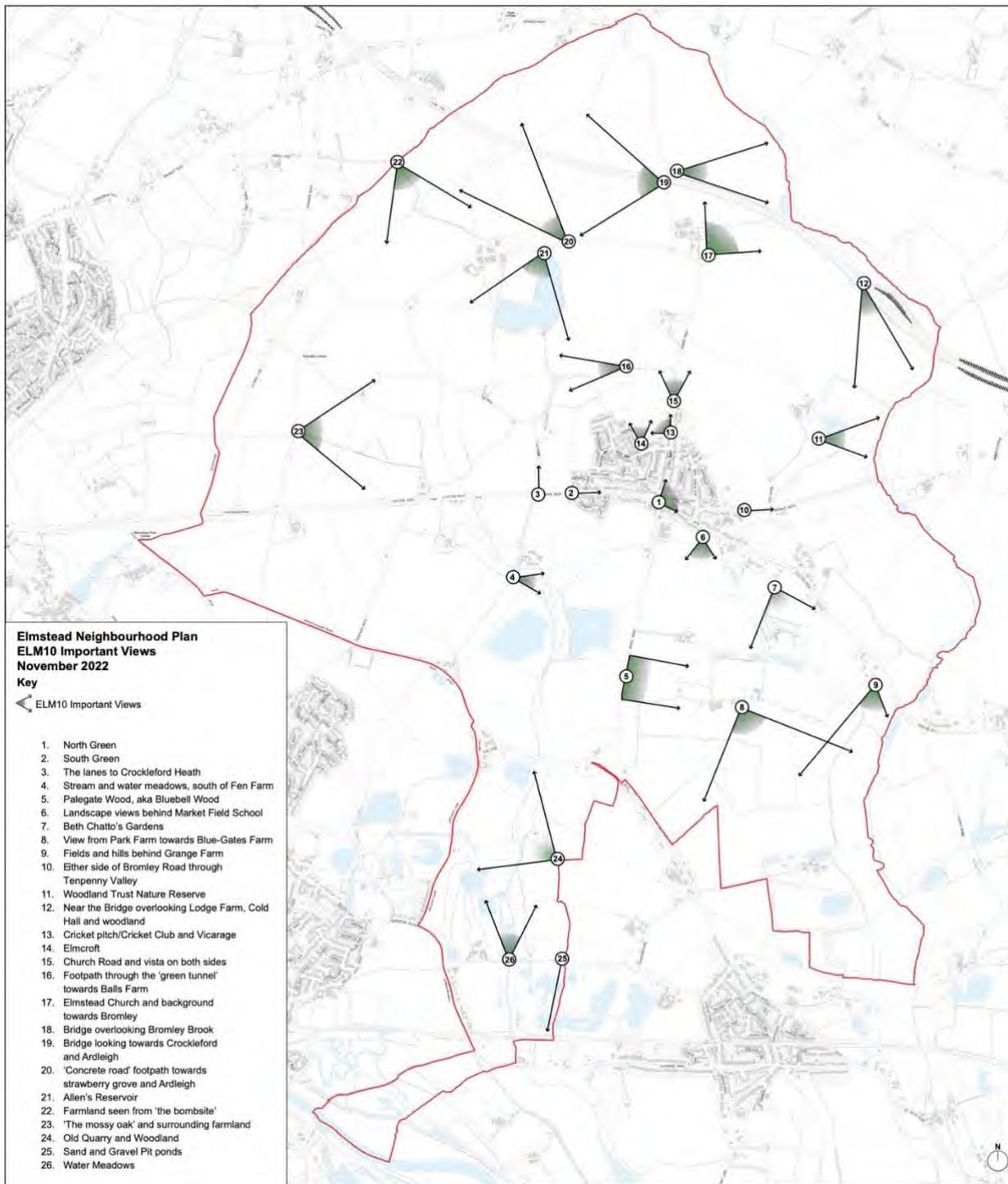
View bordering both Cockaynes wood and Villa woods. This is a disused sand and gravel pit. This is now a very large pond, teeming with wildlife with shrubs bordered by mature trees and shrubs.

26 **Water meadows**

North



A view from Sunnymead Farm which is a working farm breeding rare breed pigs, water buffalo, lambs. View showing lake bordered with established trees and hedging.





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ELMSTEAD
NEIGHBOURHOOD
PLAN

MARCH 2023

CONSULTATION STATEMENT

Published by Elmstead Parish Council in accordance with the Neighbourhood Planning
(General) Regulations 2012 (as amended)

**ELMSTEAD
NEIGHBOURHOOD PLAN
CONSULTATION STATEMENT
MARCH 2023**

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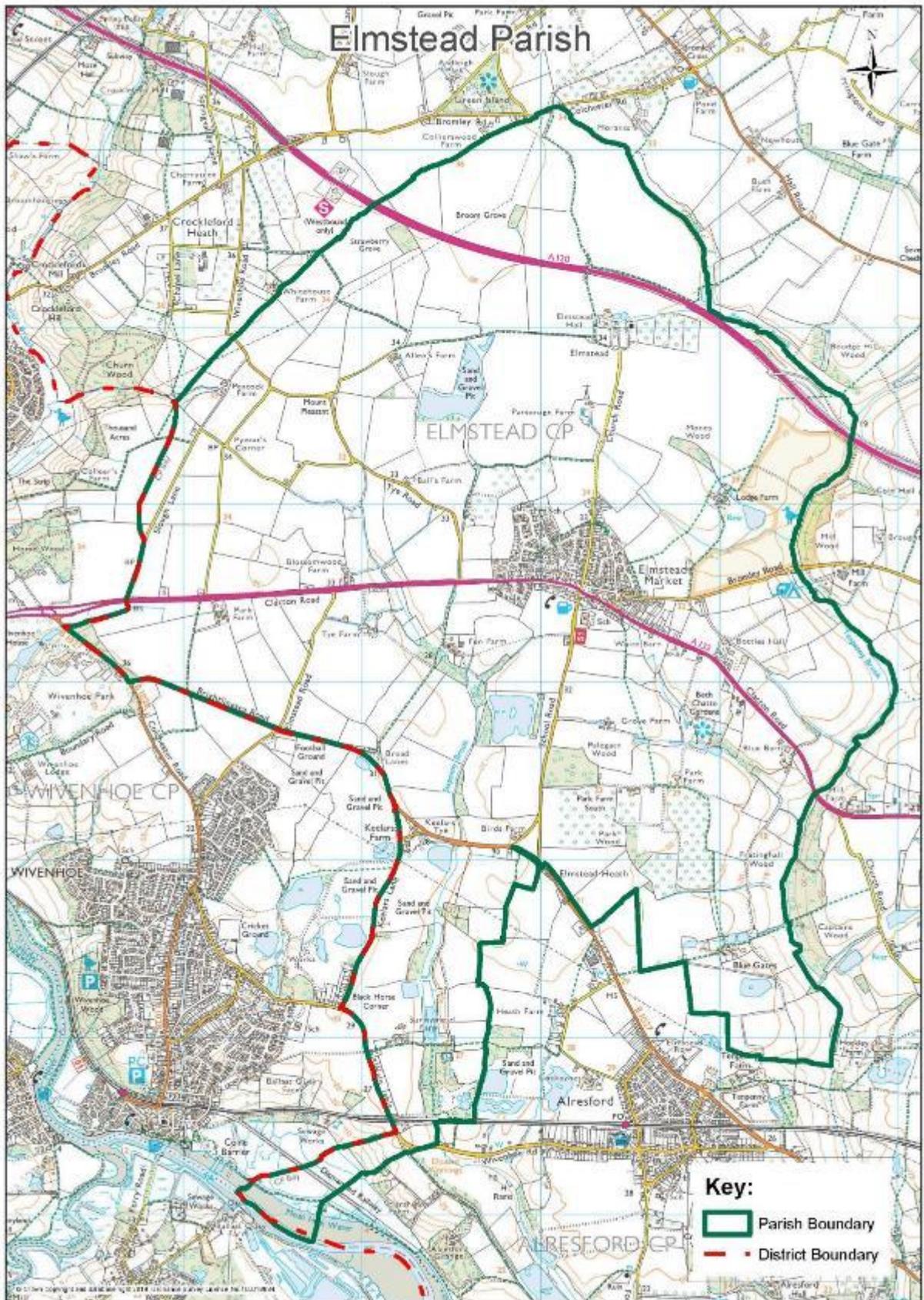
1. INTRODUCTION

1.1 This consultation statement has been prepared to fulfil the legal obligations of the Neighbourhood Planning Regulations 2012 (as amended) in respect of the Elmstead Neighbourhood Plan 2013 – 2033. The legal basis of this Statement is provided by Section 15 (2) of Part 5 of the 2012 Neighbourhood Planning Regulations, which requires that a consultation statement should:

- Contain details of the persons and bodies that were consulted about the proposed Neighbourhood Plan;
- Explain how they were consulted;
- Summarise the main issues and concerns raised by the persons consulted; and
- Describe how those issues and concerns have been considered and, where relevant addressed in the proposed neighbourhood plan.

Neighbourhood Plan Area Designation

1.2 Elmstead Parish Council ('the Parish Council') has prepared a Neighbourhood Plan (ENP) for the area designated by the local planning authority, Tendring District Council (TDC), in November 2020 (see Plan A below).



Plan A: Designated Neighbourhood Area

2. THE CONSULTATION PROCESS

Timeline of events

2.1 The timeline of events below demonstrates the evolution of the ENP.

2.2 Ongoing communications and feedback have been undertaken through regular updates via face to face meetings, Facebook, and email and flyers distributed across the parish. The Parish Council has received and noted minutes and a monthly update from its Neighbourhood Plan Steering Group. Minutes of Steering Group meetings are published on the Parish Council website and can be found at <https://www.elmsteadparishcouncil.org.uk/NPSG-minutes>

2020

- The Parish Council decides to begin the process of developing a Neighbourhood Plan in July 2020 and resolves to set up a Neighbourhood Development Plan Steering Group.
- Council members of the Steering Group attend several meetings on Neighbourhood Planning.
- The Parish Council submits an application to designate a Neighbourhood Area to TDC and area designated November 2020.

2021

- At a Parish Council meeting on 21 January 2021 the Neighbourhood Plan Steering Group is formalised; NP Facebook Page approved <https://www.facebook.com/Elmstead-Parish-Neighbourhood-Plan-104225531705664/>; a flyer is approved to be distributed to every household and a virtual meeting for residents due to pandemic
- The Steering Group commission planning consultants, Oneill Homer, in January 2021 to assist with formulating neighbourhood plan policy and identify gaps in evidence base
- Initial scoping session took place with Oneill Homer on 25 January 2021 via Zoom
- Early February 2021 NHP Flyer posted on Facebook and delivered to all households to provide introduction to ENP, invitation to virtual presentation and request for help (see Appendix A)
- First public meeting held on Zoom on 24 February 2021 to introduce ENP attended by 20 members of the public
- Follow up email sent on 2 March 2021 to all present at 24 February Zoom and those who provided apologies
- March 2021 Initial Survey hand delivered to all households and businesses with a deadline of 22 March 2021 (see Appendix B)
- Second public meeting held on Zoom on 4 May 2021 to discuss tasks and volunteers, following which contact made with members of the public who volunteered through Initial Survey in March 2021
- The Steering Group continues to meet and prepare evidence to support policy ideas of the ENP throughout the year
- Steering Group attends Elmstead Cricket Club community event on 25 September 2021 with ENP information

- Focus group session held in the Community Centre on 26 October 2021 to discuss draft policy ideas
- 6 November 2021 public exhibition on proposed ENP policy ideas held in the Community Centre (see Appendix D)
- A Draft ENP is discussed with officers of TDC 22 November 2021 and informed an SEA/HRA screening opinion
- December 2021 Second Survey hand delivered to all households and businesses with a deadline of 22 March 2021 (see Appendix E)

2022

- A feasibility study carried out in January 2022 related to the Elmstead Neighbourhood Development Order
- Virtual meeting with TDC 11/1/2022
- The Steering Group continues to meet and prepare evidence to support policy ideas of the ENP throughout the year
- An eight-week Pre-Submission Plan consultation commences on 1 August 2022 until 25 September 2022
- Virtual meeting with TDC 29/11/2022 to clarify Reg 14 comments

Public and Stakeholder Consultation

2.3 The Neighbourhood Plan Steering Group has been keen to ensure that the plan provides local residents with a voice as to how their community should grow and be sustainable, whilst continuing to be the strong and vibrant community that exists today.

2.4 Engaging with the community included:

- Holding local events
- Inviting local groups and organisations to comment
- Paper and online surveys
- Focus Workshops
- Regular Steering Group Meetings
- Regular updates to the Parish Council
- Meetings with TDC

using the following communication channels:

- Social media – Facebook
- Neighbourhood Plan and Parish Council Website
- Flyers/Posters on noticeboards, in shops, community areas, and Churches
- Flyers/Posters posted through every door
- Email (Statutory Consultees in particular and an email distribution list of residents who signed up)
- Parish Council Meetings

2.5 In July 2020 the Parish Council agreed to develop a Neighbourhood Plan as the way of positively engaging with planning bodies and developers. The Parish Council set up a Steering Group made up of Parish Councillors and local residents. This group coordinated two initial public meetings via Zoom due to COVID restrictions. Both of these events were facilitated by the Steering Group who provided factual guidance to understand early concerns and issues in the community (see Appendix C).

2.6 These concerns and issues were tested with the community in the Initial Survey using the channels listed previously. Over 200 responses were received, an 11% return rate which is considered good compared to the usual rate of response for surveys of this type (5-10%). With regard to the priorities, the consultation established the community's order of priorities as follows:

1. Housing and Development
2. Traffic
3. Community Facilities
4. Green spaces

2.7 Additionally, the survey highlighted the main issues were:

Housing and development

- Need for 1,2 and 3-bedroom properties
- Lack of affordable housing
- No more 4 or 5 bedroom properties
- Concerns over infill and back garden development

Traffic

- Speeding traffic is a severe problem
- Lack of puffin/pelican crossing
- People don't feel safe walking or cycling in the Parish
- Dangerous junctions in the village centre

Community Facilities

- Larger GP surgery to facilitate the increased volume of new residents
- Village pub
- Post office
- Café
- Chemist
- Specialist shop

Green spaces

- Protecting green gaps
- Biodiversity
- Protecting Grade listed buildings

2.8 The Neighbourhood Plan Steering Group presented the findings to Elmstead Parish Council. A final draft version was presented to residents on an open day on the village green. Posters in Council noticeboards, and article in Upmarket Parish News and social media were also used to advertise where the survey results could be viewed.

2.9 The engagement process aimed to involve as many local people as possible throughout the various consultation stages so that the Plan was shaped and informed by the views and knowledge of local people and other stakeholders. The Steering Group sought to engage with as wide a range of people as possible, using a variety of approaches and communication and consultation techniques. The results of activities were fed back to local people and available to read (in both hard copy and via the website) as soon as possible after the consultation events.

2.10 Throughout the process the Steering Group has also engaged with TDC to seek advice and guidance through correspondence and face to face meetings.

2.11 The Initial Survey led to a set of draft policy ideas and an exhibition was held to explore these ideas with local people <https://www.elmsteadparishcouncil.org.uk/exhibition-draft-policy-consultation-boards>. The outcome of the event demonstrated overall support for the direction that the ENP was headed in (see Appendix D).



2.12 A Second Survey was distributed the week commencing 13 December with a completion deadline of the end of the year. The Steering Group did discuss whether the survey should wait until January due to Christmas, but it was felt that this would cause an unnecessary delay to the Neighbourhood Plan. Additional comments would continue to be welcomed.

2.13 There were 149 responses and the answers to the first 17 questions show that the vast majority of responders showed support for the draft policies. The second 2 questions confirmed the findings of the Housing Needs Assessment. There was some interesting feedback on Green Infrastructure. There were no contentious issues raised and nothing to revisit (see Appendix F).

Pre-Submission Consultation Process

2.14 The Pre-Submission Plan was published as per the Neighbourhood Planning (General) Regulations 2012 Part 5 Regulation 14 (a) (as amended), through the channels outlined above, and to the list of organisations as per Neighbourhood Planning (General) Regulations 2012 Part 5 Regulation 14 (b) – see Table A for the list of consultees. Copies of the Pre-Submission Plan were sent to TDC as per Neighbourhood Planning (General) Regulations 2012 Part 5 Regulation (c) (as amended).

2.15 The consultation period lasted for 8 weeks
<https://www.elmsteadparishcouncil.org.uk/pre-submission-consultation.>

3. PRE-SUBMISSION FEEDBACK SUMMARY

3.1 The Pre-Submission Plan consultation generated comments from a number of organisations, including TDC, and the local community. The local community enthusiastically supported the main objectives of the plan although only 4 comments were formally submitted.

3.2 The Steering Group assessed each of the responses. Although the comments have not challenged the fundamental principles of the Plan, they have required time to consider how to accommodate requests and the final approach is set out below:

- Resident 1 – 1) *We are very much in favour of introducing Traffic Calming Measures to the village. Specifically, traffic entering the village from the east, the dual carriageway(A133) often travels at speeds up to 50/60 mph as they enter the 30 zone. With Hunters Chase traffic adding to the stream, the speed limit should be reduced to 40mph(from 60mph) several hundred yards to the west with the 30 mph starting before the Hunters Chase junction.*
2) We agree with a mini roundabout at the Alfells junction together with a pedestrian controlled crossing in this area.
3)At the Church Rd/Budgens junction we wish to make it clear that no part of Momples Hall garden will be ceded to the road network. Momples Hall is the second oldest property in Elmstead, dating back to the late 14th century, before that it was reputed to be King Johns Hunting Lodge. It is grade 2 listed, which includes its curtilage. The hedge adjoining Church Rd/A133 has origins in the 14th Century..
We would also object to traffic lights being installed at this junction.
A mini roundabout might be acceptable providing no part of the village green was lost.
We are prepared to take legal action to prevent any proposal that included any incursion to our property and the Green (owned I believe by Mr Gooch)
4) Speed limits to the east of the village need to be extended beyond Beth Chatto ,ideally to beyond the Chattowood development.
5) The Playing Field. We see that this Green Space appears not to be protected from further inroads from the School.. The owners, ie Elmstead residents , need legal assurances that what remains will be protected.
If, as mooted ,the existing Village Hall is replaced by up to 9 affordable units, there could be pressure to ingress into the Playing Field. In our opinion this is not acceptable.
Response: The Steering Group identified that the traffic calming measures will need to be agreed in detail at a later stage. The Playing Field is proposed to be designated as a Local Green Space.

- Resident 2 – *My representation for this Consultation:*

First I would like to congratulate the Parish Council for an impressive draft Local Plan. In particular, I fully support the Council's position, stated within this Local Plan, which strives to minimise the impact of the planned Garden Community on its residents' dwellings which are situated to the East of the proposed Link Road; by making specific proposals for the nature of the proposed separation buffer zone. This is clearly important for protecting a position close to the current "status quo" for the majority of Elmstead's residents.

However in addition, I believe the Council must similarly also strive to achieve some protection for the Elmstead Parish residents located to the West of the proposed Link Road. Clearly this is a tiny proportion of the total dwellings within the Parish, but it is also clear that the impact of the Garden Community and Link Road on them will be immeasurably greater. Therefore I suggest that it is the Council's duty to additionally include proposals to reduce the impact of the Garden Community/Link Road on this group of residents within its Local Plan.

Specifically I suggest the Elmstead Plan should reinforce and provide a little more detail on the relevant aspects stated within the TCBGC Draft Plan of March/April 2022, including:

- *The TCBGC Plan states that the development approach around the existing scattered residencies will be sympathetic to their existing setting. In principle this is positive but perhaps the Elmstead Plan could add a more detailed expectation of the implementation of this sympathetic approach and perhaps this should include the consideration of the proximity and appropriateness of new development/housing type/density, the need for green buffers and perhaps the time zoning of any development around these properties.*

- *Emphasising the need to take special measures to preserve as far as possible the setting of the only Protected Lane within the Parish, ie Turnip Loge Lane*

- *Supporting within the Elmstead Local Plan (as shown in the illustrative interpretation in the TCBGC Plan, Appendix 3, Masterplan Spacial Option 3A):*

- *the East -West green corridor/buffer from Churn Wood to Turnip Lodge Lane*

- *the network of existing lanes identified to become green pedestrian and cycle links,*

- *the landscape (noise separation) buffers identified alongside the Western edge of the Link Road*

Response: The Steering Group reviewed the ENP and considered that the ENP was seeking to achieve this aim as far as was possible in non-strategic policy.

- Resident 3 –

To/
RET

ELMSTEAD PARISH COUNCIL
ELMSTEAD NEIGHBOURHOOD PLAN
(PRE-SUBMISSION PLAN 2013-2033)

COMMENTS –
+ OPINIONS

ITEM (2-6) COMMENTS CONCERNING (LACK OF PROPERTY
BUILD FOR LOCAL 2ND GENERATION RESIDENTS)
"NOT STRONG ENOUGH, REQUIRES FURTHER ^{DETAILS} ON HOW
THIS SHOULD BE ACHIEVED.

ITEM (2-21) + (2-34) MORE DETAILS ON TRAFFIC
CONTROL SPEED + SAFETY + VOLUME. MAJOR CONCERN
ON "EXTRA TRAFFIC" THRO ELMSTEAD AS + WHEN THE ^{LINK} ROAD
A133/A120 IS COMPLETED. THIS LINK ROAD WILL BE A
MAJOR SOURCE OF ^{EXTRA} THROUGH TRAFFIC IN ELMSTEAD
BOTH WAYS. IT WILL BE INTOLERABLE!, AND ALSO
CREATE EXTRA POLLUTION.
ANY NUMBER OF CROSSING ON THE MAIN ROAD WILL
ONLY EXASPERATE THE FLOW OF QUEUING TRAFFIC
+ PEDESTRIANS. SURELY A BY-PASS SHOULD BE
CONSIDERED!!.

FINALLY THE AMOUNT OF "NEW HOUSING ON THE
ELMSTEAD SIDE" OF THE LINK ROAD IS FAR TO
CLOSE! TO ELMSTEAD BORDERS. THE ELMSTEAD
GAP HAS BEEN SWALLOWED UP + OUR OPEN
LAND HAS BEEN ERASED, + ELMSTEAD IS LEFT
BEING SUFFOCATED BY VAST AREAS OF HOUSING
QUESTION? WILL ELMSTEAD BECOME A STANWAY!
'DON'T HOLD YOUR BREATH'



Response: The Steering Group noted the comments provided.

- Resident 4 – *I attended the consultation event on Sunday on the village green and I noticed that St Anne and St Laurence Parish Church was not included on the Policies map or mentioned under Policy ELM18: Community Uses. I suspect this is an error as, despite being some distance from the village centre the parish church is a significant historic building for the community. It provides an important gathering hub for social and cultural events as well as contributing to the spiritual wellbeing of residents. Local groups such as the Brownies make regular use of the meeting room and the local schools hold festivals and concerts in the building. The church holds an annual art festival and other cultural events for the community. Regular Community Sunday lunches take place which are valuable for older folk and others on their own at the weekend. The spiritual significance of the building and the churchyard is also an important community resource. It is a place where local families come together at important times in their lives, to celebrate their marriage or the birth of a child and sadly when they lose a loved one. In addition, it provides a day-to-day space for quiet reflection and prayer which is important to the wellbeing of residents and visitors to the area in their busy lives. I do hope the document can be amended to include the church. If you need to discuss anything further, please contact myself or our Rector Rev Andrew Fordyce.*

Response: The Steering Group agreed to add the facility to Policy ELM18.

3.3 Oneill Homer reviewed the 10 comments from statutory consultees and landowners (see Appendix I) and made some recommendations (see Appendix J). The Steering Group reviewed the amendments and recommendations, met with TDC to clarify its response, and the following modifications were made and approved by the Parish Council which are reflected in the submission version of the ENP:

- Made changes throughout to show which policies apply to GC and which are not intended to apply to the GC as agreed with TDC, see specifically introduction to Section 5;
- Changes to Policy ELM1 to reflect amendments to Policy ELM3 on local gap;
- Minor wording changes to Policy ELM2 and its supporting text to explain how the western boundary of the buffer has been defined;
- Wording changes to Policy ELM3 to reflect amendments to Local Gap and Corridors of Significance following landscape appraisal recommendations;
- Minor changes to Policy ELM8 and supporting text to reflect changes made elsewhere where the policy has been examined;
- Minor changes to Policy ELM9 and supporting text to make it clear how the Code document interacts with the policy;
- Minor changes to Policy ELM12 – ELM13; ELM16 supporting text to clarify policy application and address community comments;
- Added Allen’s Reservoir to Policy ELM14;
- Included correct Church at Policy ELM18.

4. INDEX TO APPENDICES

Appendix A – NHP Flyer

Appendix B – Initial Survey

Appendix C – Initial Survey results

Appendix D – Exhibition Draft Policies

Appendix E – Second Survey

Appendix F – Second Survey Results

Appendix G – Reg 14/21 flyers

Appendix H – Reg 14/21 statutory consultee comments

Appendix I – Recommendations to respond to Regulation 14 representations

5. TABLE A REGULATION 14 CONSULTEES

	Statutory Consultation Bodies	Organisation
(b)	a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;	Essex County Council Tendring District Council
(b)	a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;	Colchester City Council Ardleigh Parish Council Beaumont Parish Council Bradfield Parish Council Brightlingsea Town Council Little Bromley Parish Council Alresford Parish Council Frating Parish Council Frinton and Walton Town Council Great Bentley Parish Council Harwich Town Council Lawford Parish Council Little Bentley Parish Council Little Clacton Parish Council Little Oakley Parish Council Mistley Parish Council Great Oakley Parish Council Ramsey and Parkeston Parish Council St Osyth Parish Council
(c)	the Coal Authority;	No details available
(d)	the Homes and Communities Agency;	Homes England
(e)	Natural England;	Natural England
(f)	the Environment Agency;	Environment Agency
(g)	the Historic Buildings and Monuments Commission for England	Historic England
(h)	Network Rail Infrastructure Limited (company number 2904587);	Network Rail
(h)	Network Rail Infrastructure Limited (company number 2904587);	Greater Anglia
(i)	a strategic highways company - any part of whose area is in or adjoins the neighbourhood area; (ia) where the Secretary of State is the highway authority for any road in the area of a local planning authority any part of whose area is in or adjoins the neighbourhood area, the Secretary of State for Transport;	Highways England
(j)	the Marine Management Organisation(6);	Marine Management Organisation

(k)	any person -	
(i)	to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and	Open Reach
(ii)	who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;	
(l)	where it exercises functions in any part of the neighbourhood area —	
(i)	a clinical commissioning group established under section 14D of the National Health Service Act 2006;	North East Essex Clinical Commissioning Group
(ia)	the National Health Service Commissioning Board;	NHS England
(ii)	a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989;	UK Power Networks
(iii)	a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(9)	Cadent Gas Limited
(iv)	a sewerage undertaker; and (v)a water undertaker;	Anglian Water
(m)	voluntary bodies some or all of whose activities benefit all	Various
(n)	or any part of the neighbourhood area;	
(o)	bodies which represent the interests of different racial,	
(p)	ethnic or national groups in the neighbourhood area;	
(q)	bodies which represent the interests of different religious	
	groups in the neighbourhood area;	
	bodies which represent the interests of persons carrying	
	on business in the neighbourhood area; and	
	bodies which represent the interests of disabled persons	
	in the neighbourhood area.	
	Businesses, landowners and their representatives	

THE ELMSTEAD NEIGHBOURHOOD PLAN
2013 – 2033

JANUARY 2023

BASIC CONDITIONS STATEMENT

Published by Elmstead Parish Council
under the Neighbourhood Planning (General) Regulations 2012 (as amended)

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4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT	12
5. CONDITION (E): GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN	15
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1.INTRODUCTION

1.1 This statement has been prepared by The Elmstead Parish Council ("the Council") to accompany its submission of the Elmstead Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, Tendring District Council ("TDC"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations").

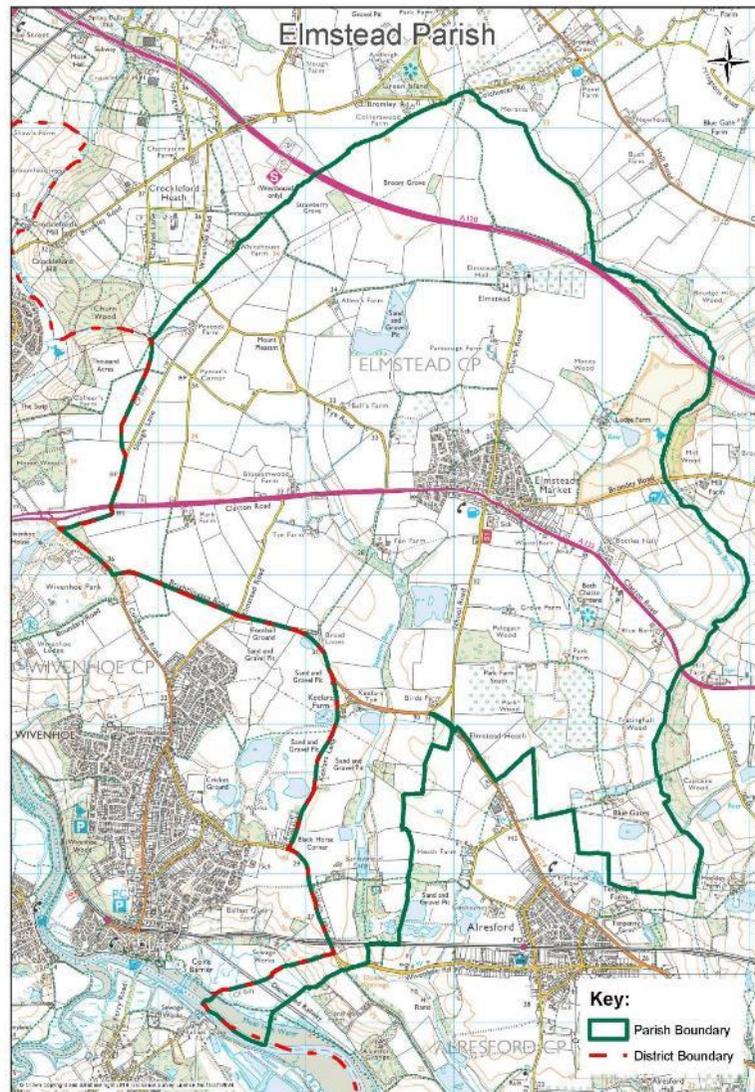
1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Elmstead shown on Plan A below. TDC designated the Area in November 2020.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2013 to 2033, the end date of which corresponds with the plan period of the Tendring Local Plan ("the Local Plan"). This will enable the two plans to neatly operate alongside each other and to be monitored and reviewed on a similar timeframe.

1.4 The statement addresses each of the 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),
- d) The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- e) The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f) The making of the Neighbourhood Development Plan does not breach and is otherwise compatible with retained EU obligations.



Plan A: Designated Neighbourhood Area

1.6 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §410-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

“... the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan as a whole ... any tension between one policy in the Neighbourhood Plan and one element of the ... Local Plan (is) not a matter for the Examiner to determine.” (our emphasis)

1.7 The case acknowledged that there will often be tensions between different strategic policies when considered against the non-strategic policies of a specific local area covered by a Neighbourhood Plan. It sensibly concluded that such tensions can only be resolved by the qualifying body using its planning judgement to strike an appropriate balance across the plan as a whole. The examination tests the extent to which the qualifying body as exercised its judgement in a reasonable way. The fact that the local planning authority, in its representations on the plan, indicates that it would strike the balance differently, does not disable the qualifying body from doing so.

1.8 It is noted that the case law has not yet explicitly established the same principle for Condition (a) in respect of the regard to national policy, but it seems reasonable to expect the Courts would reach the same conclusion, given there will also be a range national policies influencing plan making, and that some of those policies may also be in tension. It is therefore expected that the examination of this Condition will take the same approach as Condition (e).

1.9 For these reasons, sections 3 and 5 of this Basic Conditions Statement highlight how policies of the Neighbourhood Plan are considered to meet Conditions (a) and/or (e), explaining how the qualifying body has exercised its judgement in those cases “where different parts of national policy need to be balanced” (§070) and how it has taken into account the criteria of §074 on general conformity. Finally, it explains how the Neighbourhood Plan as a whole meets Conditions (a) and (e).

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2020. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish. Although a rural parish, there are major strategic allocations and strategic transport schemes within the Parish. The Parish Council considered that having a Plan would improve the way in which future development proposals are managed through expressing the identity of the existing village community.

2.2 A steering group was formed comprising local residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in July 2022 and the Submission Plan now.

2.4 The Parish Council has consulted local communities extensively over the duration of the project. It has also sought to work closely with officers of TDC to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan, the Local Plan and the emerging Development Plan Document (DPD) being prepared for the Tendring Colchester Borders Garden Community extending into the Parish. The nature and outcome of these various publicity and consultation exercises are set out in the separate Consultation Statement.

2.8 The Neighbourhood Plan contains 18 land use policies (ELM1 – ELM18), which are defined on the Policies Map where they apply to a specific part of the Area. The Plan has deliberately avoided containing policies that duplicate adopted development plan policies or national policies that are already used to determine planning applications in the Area. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. In overall terms, there are a number of NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

General Paragraphs

3.2 The Parish Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Parish Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct, and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals nor any other policies that will unreasonably result in less development than set out in the strategic policies for the area (§29). In this regard, the District Council has confirmed that the ‘housing requirement figure’ for the Parish is zero in accordance with the NPPF provisions of meeting local housing needs (as per §66). Through choosing not to make any housing site allocations, it is accepted that the provisions of §14 will not apply. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

Table A: Neighbourhood Plan & NPPF Conformity Summary

No.	Policy Title	NPPF Ref.	Commentary
ELM1	Settlement Development Boundaries	15, 16, 66, 78, 120, 174	<p>Settlement Boundaries are planning policy tools that are a well-established and a fundamental means of enabling the plan-led system to operate effectively (§15) by distinguishing the built up area of the settlements in the Parish from the surrounding countryside (§174) providing clarity so that it is evident how the decision maker should react to proposals (§16). The boundaries have been drawn following the conventions used by TDC, that also use this policy tool.</p> <p>Although TDC has confirmed that the 'housing requirement figure' for Elmstead is zero (§66), defining the boundaries will assist in directing the location of any future proposals for rural exception sites (§78) and support opportunities for using suitable brownfield land for homes and other identified needs (§120).</p>
ELM2	Protecting the setting of Elmstead Market	174, 189	<p>The policy defines a valued landscape buffer between the village of Elmstead Market and the new proposed Tendring Colchester Garden Community contributing to conserving the natural environment by protecting this valued landscape in a manner commensurate with its identified quality in the evidence base (§174) as well as conserving heritage assets contained within this landscape (§189).</p> <p>Although the defined landscape buffer spans across open countryside, proposals which are suited to the open countryside, including exception sites, could still come forward. In those cases, the policy seeks to ensure that development proposals understand and respond to the value of the landscape buffer in maintaining the identity and landscape setting of Elmstead Market when determining their developable area, layout, built form and landscaping strategies.</p>
ELM3	Gaps between settlements	174	<p>The policy sets out the way in which proposals in key locations in the Parish will conserve its natural environment. It contributes to conserving the natural and local environment by protecting a specific type of valued landscapes in a manner that is commensurate with their identified quality in the evidence base (§174). The goal of preventing the visual or physical coalescence of settlements is a long-established principle in development plan making, even if the quality of the land itself is unremarkable.</p> <p>The evidence base identifies a local gap and a couple of corridors that serve this essential purpose and are valued by the local community for that reason. The policies seek to ensure that development proposals understand and respond to the value of the local gap and each corridor in maintaining the separate identity of the settlements when determining their developable area, layout, built form and landscaping strategies.</p>
ELM4	The former Elmstead Community Centre	62, 70, 78, 93	<p>The site is currently being used as a community centre, however the use of the site as a community centre will cease as soon as a new community centre, being provided on land opposite the existing site, becomes operational. The policy therefore only supports the site being used for residential development upon the delivery and operation of the new community centre. The ability of the local community to meet its day-to-day needs will therefore not be reduced in line with the provisions of §93 of the NPPF. Rather, the use of this surplus community use site has provided the local community with the opportunity</p>

			to provide much needed smaller affordable homes to meet a local need, in line with the provisions of §62 and §78 of the NPPF. By utilising this site for residential use, this policy acknowledges §70 regarding small and medium sized sites suitable for housing. An NDO is being brought forward alongside this Neighbourhood Plan to grant planning permission for an outline scheme of this nature. The Parish Council, as landowners, is currently negotiating with a delivery partner to bring forward a reserved matters scheme.
ELM5	Affordable Housing	58, 62, 63, 64	This policy specifies a starting point for the types of affordable housing that is needed in the Parish as guided by the evidence base (§62, §63) and seeks to lower the affordable housing threshold for the Designated Rural Area of Elmstead outside of the Tendring Colchester Borders Garden Community, as per the provisions of §64. The adequate and proportionate viability evidence of the recently adopted Tendring Local Plan Part 2 indicates that this lower threshold ought to continue to result in surplus and therefore the Parish Council does not consider that viability is a limiting factor (§58).
ELM6	First Homes	58	The policy defines a higher minimum discount, at a 40% discount from full open market value, for First Homes outside the Tendring Colchester Borders Garden Community, as guided by the evidence base. Whilst the requirements for First Homes has not yet been translated into the NPPF it has been required by a Written Ministerial Statement of 24 May 2021 and Planning Practice Guidance provides neighbourhood planning groups the discretion to require a higher minimum discount (Paragraph: 004 Reference ID: 70-004-20210524). The adequate and proportionate viability evidence of the recently adopted Tendring Local Plan Part 2 indicates that this higher minimum discount ought to continue to result in surplus and therefore the Parish Council does not consider that viability is a limiting factor (§58). In any event, Policy ELM5 makes provision for a mix of affordable homes as a starting point for applicants to respond to in the design of their schemes.
ELM7	Housing Mix	62, 78	The evidence base illustrates that there is a need for more smaller housing to accommodate first time buyers and those looking to downsize. In response to this, the policy seeks to ensure that proposals for new residential developments, including rural exception sites (§78) prioritise a majority 1 and 2 bedroom dwellings (§62).
ELM8	Zero Carbon Buildings	152, 154	The policy encourages the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and to support renewable and low carbon energy and associated infrastructure (§152). It encourages new development to be planned for in ways that help to reduce greenhouse gas emissions, such as through its location, orientation and design (§154). Applicants can continue to choose to bring forward schemes that meet TDC's policy standards, but must demonstrate that there is no performance gap through post occupancy evaluation. There is therefore no requirement to meet the PassivHaus standard but an incentive as this, or an equivalent, standard, guarantee no performance gap if certified, and is therefore not subject to a post occupancy evaluation. The avoidance of making zero carbon a requirement – no matter how much recent events are proving

			its absolute long term worth for energy bills and climate change mitigation – reflects current Government policy, irrespective of the Climate Change Act and all other contradictory policy announcements on this matter over the last couple of years. For this same reason, viability is not an issue. To be clear, the policy is drafted in a way that does not engage the 2016 Written Material Statement on the subject, which although now out-of-date and superseded by any number of subsequent Government policy statements, continues to be alleged as a means of preventing neighbourhood plans from contained any meaningful policy covering this agenda.
ELM9	Design Codes	126, 127, 128	This policy, through the appended Design Code, defines the special qualities of the village and is intended to ensure that these qualities shape future development in the village, as per §126 and §127. The design expectations are made clear but are not intended to be overly prescriptive, so allow for innovative design solutions (§128).
ELM10	Important Views	174, 190	The policy identifies a number of key views which also contribute to the appreciation of the special landscape and scenic qualities of the area (§174) as well as aspects of its historic environment (§190). Whilst the policy will not prevent developments that lie within a view, it requires that proposals recognise and take account of these in their design. It reflects the Government's objective to conserve and enhance the natural and historic environment and to pursue these objectives at a local level (§174 and §190).
ELM11	The Village Core	84	This policy defines the Village Core and Village Centre boundaries to retain and develop essential local services and facilities and an important meeting place for the village, in line with the provisions of §84.
ELM12	Movement and Connectivity	104, 106	These policies encourages transport issues to be considered from the earliest stages of development (as per §104) proposals so that the potential impacts on the highway network are understood and opportunities to promote walking and cycling and highway safety are identified and pursued. Policy ELM12 identifies the existing Active Travel Network on the Policies Map for the purposes of supporting active travel in the Parish. By also identifying opportunities for footpath and multi use route expansion or improvement, this policy runs in line with §106, which supports identifying and protecting routes for widening transport choice. Policy ELM13 identifies locations where investment in traffic management proposals can improve the walking and cycling environment to promote its use.
ELM13	Managing Traffic		
ELM14	Local Green Spaces	101, 102, 103, 143	The policy designates a series of Local Green Spaces in accordance with §101 - §103 of the NPPF. A designation has the policy effect of the equivalence of the Green Belt (§103) in terms of the definition of 'inappropriate development' and of the 'very special circumstances' tests in the NPPF when determining planning applications located within a designated Local Green Space. All of the Local Green Space candidaes, provided by the evidence base, have been tested against the criteria of §102 to achieve designation and landowners have been consulted. Each of these designations are also capable of enduring beyond the plan period in line with §143.
ELM15	Green Ring	153, 154, 174, 175, 179	This policy establishes a Green Ring, and defines its broad locaiton on the Policies Map recognising the NPPF's acknowledgement of this type of infrastructure as serving many simultaneous purposes, from

			providing a local recreational asset, to enhancing biodiversity, protecting visual amenity and adapting to climate change. It requires development to respond to it in bringing forward any future proposals.
ELM16	Nature Recovery	153, 154, 174, 175, 179	The policy defines the Green Infrastructure network as one means of ensuring the future resilience to climate change impacts and to support nature recovery (§153 and §174). The policy contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures through identifying, mapping and safeguarding these components. It is therefore consistent with the aims of §174 and §179 in these respects.
ELM17	Health and Wellbeing Service Provision	92	This policy recognises that new residential developments would place further pressure on the Elmstead Surgery in line with recent decisions on planning applications in Elmstead made by TDC. In light of this, new residential development proposals will only be permitted where they provide or improve the delivery of essential health and/or wellbeing facilities and services required to serve the scale of the development proposed in line with §92.
ELM18	Local Community Uses	93	This policy seeks to protect popular and cherished social, recreational and cultural facilities across the parish whilst supporting those facilities to develop and modernise providing it does not result in the unnecessary loss of valued facilities in line with §93.

3.5 It is considered that all the policies have had full regard to national policy, with no incidence of two or more national policies being in tension nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 As neither a Sustainability Appraisal nor Strategic Environmental Assessment Report have been required of the Neighbourhood Plan, the Statement sets out in Table B below how each of the policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to significantly positive (dark green), moderate positive (light green), neutral (yellow), moderate adverse (light red) or significant (dark red) adverse effects.

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environmental	Commentary
ELM1	Settlement Development Boundaries	Yellow	Yellow	Light Green	The physical containment of the settlements will ensure that its historic and rural character, and the surrounding landscape will be protected, leading to a moderate environmental effect. There continue to be opportunities within the settlement boundaries, as well as opportunities for rural exception sites to come forward. Its social and economic effects are neutral.
ELM2	Protecting the Setting of Elmstead Market	Light Green	Yellow	Dark Green	The policy will have a significant positive environmental effect and a moderate social effect in defining and protecting the valued characteristics of the defined Green Landscape Buffer and providing access to the countryside. Its economic effect is neutral.
ELM3	Gaps Between Settlements	Light Green	Yellow	Dark Green	The policy will have a significant positive environmental effect and a moderate social effect in maintaining the separate identities of the villages in the Parish by preventing their visual coalescence. Its economic effect is neutral.
ELM4	The Former Elmstead Community Centre	Dark Green	Yellow	Yellow	These policies will have a significant positive social effect in starting to address the current imbalance in the range of housing types in the village including the growing need for affordable housing. In the case of Policy ELM4, the replacement community centre avoids a negative effect as it is being replaced by a new community facility nearby and is no longer needed as such. Its economic and environmental effect is neutral.
ELM5	Affordable	Dark Green	Yellow	Yellow	

	Housing				
ELM6	First Homes				
ELM7	Housing Mix				
ELM8	Zero Carbon Buildings				The policy encourages the use of the PassivHaus standard (or equivalent) for all new buildings as a primary means of tackling climate change and the energy crisis in the coming years. For those projects that choose not to meet that standard (for as long as national policy allows it) then it requires that the lower energy performance standards of the proposed buildings are at least achieved post construction. Not only will this lower the adverse environmental effect of new buildings, it will also significantly lower energy bills for occupiers. It also requires an assessment of how the scheme will reduce embodied carbon over its lifetime. It therefore aims to have positive effects in all respects.
ELM9	Design Codes				The policy will have a significant positive environmental effect and a moderate social effect in conserving the essential character of the village, and some of its history, which local people care about. Its economic effect is neutral.
ELM10	Important Views				This policy will have a significant positive environmental effect though preserving and enhancing the local character of the landscape. Its social and economic effect is neutral.
ELM11	The Village Core				The policy will have significant positive social and economic effects in seeking to protect the critical mass of shops and services in the village centre and promoting it as a meeting place. Its environmental effect is neutral although it will reduce people travelling out of the area to meet their day to day needs.
ELM12	Movement and Connectivity				The policy contains a series of proposals to reduce the dependency of the local community on vehicles for moving around the Parish. This will have positive social effects (in encouraging and enabling healthier lifestyles) but also environmental effects in reducing the need for car-based trips. It is neutral in its economic effects.
ELM13	Managing Traffic				The policy will have significant positive environmental and social effects in improving the public realm in the village centre and other popular locations in the Parish to encourage walking, cycling and recreation in safe and pleasant surroundings. As a result, it will have a moderate economic benefit in encouraging the use of local shops and services in those locations.
ELM14	Local Green Spaces				The policy will have a significant positive social effect in protecting a range of publicly accessible open spaces within the villages from inappropriate development. The policy will have a moderate

			environmental effect as some but not all the spaces have some environmental (e.g. biodiversity, heritage) value. Its economic effect is neutral.
ELM15	Green Ring		Similarly to ELM14, the policy will have a significant positive social effect in seeking to ensure that future development responds to the vision to create a Green Ring around the village that connects its most valuable recreational spaces to create a circular walk. The policy will have a moderate environmental effect as some but not all the spaces have some environmental (e.g. biodiversity, heritage) value. Its economic effect is neutral.
ELM16	Nature Recovery		The policy establishes a coherent green infrastructure network of a variety of asset types which anticipates national policy initiatives like biodiversity net gain and local nature recovery. Given some are publicly accessible assets and enjoyed by the local community, it aims to have a positive social as well as environmental effect and is neutral in its economic effect.
ELM17	Health and Wellbeing Service Provision		The policy will have a significant positive social effect in protecting the community services and facilities, including its health and wellbeing services at Policy ELM17, that are well used and cherished by the village communities. Its economic and environmental effects are neutral.
ELM18	Local Community Uses		

5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the district, that is primarily the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and Tendring District Local Plan 2013-2033 and Beyond Section 2, both of which also cover the period to 2033. In doing so, the Parish Council has worked closely with TDC with the aim of ensuring that both consider this basic condition has been fully met. The Parish Council has also been mindful of the provisions of the Essex and Southend-on-Sea Waste Local Plan 2017 and the Essex Minerals Local Plan 2014 which also forms part of the development plan.

5.2 Most areas of the Neighbourhood Plan Area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing proposals contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged. Policy S8 of the Essex Minerals Local Plan identifies a number of Minerals Safeguarding Areas in the parish due to the presence of sand and gravel deposits beneath the ground. These areas seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing proposals supported by Policy ELM2 in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.

5.3 Within the Neighbourhood Plan Area there are Mineral Consultation Areas in relation to Elmstead Hall Quarry and Wivenhoe Quarry. These areas are subject to Policy S8 of the Essex Minerals Local Plan, which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure. There is also a Waste Consultation Area in relation to Ardleigh Waste Transfer Station. This area is subject to Policy 2 of the Essex and Southend-on-Sea Waste Local Plan, which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-waste development proposed within these areas. Essex County Council is currently undertaking a Minerals Local Plan Review. As minerals and waste matters are 'excluded development' for Neighbourhood Plans, the Parish Council, where necessary, will engage in the Minerals and Waste Local Plan preparation process.

5.3 A consultation on a draft Development Plan Document (DPD) for the Tendring Colchester Garden Community extending into the parish recently ended. In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of this emerging DPD. However, it is noted that the proposals and evidence base for the Tendring Colchester Garden Community have been used to inform the Neighbourhood Plan.

5.4 Elmstead Market is defined as a 'Rural Service Centre' in the settlement hierarchy in the adopted Local Plan Part 2. The Local Plan makes no development allocations in the neighbourhood area but the area of search for the Tendring Colchester Garden

Community extends into the designated neighbourhood area. A summary assessment of the general conformity of each policy, and its relationship with adopted policy where relevant, is contained in Table C below.

Table C: Neighbourhood Plan & Development Conformity Summary		
No.	Policy Title & Refs	Commentary
ELM1	Settlement Development Boundaries	<p>The definition of settlement boundaries remains an important feature of Tendring's Local Plan Part 2 in distinguishing how planning applications are considered if they relate to land inside or outside a boundary. The policy is consistent with Local Plan Part 2 Policies SPL1 Managing Growth and SPL2 Settlement Development Boundaries in only supporting housing development within the newly defined boundaries, as Elmstead Market is defined as a Rural Service Centre where new development will occur through the completion of existing planning permissions, unidentified 'windfall' sites within settlement development boundaries or through Rural Exception Sites where a need has been identified.</p> <p>The policy also refines Policy SPL2 Settlement Development Boundaries to make it clear that outside of these defined settlement boundaries development will only be supported if they accord with policies managing development in the open countryside to provide certainty to applicants and the community and to recognise the valued function of the countryside in shaping the rural character of Elmstead.</p>
ELM2	Protecting the Setting of Elmstead Market	The policy complements the Strategic Gap provisions of Policy PPL6 of Tendring's Local Plan Part 2 by identifying land that will separate the village settlement Elmstead Market from the Tendring Colchester Garden Community. The evidence base demonstrates that the land included within the Green Landscape Buffer is that where development would contribute significantly to the effect of visual coalescence between two settlements. It does not incorporate land within a settlement boundary and so does not hinder appropriate infill development, nor does it prevent development or uses suited to the open countryside and those which would not compromise the functions of the Green Landscape Buffer. The policy also seeks to encourage positive landscape change in accordance with Policy PPL3 of Tendring's Local Plan Part 2.
ELM3	Gaps Between Settlements	The policy gives local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape by refining it to identify at a more local scale the specific local important that the local gap and corridors between settlements have in defining those settlements. The policy also seeks to encourage positive landscape change in accordance with Policy PPL3.
ELM4	The Former Elmstead Community Centre	There is a need to relocate this type of facility to address the weaknesses of the current location and buildings, but to retain its provisions as an essential community facility serving the Parish. The New Elmstead Community Centre (NECC) is anticipated to meet this need. The provision of this NECC is therefore a replacement facility within the vicinity of the Former Elmstead Community Centre (FECC) and will not lead to a shortfall in provision in line with the requirements of Policy HP2 Community Facilities. The policy therefore establishes the principle for residential use on this site to deliver an affordable housing scheme (in line with Policy LP5) to meet local needs once the NECC has become operational.
ELM5	Affordable Housing	In the first instance, the policy lowers the minimum threshold at which affordable housing must be delivered by residential schemes from the 11 or more (net) homes outside of the Tendring Colchester Borders Garden Community of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2 to 6 or more (net) homes given that Elmstead has been designated as 'rural' under Section 157 of the Housing Act 1985 (SI 2005/1995). This is provided for by §64 of the

		<p>current NPPF which was originally introduced in 2018 (which post-dates the 2012 NPPF under which the Tendring Local Plan Part 2 was examined and therefore makes no provision for this).</p> <p>The Inspector's report on Tendring's Local Plan Part 2, issued 24 November 2021, recognises in paragraph 116 that "At the hearing sessions we heard evidence as to the historically weak rate of delivery of affordable housing and the high level of need in the district" and recommended modifications to the Local Plan which seek to maximise the delivery of affordable housing on site. The policy therefore also requires that the affordable homes should be delivered on site, which accords with the approach of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2. However, it may be agreed that a preferable delivery strategy to optimise the value of affordable homes to the village is to consolidate them on one site. If that is the case, then a scheme may make a financial contribution to that other scheme. If an applicant considers there is a need for an element of market housing to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2.</p> <p>Tendring's Local Plan Part 2 Policy LP5 Affordable Housing was prepared prior to the introduction of the new 'First Homes' affordable housing product by the Government in summer 2021. First Homes are a specific discounted market sale housing and meet the definition of 'affordable housing' for planning purposes. Planning Practice Guidance now requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes and that they (and the mechanism securing a discount in perpetuity) will be secured through section 106 planning obligations.</p> <p>The second and third part of the policy therefore makes provision for First Homes and requires a specific tenure mix for affordable housing provision on qualifying sites and wholly affordable sites respectively as guide by its evidence base which may come forward in Elmstead during the plan period. If an applicant considers there is a need for an element of market housing on sites outside of the settlement boundaries to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP6 Rural Exception Sites of Tendring's Local Plan Part 2.</p>
ELM6	First Homes	Whilst there is no direct policy provision relating to First Homes in Tendring's Local Plan Part 1 and 2, the policy reflects the guiding principle of Tendring's Local Plan Part 2 Policy LP5 which seeks to help those who cannot afford housing on the open market.
ELM7	Housing Mix	Tendring's Local Plan Part 2 Policy LP2 Housing Choice adopts a flexible approach to housing mix, and states that TDC will work with the development industry and housing providers to deliver a mix of dwelling types, sizes and tenure to address local requirements. The policy therefore gives local effect to Policy LP2 by setting a specific requirement for all new homes in the Parish as a starting point specific to the designated neighbourhood area.
ELM8	Zero Carbon Buildings	The policy complements Policy SPL3 Sustainable Design of Tendring's Local Plan Part 2 but refines its requirements to bring this policy context up to date with contemporary thinking and national policy provisions for tackling climate change through the energy performance of new buildings.
ELM9	Design Codes	The policy compliments Policy SP7 Place Shaping Principles of Tendring's Local Plan Part 1, which specifically references Design Codes and highlights the importance of new developments responding to and enhancing the

		quality of the existing environment. The policy also places additional local emphasis to the design quality principles of Tendring's Local Plan Part 2 Policy SPL3 Sustainable Design by highlighting the particular characteristics of the Parish.
ELM10	Important Views	The policy gives local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape by refining it to identify at a more local scale the specific local important views to prevent development that would compromise their special value.
ELM11	The Village Core	The policy refines Tendring's Local Plan Part 2 Policy PP3 in establishing how proposals can enhance the village centre. The policy continues to protect uses which contribute to meeting day-to-day needs within a defined village core as per Policy PP3, but also recognises that change surrounding this core will impact the way in which the area is used. It therefore establishes the approach to development within this wider village centre area which contributes to the vitality of the village core in line with the guiding principle of Policy PP3.
ELM12	Movement and Connectivity	The policy seeks to encourage safe, accessible and convenient means of walking, cycling and horse riding through the Parish. It refines Tendring's Local Plan Part 1 Policy SP6 Infrastructure and Connectivity by providing a local element to its provisions in terms of seeking an attractive, safe, legible and prioritised walking/cycling environment. Policies CP1 Sustainable Transport and Accessibility and CP2 Improving the Transport Network of Tendring's Local Plan Part 2 support developments which contribute and provide access to sustainable modes of transport, including walking, cycling and public transport.
ELM13	Managing Traffic	The policy identifies Key Locations where there are opportunities for traffic mitigation measures and public realm improvements to make walking and cycling more pleasant as a means by which traffic management effects and measures are tackled and invested in by development proposals. It operates alongside Policy ELM12 in seeking to encourage walking and cycling and refines Tendring's Local Plan Part 1 Policy SP6 Infrastructure and Connectivity by providing a local element to its provisions.
ELM14	Local Green Spaces	The supporting text of Local Plan 2 Policy HP4: Safeguarded Open Space makes provision for Neighbourhood Plans to designate open spaces of particular local value as 'Local Green Space' which are afforded an additional level of protection, ruling out new development other than in very special circumstances. To achieve designation, Local Green Space candidates will have to meet the criteria set out in NPPF §102. The policy therefore identifies spaces which meet such tests as demonstrated in the evidence base.
ELM15	Green Ring	The policies define the presence of Green and Blue Infrastructure assets in the Parish. By doing so it supports the vision and Place and People objectives of the Essex Green Infrastructure Strategy 2020 and Tendring's Local Plan Part 2 Policy HP3 Green Infrastructure and provides a local element to its provisions.
ELM16	Nature Recovery	
ELM17	Health and Wellbeing Service Provision	Given that no specific site proposals have come forward, and the existing site is unable to accommodate expansion, the policy seeks to refine Tendring's Local Plan Part 1 Policy SP6 Infrastructure & Connectivity and Local Plan Part 2 Policy HP1 Improving Health and Wellbeing by way of supporting the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives, in line with the STP Estate Strategy.
ELM18	Local Community Uses	The policy refines Policy HP2 Community Facilities of Tendring's Local Plan Part 2 by identifying local community facilities to which that policy should apply. It also makes provision for a partial change of use in the event that such

		schemes safeguards the community use which is considered to be in line with the guiding principle of Policy HP2 in seeking to avoid the unnecessary loss of such uses.
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5.20 It is considered that all of the policies are in general conformity with the strategic policies of the adopted Local Plan, with no incidence of two or more strategic policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

6. CONDITION (F): COMPATABILITY WITH EU LEGISLATION

6.1 In January 2022 TDC has published a screening opinion that has determined that a Strategic Environmental Assessment is not required, following consultation with statutory bodies, as per Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended). A copy of the screening opinion is published separately. The Parish Council Forum has therefore met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan.

6.2 The Parish Council has also met its obligations in relation to the habitat provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Parish Council provided TDC with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. TDC's Habitats Regulations Screening Assessment concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a designated site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

6.3 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.4 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.5 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan does not include any policies in direct relation to the management of air quality. However, it is likely that ELM12 and ELM13 will have a positive impact on air quality in the area. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

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Elmstead Parish Council Neighbourhood Development Order

March 2023 Submission version

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**Elmstead Parish Council Neighbourhood Development Order
Submission Order** under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

March 2023 Submission version

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1 introduction

1.1 what is a Neighbourhood Development Order?

A Neighbourhood Development Order (NDO) Submission is comparable to a Planning Application, but with two key differences:

- a NDO can only be submitted by a qualifying body such as a Parish Council, community group or organisation (and so are usually drafted to deliver community benefit).
- a NDO can only be approved or 'made' if the local community votes in favour of it at a referendum. (A Planning Application is 'granted', whereas a 'Submission' NDO is 'made' - the result is however basically the same, in that the proposals set out become accepted under planning law).

The right of qualifying bodies, in this case Elmstead Parish Council, to produce and submit a Neighbourhood Development Order is granted under the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.2 why has Elmstead Parish Council submitted this NDO?

The Parish Council has prepared this NDO to support the Neighbourhood Plan which includes a policy supporting the delivery of an affordable housing scheme to meet an identified need in the Parish on the former Elmstead Community Centre site. A NDO can support a neighbourhood plan in a number of ways:

- by illustrating in greater detail particular proposals set out within the Neighbourhood Plan and thus give the community a better idea of what is intended.
- by giving the community the opportunity to decide whether or not to support these particular proposals.

if the proposals are voted for, then the local authority (Tendring District Council) will 'make' the Order. This will be the equivalent to giving this Policy within the Neighbourhood Plan an outline planning consent which will bring it that much closer to being delivered.

1.3 the purpose and organisation of this document.

This is the Draft version of the Order being published under Regulation 21 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It is being published alongside the Elmstead Neighbourhood Plan that contains Policy ELM4: The Former Elmstead Community Centre and this Order is intended to implement that Policy.

The proposed development of the Order is not considered to be Schedule 1 or 2 development and therefore does not fall within the remit of the EIA (Environmental Impact Assessment) Regulations 2017 and is not likely to have a significant effect on the environment. However, the Neighbourhood Plan Policy which this is intended to implement, has been subject to a Strategic Environmental Assessment screening which determined that there are no likely significant environmental effects anticipated.

Whilst part of the purpose of this document is to illustrate the proposals for the NDO, it also provides two distinct kinds of information and, depending on the interest of the reader, the following may be a useful guide to its use.

1 introduction

For those wishing to form a view as regards to both the benefits and character of the proposals the following sections of the document might be best focused upon:

The introduction in **Section 1** which provides an overview of the nature and purpose of the Order and the benefits of the proposals to the community.

The design statement in **Section 4** which provides illustrations of the design proposals and information to help provide an understanding as to why the designs have been developed as they have.

For those wishing to review the planning law framework associated with the Order, the other sections of the document should be referred to, in particular:

Section 3 which outlines the Conditions that will need to be met so that the proposals can be implemented. These Conditions require further technical and design work before the detailed proposals can be prepared and approved for planning and building control matters in the same way, and to the same standards as any other project.

- **Section 7** the consultation statement which provides a record of the consultation carried out with the local community and other parties.

Of the remaining sections of the document,

- **Sections 5 & 6**, relate to the Archaeological and Heritage issues and demonstrate that the proposals will not affect any archaeological features or be detrimental to the setting of any heritage assets or designations.
- **Section 8** explains how the Order meets the Basic Conditions required for it to be put to a referendum and made.

1.4 background

This Order is proposed to help meet a local housing need identified through the Neighbourhood Plan process.

The Elmstead Housing Needs Assessment (EHNA) established a current estimated backlog of affordable rented housing in the neighbourhood area and a need to provide affordable routes to home ownership.

The Parish Council, as landowner, has therefore investigated whether the former Elmstead Community Centre site could be redeveloped to provide much needed affordable homes to help meet this local need.

A new Elmstead Community Centre is being provided as part of the approved development on land opposite the former Elmstead Community Centre. The former Elmstead Community Centre will cease to operate as soon as the new facility is operational.

A Feasibility Study carried out for the Neighbourhood Plan demonstrated that there are no technical or other constraints that would prevent the redevelopment of the site for residential use, and explored the capacity, mix and design principles that have been taken into account in the drafting of this Order.

1 introduction

1.5 the site

Availability of land is often the greatest hurdle in bringing schemes of this type forward as it usually requires a discounted land value to make them viable. In this case the ownership of the site by the Parish Council provides an opportunity to make the land available to support its development for affordable housing.

The Feasibility Study carried out for the Neighbourhood Plan has allowed the Parish Council to test the technical and political credibility of the emerging proposals before committing to making the Order. As part of the Feasibility Study and having agreed an outline brief for the scheme, the local community were consulted on the emerging proposals and supported this type of scheme coming forward in this location.

The Parish Council gratefully acknowledges the financial support of the government's Neighbourhood Planning Support Programme administered by Locality to enable this Order to be prepared.



fig 1: the existing Community Centre building

2 planning policy

2.1 NPPF

Any proposals for the redevelopment of the former Community Centre site will need to have regard to the National Planning Policy Framework.

2.2 The Development Plan

Any proposals for the redevelopment of the former Community Centre site will also need to be in general conformity with the strategic policies of the development plan which primarily comprises the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and Tendring District Local Plan 2013-2033 and Beyond Section 2.

The Section 1 Plan contains a proposal for a Tendring/Colchester Borders Garden Community which will eventually provide up to 9,000 homes and falls partly within the Parish but remains separate to the settlement of Elmstead Market.

Policy SPL1 of Section 2 classifies Elmstead Market as a Rural Service Centre and makes no additional housing site allocations in the Parish. Other policies that may be relevant include:

Policy SPL3 Sustainable Design:

Setting out general design criteria for new development.

Policy HP2 Community Facilities:

Protecting against the loss of community facilities unless a replacement facility in the vicinity has been provided and will not lead to a shortfall. Policy ELM4 of the emerging Neighbourhood Plan supports this type of scheme coming forward in accordance with Policy HP2 through the requirement for development to be conditional upon the new Elmstead Community Centre, which will be a replacement facility, first becoming operational.

Policy HP3 Green Infrastructure:

Protecting and enhancing Green Infrastructure Assets.

Policy LP2 and LP5 Housing Choice and Affordable Housing:

Requiring a mix of dwelling types, sizes and tenure.

Policy LP4 Housing Layout:

Securing appropriate layouts and protecting amenity.

2.3 guidance

Tendring District Council also has a number of guidance documents to guide new development and are material planning considerations when considering development proposals in the district.

These include Parking Standards Design Good Practice Guide (2009), the Urban Place Supplement (2007) and the Essex Design Guide (2005). The design statement in Section 4.0 considers these planning matters and provides a starting point for developing a detailed design.

2.4 The Neighbourhood Plan

This Order has been developed alongside the Neighbourhood Plan and uses the Neighbourhood Plan's evidence base. Relevant Neighbourhood Plan Policies are listed below:

ELM5 Affordable Housing: Requiring the provision and mix of affordable homes on developments of 6 or more (net) homes outside the Tendring/Colchester Borders Garden Community.

ELM6 First Homes: Requiring First Homes, outside of the Tendring/Colchester Borders Garden Community, to be secured with a minimum 40% discount from full open market value.

ELM7 Housing Mix: Requiring all new residential development to seek to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings.

ELM8 Zero Carbon Buildings: Requiring all development to be 'zero-carbon-ready' and designed to minimise the amount of energy needed to heat and cool buildings.

ELM9 Design Codes: Setting out design guidelines and codes for the different character typologies in the Parish.

ELM11 The Village Core: Requiring development within the Village Core to contribute to its attractiveness, uses, connectivity and activity.

ELM12 Movement and Connectivity: Requiring development to enhance the functionality of the Active Travel Network.

ELM15 Green Ring: Requiring development within the broad location of the Green Ring to align their public open space requirements with its objectives.

3.1 description of development

OS site location plan

The Neighbourhood Development Order proposes the demolition of the former Elmstead Community Centre on land located on the eastern side of School Road, Elmstead Market, Colchester CO7 7ET and the construction of an affordable housing scheme.

The proposals are for; provision of a mix of 1- and 2-bedroom affordable apartments, up to nine in total, with an internal floor area of up to 650 m² in total; access off School Lane to serve the dwellings and a shared parking area; maintaining access to the recreation ground; provision of car parking spaces to serve the development.

3.2 Order conditions

3.2.1 provision of community facilities

No development shall take place until the new Elmstead Community Centre has been completed and is operational.

Reason: in order that the redevelopment of the former Elmstead Community Centre will not lead to a shortfall in the provision of community facilities in line with the requirements of Policy HP2 Community Facilities.

3.2.2 time limit

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3.2.3 reserved matters

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

No development shall be commenced until plans and particulars of the reserved matters referred to in the above conditions relating to the Appearance, Landscaping, Layout and Scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

3 the Order

3.2.4 construction management

No development shall take place until a Construction Method and Management Statement have been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- traffic management within the site confines and delivery times and routes in and out of the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction

- a scheme for recycling / disposing of waste resulting from demolition and construction works
- a restriction on any burning of materials on site

Reason: to safeguard the safety and amenity of local residents.

3.2.5 scheme for foul and surface water drainage

No development hereby permitted shall take place until details of foul and surface water sewerage disposal have been submitted to and agreed in writing by the Local Planning Authority. No buildings hereby permitted shall be occupied until foul and surface water sewerage disposal works have been implemented in accordance with the agreed details.

Reason: To ensure consideration is given to sustainable drainage in accordance with national and local policy and in the interests of achieving sustainable development.

3.2.6 landscape

That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be

submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

Reason: To ensure the safeguarding of the character and landscape of the area during and post development.

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner,

for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To safeguard the character and landscape of the area.

No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012:

Reason: To ensure the safeguard of features that contribute to the character and landscape of the area.

Before the commencement of any site works or operations, an Arboricultural Method Statement to ensure the satisfactory protection of trees to be retained during the construction period will be provided and submitted for approval by the Local Planning Authority in accordance with Condition No. 3.2.3.

Reason: To ensure the continuity of amenity afforded by existing trees.

3.2.7 ecology

No development hereby permitted shall take place until ecological surveys have been carried out in accordance with

Natural England Technical Information Notes to confirm the presence or absence of ecologically important fauna on the site and until a scheme for the protection and enhancement of the ecology of the site has been submitted to and approved in writing by the Local Planning Authority and the scheme shall include mitigation measures such as may be required and shall be carried out as approved.

Reason: To protect and enhance the ecological value of the site in line with National Planning Policy.

3.2.8 highways and access

Development shall not be commenced until details of the access for vehicles, cyclists and pedestrians have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To satisfactory standards of access into and within the proposed development in accordance with National and Local Plan Policies.

3.2.9 car and cycle parking

No part of the development shall be first occupied until car and cycle parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: to ensure timely provision of car and cycle parking space serving the development, and thus the amenity of local residents.

3.2.10 layout, scale, design and external appearance

Details of the layout, scale, design and external appearance of the buildings hereby permitted including details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority before the development begins and the development shall be carried out as approved.

Reason: to ensure sustainable development and having regard to national policy and the local plan.

3.2.9 EV charging

Prior to the occupation and beneficial use of the development hereby approved, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the Local Planning Authority. The charging facilities shall be installed in accordance with the approved details and retained in working order.

Reason - In order to promote sustainable transport.

3.2.10 20% renewables

No phase of the development identified within the Phasing plan shall be occupied until a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development.

The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason - To enhance the sustainability of the development through better use of energy and materials.

3.3 Order informatives

3.3.1 Highways Act

Prior to commencement on site, completion of a S278 Agreement with Essex County Council as the Highways Authority will be required under the 1980 Highways Act – Works within the Highway, to cover any off-site highways works required by the development.

3.3.2 highways

The developer will need to carry out detailed design works liaising with Essex County Council Highways Department to meet Conditions 3.2.9 & 3.1.10.

3.3.3 stage one safety audit

A Stage One Road Safety Audit and Designers Response, in accordance with the ECC Audit Policy, will need to be provided prior to any development commencing.

4 design statement

4.1 introduction

This section of the Order describes the project proposals and the design process that led to these proposals. It follows the format of a design and access statement that would normally accompany a planning application, considering first the context of the site and then carrying out an analysis of both the context and the site itself to establish the constraints as a basis for a design response.

From this analysis, a design concept was developed that responds to the constraints and opportunities and makes provision for the project as set out in the brief in section 4.2.

The design concept includes parameters for the site that will control the massing, scale and form of the building, and the relationship to its surrounds. The design process as set out in section 4.4 involved the consideration of the technical issues and feedback from consultation with the local community and other parties. Section 4.5 sets out the resultant design proposals for the Order, including illustrative plans, elevations and reference images to describe the scale and character of the proposals and their relationship to the setting.

Further work will be carried out to develop detailed design proposals after the Order is made to demonstrate technical compliance with statutory standards, discharge the Conditions in section 3.2, and prepare the proposals for construction.

4.2 the brief

Meetings were held with the Neighbourhood Plan steering group who had received delegated authority from Elmstead Parish Council to progress this Order, develop a brief, review design issues and agree the project proposals set out in this section.

The ambition underlying the brief was for a small scale affordable residential scheme to serve the local needs identified through the Housing Needs Assessment December 2021, carried out by Aecom. The Housing Needs Assessment considered current dwelling stock, affordability and the affordable housing needs within the Parish coming to the conclusions that:

- The 2033 target mix has a higher proportion of 1- and 2-bedroom dwellings than the 2011 mix, with the balance of new housing heavily weighted towards smaller dwellings.

- The current estimated backlog for affordable rented housing is 8 households with a need for an additional 4.9 over the plan period.

4.3 community opinion

It is also important to take into consideration the needs and wants identified by the community. The outcome of the community consultation aligns to an extent with the suggested dwelling mix, with the community identifying the need for 1-bedroom and 2-bedroom homes as 'very important'.

Based on these findings, the brief for the scheme was to optimise the use of the site for a mix of 1- and 2-bedroom dwellings.

4 design statement

4.4 the design process

4.4.1 the setting

The site is on the eastern side of School Road on the southern side of the village next to the village core with its shops and community facilities centred around the Colchester Road/School Road crossroads (**fig. 3**).

Vehicle and pedestrian access to the site is off School Road with a pedestrian/cycle route running past the site through the recreation ground to connect into Clacton Road..

The site has good pedestrian and cycle connectivity to the local amenities. Elmstead primary school is approximately 500m to the north. The bus stops on Colchester Road which are within 100m of the site connect Elmstead Market village to the town centres of Colchester and Clacton.

The local character and scale of the village core is predominantly C19th and C20th residential with frontages close to the street edge and a material palette of clay tiles, render and brick (**view 1**).

To the north of the site is a Budgens convenience store (**view 2**) with planning approval (21/02046/FUL) for a single storey rear extension to the existing

supermarket to provide additional retail and storage space.

To the west of the site, the Charity Fields residential development (**view 3**) is currently being built out and includes a new public open space and community centre to replace the existing facilities.

The recreation ground to the east of the site is subject to lease conditions which limit public use weekday evenings and weekends. It is however a public open space.

To the south of the site, the Market Field School (**view 4**) is a larger scale local landmark with coloured panel elevations and an extensive parking area to the School Road frontage. The School, which is a special day school for pupils aged 5-16, has exclusive daytime use of the recreation ground during term time.

To the south of Market Field School the consented School Road development of 62 homes is being built out with a public open space at its eastern end linking into the local footpath network and Clacton Road.

conclusions

The following issues are considerations for the design:

- The site is in an accessible location with good access to the village and its amenities.
- Despite its small size, the site occupies an important location between two key open spaces, the existing recreation ground and the new public open space and community centre on the Charity Fields development.
- The site is located alongside a footpath that forms part of the Green Ring proposed in the neighbourhood plan policy ELM15.
- Proposals will need to take account of the planned extension of the Budgens store.
- Proposals will need to take account of the Market Field School and consider opportunities for improving access to the existing and new open spaces and amenities.
- Proposals will need to take account of the local scale and character.

4 design statement



fig 2: site location aerial

4 design statement



fig 3: the wider context

4 design statement



view 1: Village Core



View 2: Budgens store



view 3: Charity Field's development



view 4: Market Field School

4 design statement

4.4.2 the site

Layout: The site is flat and rectangular on an east west axis with a southerly aspect. It measures approximately 28m x 26m with an area of 0.075hectares (**fig. 4**). The former Community Centre building is a single storey brick structure (**view 5**) on the northern part of the site with a footprint of around 350m².

The title boundary cuts diagonally across a shared parking area and extends along School Road up to Market Field School, projecting out onto the School Road pavement in front of the entrance. (**view 6**).

Historic mapping shows the building was previously a Primary School with a playing field to the south, which is now the Market Field School, and allotment gardens to the east of the playing field which are now the recreation ground.

Pedestrian and vehicles access is off School Road with a shared vehicle access (**view 7**) and parking area wrapping around the southern and eastern sides of the building.

boundary conditions: The western boundary has a frontage onto School Road (**view 8**) with a dropped kerb for vehicle access to the shared parking area and recreation ground. The main entrance to the building is via a set back lobby on School Road with railings along the kerb line (**view 5**).

The northern boundary to the Budgens store is defined by a low railing and wall adjoining an open space behind the rear of the store (**view 9**).

The eastern boundary is a fence line with vegetation to the Budgens car park to the rear of the store and the gated access to the recreation ground with the school building being a dominant feature (**view 10**).

The southern boundary within the parking area has no defining features and looks onto the boundary to the Market Field School which is defined by a railing with low bushes(**view 11**).

There are two pass gates into the recreation ground from the parking area, one for pedestrians and the other for maintenance access (**view 12**).

transport and access: A Transport Statement September 2022 (appendix A) prepared by TPC for the draft NDO scheme concluded that:

- The site is well located in terms of its accessibility to the major highway network, local amenities, and public transport services by bus.
- The car parking provision considers the local parking standards and likely car ownership of the affordable housing provision, and the site layout will provide an acceptable means of access with the preferred pedestrian visibility splays and driver visibility splays conforming to the required standards and guidance.
- Refuse collection and servicing can be achieved from School Road where an appropriately sized and designed bin store will be provided at the site frontage which will not require large vehicles to enter the site car park/access. There are no loading restrictions in place in this section of School Road.
- The traffic and parking impact on the local highway network will be negligible. Accordingly, we believe there are no sustainable reasons for refusal of this proposal on highway or traffic grounds.

4 design statement

flood & drainage: The site is within Flood Zone 1 making it acceptable for residential development and there are no known surface water issues. Provision will need to be made for on-site surface water management and a SUDS strategy will be provided as part of the Order.

ecology: A Preliminary Ecological Assessment prepared by ACJ Ecology that included a site visit and extended Phase 1 Habitat Survey was carried out in September 2022 and concluded that:

Habitats: Natural England has not designated the area as a site of importance for nature conservation at the national, regional or county level. This is because the site and the on-site habitats are widespread throughout the UK. The habitats are of limited ecological value and only site value.

Protected species: The habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting. The likelihood of protected species is negligible, and no additional surveys are needed.

The removal of suitable habitat must be undertaken outside the bird breeding season. If work during the breeding

season is unavoidable, an inspection will need to be carried out by a suitably experienced ecologist immediately before the start of site clearance to identify whether nests are present. If active nests are found, an exclusion zone will have to be around the nest(s), and work must not continue until the young have fledged.

Biodiversity enhancement should include the native species mix to improve the diversity and adapt to climate change.

arboriculture: Proposals will be submitted for protecting the existing tree on site in accordance with a scheme which complies with BS 5837:2012 prior to development (including site works and demolition) in accordance with condition 3.2.6.

geotechnical: The site is previously developed brownfield land, and its historic use, topography and previous adjacent uses suggest there are no issues with contamination or development abnormalities relating to ground conditions.

utilities: The site currently has utility connections to serve the development.

archaeology: Refer to the Archaeology Statement in Section 5.

heritage: Refer to the Heritage Statement in Section 6

conclusions: The site analysis identified no environmental constraints that would prevent it being redeveloped as proposed in the following sections.

4 design statement

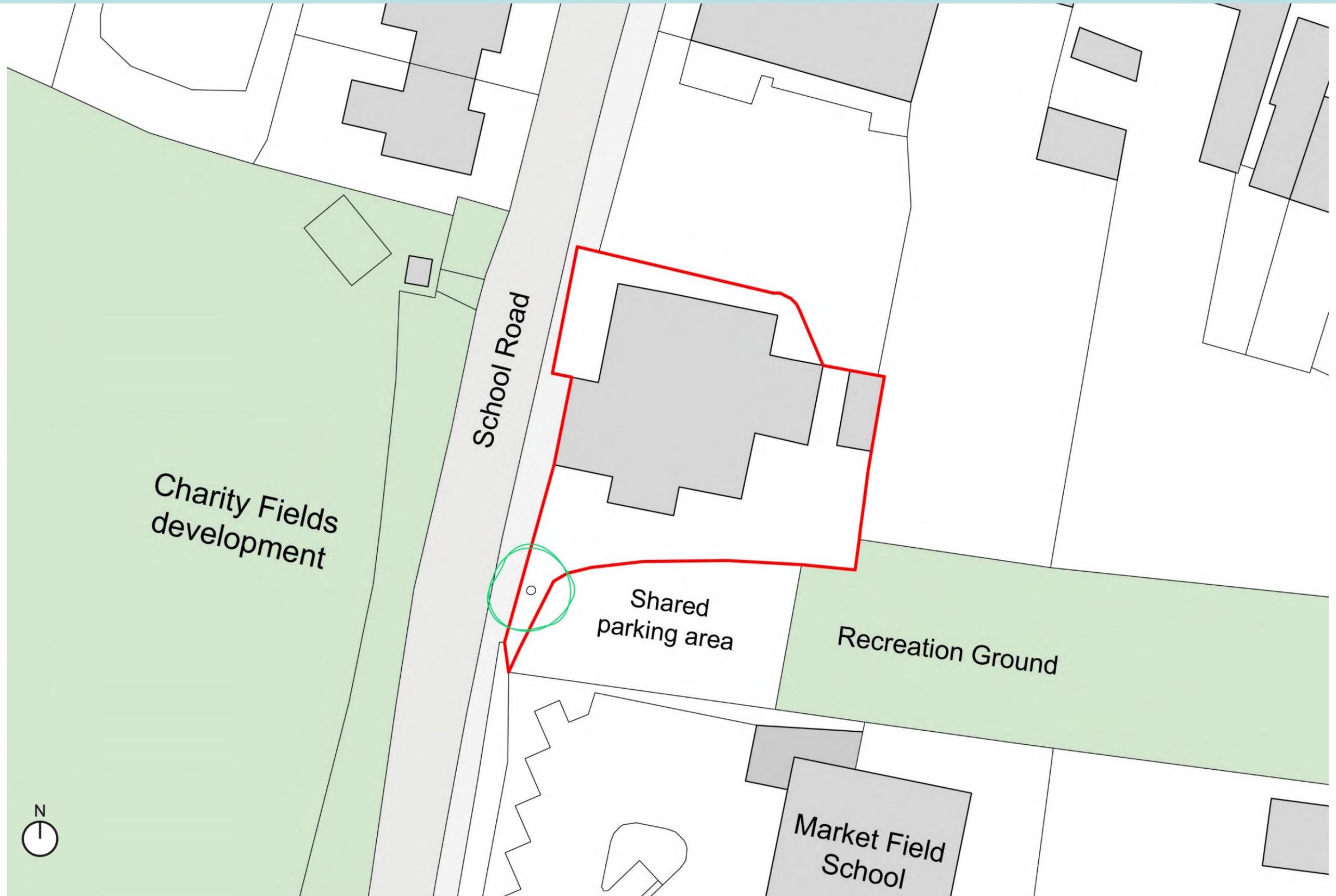


fig 4: the site

4 design statement



view 5: the existing building



view 6: railings and pass gate along title boundary



view 7: shared vehicle access and parking area



view 8: western boundary and existing tree

4 design statement



view 9: northern boundary



view 10: eastern boundary and Market Field School



view 11: southern boundary



view 12: recreation ground and pass gates

4 design statement

4.4.3 design principles

The retention and conversion of the former Community Centre have been considered but its layout would limit the number of dwellings that could be accommodated making inefficient use of the site.

Upgrading the fabric to meet current residential standards would also be difficult and introduce abnormal costs, reducing the viability of the scheme.

It has therefore been assumed as a starting point for the project that the existing building will be demolished, and a new building constructed which is more energy efficient and allows the site to be planned for a greater number of homes. Where practical, materials from the demolitions will be salvaged and reused.

The following design principles (**fig. 5**) for the redevelopment of the site take account of the analysis of the site and its wider context and provide a set of parameters for the detailed design proposals.

KEY

1. The building will be located on northern part of the site and oriented to allow for passive design.
2. The layout will take account of the extension of the Budgens store.
3. The layout will provide an active frontage to School Lane and a 'gateway' function with active oversight of the entrance to the Recreation Ground.
4. The layout will be planned to accommodate a shared access.
5. Frontage boundary treatment to enhance streetscape and provide privacy.
6. The layout will include a dedicated parking area for the new homes.
7. The layout will be designed to be pedestrian friendly and to maintain access to the Recreation Ground.
8. Existing tree
9. Private amenity space to be provided for the dwellings.
10. Existing boundary landscape to be reinforced where possible to provide enclosure and privacy.
11. Building form and scale to be sympathetic to the local context.
12. Materials and architectural detailing will be sympathetic to the character of the village.
13. A full width footpath to be reinstated along the School Road frontage.

4 design statement



fig 5: design principles

4 design statement

4.5 layout

The information in this section illustrates how the design principles could translate into a scheme for the site within the description of development in section 3.1. It also illustrates the intended character of the scheme and provides guidance for the detailed design.

A range of alternative layouts are possible on the site within the development parameters and two of the options considered are included in appendix A. Detailed proposals will follow the making of the Order as part of the reserved matters application.

We are grateful for the input of CHP, a local Registered Provider, on these proposals and their advice on taking the scheme forward. It is the intention to continue to work with CHP following the making of the Order to deliver the scheme.

The illustrative layout (**fig. 6**) has the flexibility to provide a mix of dwelling types. The plan shows 1 x 1 bed 2 person dwelling plus 2 x 2 bed 4 person dwellings per floor. The final mix will be determined through detailed discussions with the Registered Provider, local needs, costs and technical constraints.

A common parts lobby with a stair between the two wings provides access to the upper floor dwellings and a shared open space. The lobby will provide for post/deliveries and pushchairs etc. A lift for a scheme of this scale would be uneconomic and a high ongoing service liability.

Upper floor dwellings will have balconies as part of the private open space provision and to reinforce presence/oversight of the street and Recreation Ground entrance.

A landscaped perimeter will be used to create a green buffer to the ground floor dwellings and reinforce the boundary to the Budgens store and car park.

Tendring's Parking Standards are for 1 space for a 1 bed dwelling and 2 spaces for 2 beds and above. These standards along with layout and parking capacity will determine the eventual number and mix of dwellings.

Secure cycle storage will be provided for each dwelling to encourage active travel.

An appropriately-sized bin store will be provided so that refuse collection can be from School Road.

KEY

1. Entrance
2. Access lobby and stair
3. 2 Bed apartment
4. 1 Bed apartment
5. Living spaces with oversight of School Road
6. Living spaces with oversight of entrance to Recreation Ground
7. Communal garden
8. Building set back with landscape boundary to School Road
9. Building set back with landscape boundary to Recreation Ground entrance
10. Landscape boundary to School Road with integrated bin store
11. Resident parking
12. Vehicle access
13. Existing tree

4 design statement



fig 6: illustrative layout

4 design statement

4.6 Massing

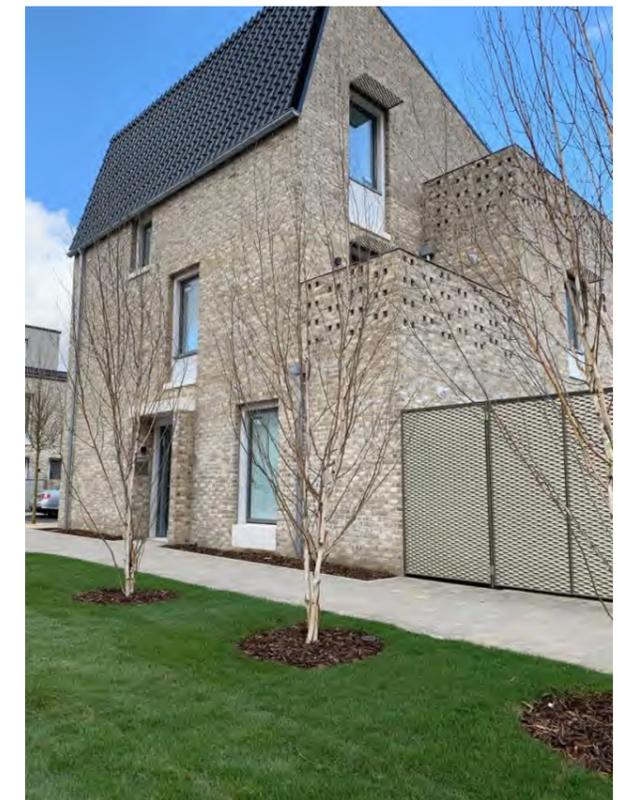
The images on this page are examples of two and a half storey apartment buildings with habitable roof spaces.

The sketch elevation to School Road on the following page (**fig. 7**) is based on the illustrative plan and shows a building with two wings of two and a half storeys which would be the maximum height of the development needed to deliver the maximum of nine dwellings.

The roof pitch fits in with the local character and provides a habitable roof space. This can create a cost-efficient building envelope that is thermally efficient.

South facing roof pitches suitable for solar thermal and PV can be created using the site's orientation. This will maximise the potential for renewable energy and reduce resident's fuel costs..

The lobby between the wings could be designed as a semi enclosed covered space rather than a fully enclosed insulated space to reduce communal heating costs and create a stronger relationship to the shared garden space.



4 design statement

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fig 7: sketch elevation to School Road

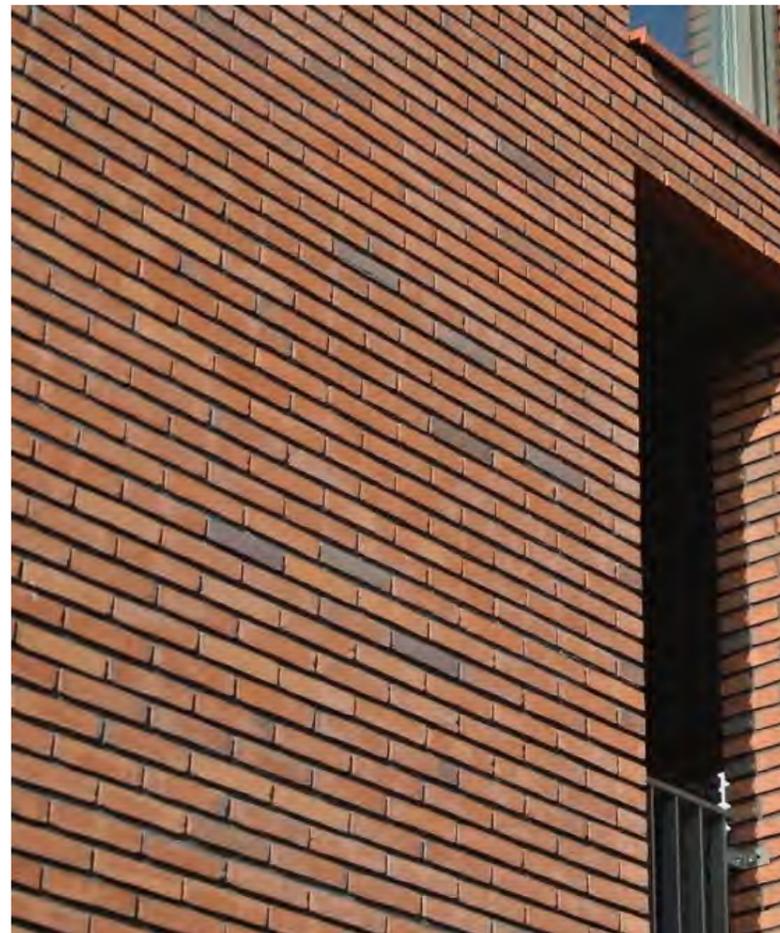
4 design statement

4.7 External Appearance

The local material palette, architectural style and detailing are varied with the use of brick, render, slate and tile, although there is common use of pitched roofs, red clay tile and brick, and painted render which gives an underlying character to the settlement.

Materials will be selected to fit in with this local character and palette, and to meet established environmental standards such as the BRE Green Guide to Specification.

MMC (Modern Methods of Construction) including the use of panelised/ off site prefabricated systems will be considered as part of the early stages of the detailed design.



4 design statement

4.8 landscape

Although the landscape elements of the scheme are relatively modest, they will play an important role in the scheme. There are two key landscape elements:

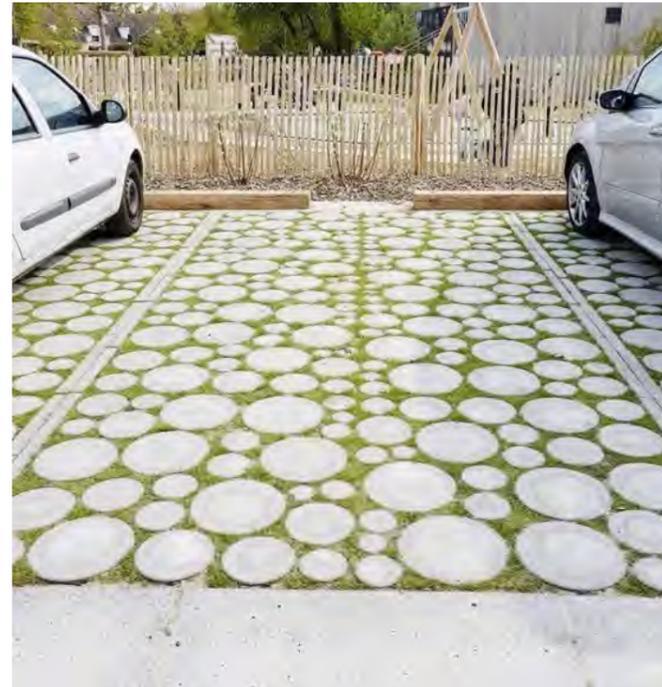
the perimeter

The perimeter landscape elements will define the public/private threshold to the development and will be particularly important to the privacy and amenity of the ground floor dwellings. The illustrative plan includes a 2.0m offset to the School Road and parking frontages for boundary screen planting. Materials will be used to help define and differentiate the residents' allocated parking spaces.

a shared garden

It is the ambition to include a small share garden space to create a sense of community. These spaces benefit from shared use and management by the residents and should be adaptable to suit changing needs.

The sketch on the following page illustrates how the building might interact with the entrance to the recreation ground and the use of a landscape perimeter treatment to create a green edge and buffer to the parking area.



4 design statement

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fig 8: sketch view at Recreation Ground entrance

4 design statement



existing street scene

The proposed street scene above illustrates the building in its local context. The western side of School Road has a domestic scale with four detached houses opposite Budgens. The Budgens building, a former pub has a more imposing scale that holds the corner.

The existing community building sits in a gap between the Budgens store and the Market Field School the new Recreation Ground and Community Centre on the Charity Field's development. A building of an appropriate scale is needed in response to this setting.

Market Field's has an 80m frontage onto School Road. Its impact is reduced by being set back 25m from the street.

Conclusion: Although there is no consistent pattern or character to School Road, development will need to be sensitive to the residential scale.

fig 9: School Road street scene study

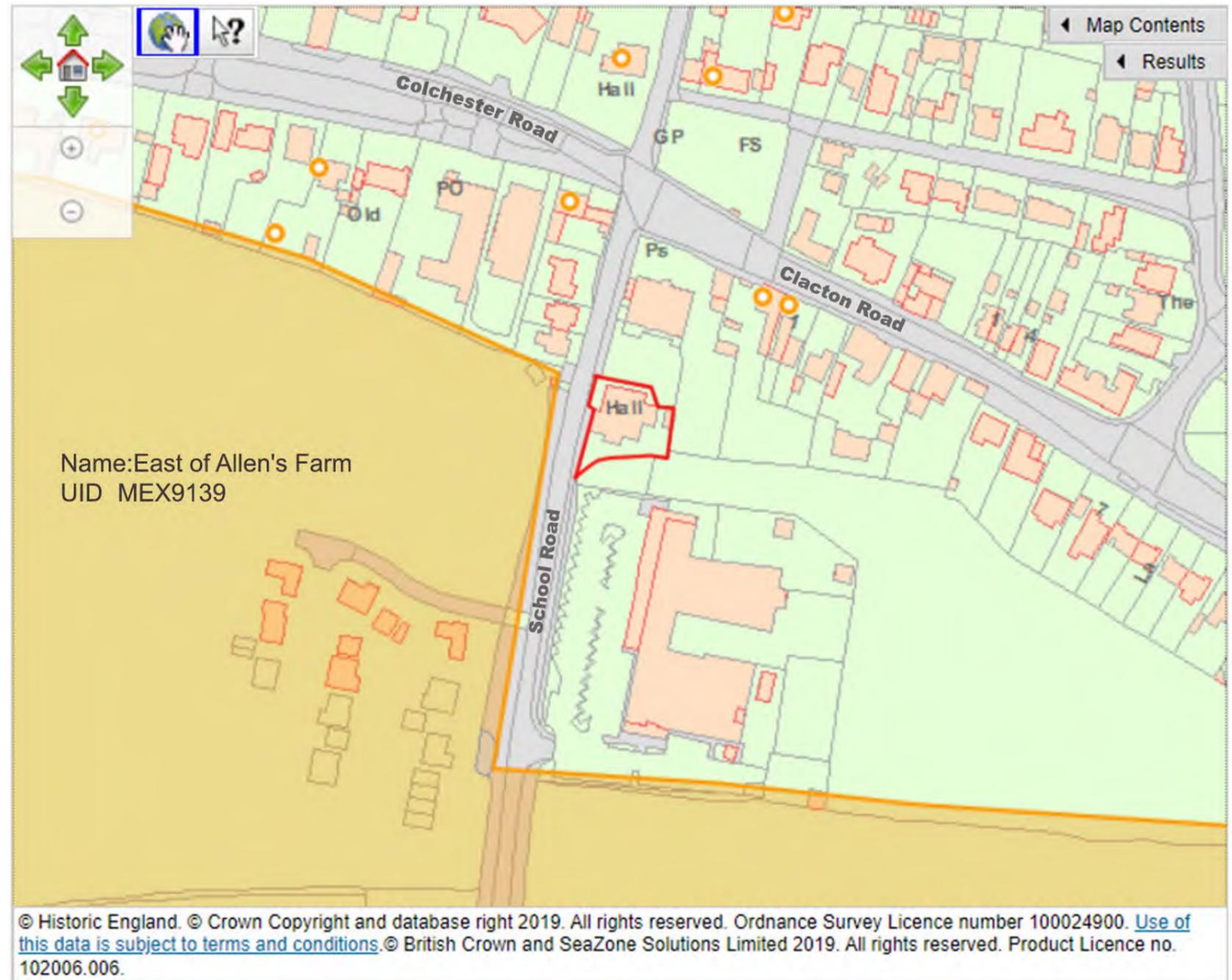
5 archaeology statement

The Essex Historic Environment Record (HER) has been reviewed and the map shows the location of findings, structures and artefacts in addition to the Listed buildings within proximity of the site.

There have been no findings recorded on the site which has been in use since the mid 19th century, first as a school and then as a village hall.

Undetermined and undated features including linear features, pits, field boundaries and enclosures have been identified to the west of School Road and to the south of the Market Field School in the orange shaded area on land referred to as East of Allen's Farm.

To the north of the site, there are a number of Listed Buildings which are addressed in the Heritage Statement in section 6.



Legend

- | | |
|-----------------------------------------------|-----------------------------------------------|
| ▲ Listed Building (NHLE) | ■ Scheduled Monument (centre point) |
| ■ EH PastScape | ■ Registered Park/Garden (centre point) |
| ○ Local HER record points | ■ Registered Battlefield (centre point) |
| ▲ Local HER record polygons | ■ Protected Wreck Site (centre point) |
| ● National Trust HBSMR | ■ World Heritage Site |
| ■ Building Preservation Notice | ■ Certificate of Immunity |
| ◆ Designation Decision Records De-listed | ★ Designation Decision Records Non-designated |
| ● Parks and Gardens (Non Statutory Data) | ■ Expired Certificate Of Immunity |
| ✚ Church Heritage Record (Non Statutory Data) | ✚ NMR Excavation Index |

fig 10: extract from the Essex Historic Environment Record

6 heritage statement

There are no Conservation Areas in Elmstead village, and the development of the site will therefore have an impact on a Conservation Area.

There are ten Grade II listed buildings in Elmstead Market with two to the north of the site as shown on the extract from the Historic England records:

1. The Old House 80m to the north-east of the site is Grade: II Listed (Entry Number: 1111471) and fronts onto Clacton Road.
2. Chase House 90m north of the site is Grade: II Listed (Entry Number: 1146729) and fronts onto Colchester Road.

The development of the site will not affect the setting of either of these Listed Buildings.



fig 11: extract from Historic England Records

7 consultation statement

The Parish Council consulted the local community in March 2021 through a 'Village Survey' circulated to every household in the Parish, designed to test the support and need for affordable housing in the Parish.

The survey achieved a good response rate and confirmed a local need for smaller affordable dwellings, identifying the need for 1-bedroom and 2-bedroom homes as 'very important' and supported the use of the former Elmstead Community Centre for an affordable housing scheme to meet this need.

A further community consultation was carried out November/December 2021 to test views on draft policy ideas for the Neighbourhood Plan before it went to Reg 14 consultation. This included *Draft Policy Idea 2* a policy proposal to allocate the former Elmstead Community Centre for redevelopment to provide a small affordable housing scheme. This policy forms the basis of the Order.

- The EHNA (December 2021) carried out for the Neighbourhood Plan confirmed the lack of Affordable Housing, both for rent and for sale, in the Parish recommending

a target mix for housing with a higher proportion of 1-bedroom and 2-bedroom dwellings.

Based on these findings a Feasibility Study (January 2022) was carried out to assess the feasibility of the site for an Affordable Housing Scheme. As part of this study adjacent landowners including Budgens and the Market Field School were consulted.

The Feasibility Study was approved by Locality and funding granted for preparing and submitting the Order.

A meeting was held with Tendring District Council to review the draft Order and recommendations for amendments were made which were incorporated before the Parish Council consulted formally with the community and statutory consultees through The Neighbourhood Development Order (NDO) Pre-Submission Consultation (Regulation 21) which took place from Monday 1st August 2022 and ran for 8 weeks to 25th September 2022, with the Order and the wider evidence base available electronically via the Parish website and in hard copy from the Elmstead Community Centre. A list of statutory consultees is published in the evidence base.

The consultation did not generated many comments and so the Parish Council prompted those contacted to consider submitting a response. No additional responses were received. See also the Elmstead Neighbourhood Plan Consultation Statement March 2023.

Following the Regulation 21 Consultation, recommendations for amendments to the Pre-Submission Order were approved by the Steering Group following a meeting with TDC to clarify its response, and the following modifications and additions were made to finalise the submission Neighbourhood Development Order:

- parking layout on illustrative plan updated to Essex County Council parking widths;
- street scene along School Road added;
- Archaeology Statement confirming the development will not have impacts on known archaeological assets added;
- Heritage Statement confirming the development will not have impacts on existing heritage assets added;
- Consultation Statement and Basic Conditions Statement added ;
- alternative layout studies added to demonstrate flexibility.

8 basic conditions statement

8.1 introduction

In accordance with Section 61E of the Town and Country Planning Act 1990 (as amended), Elmstead Parish Council – a Qualifying Body – has prepared this NDO for a development scheme on land that lies within the Elmstead Neighbourhood Plan Area (see Figure 12.) The area was designated by Tendring District Council on 30 November 2020 primarily for the purpose of making the Elmstead Neighbourhood Plan.

This section addresses each of the basic conditions required of the Regulations and explains how the submitted NDO meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town and Country Planning Act (as amended). Those requirements state that an NDO will be considered to have met the basic conditions if:

(a)having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b)having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c)having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d)the making of the order contributes to the achievement of sustainable development,

(e)the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) the making of the order does not breach, and is otherwise compatible with retained EU obligations, and

(g)prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

This NDO does not directly affect a Listed Building or its setting and there are no Conservation Areas in the village settlement (see section 6). Basic condition (b) and (c) is therefore considered no further.

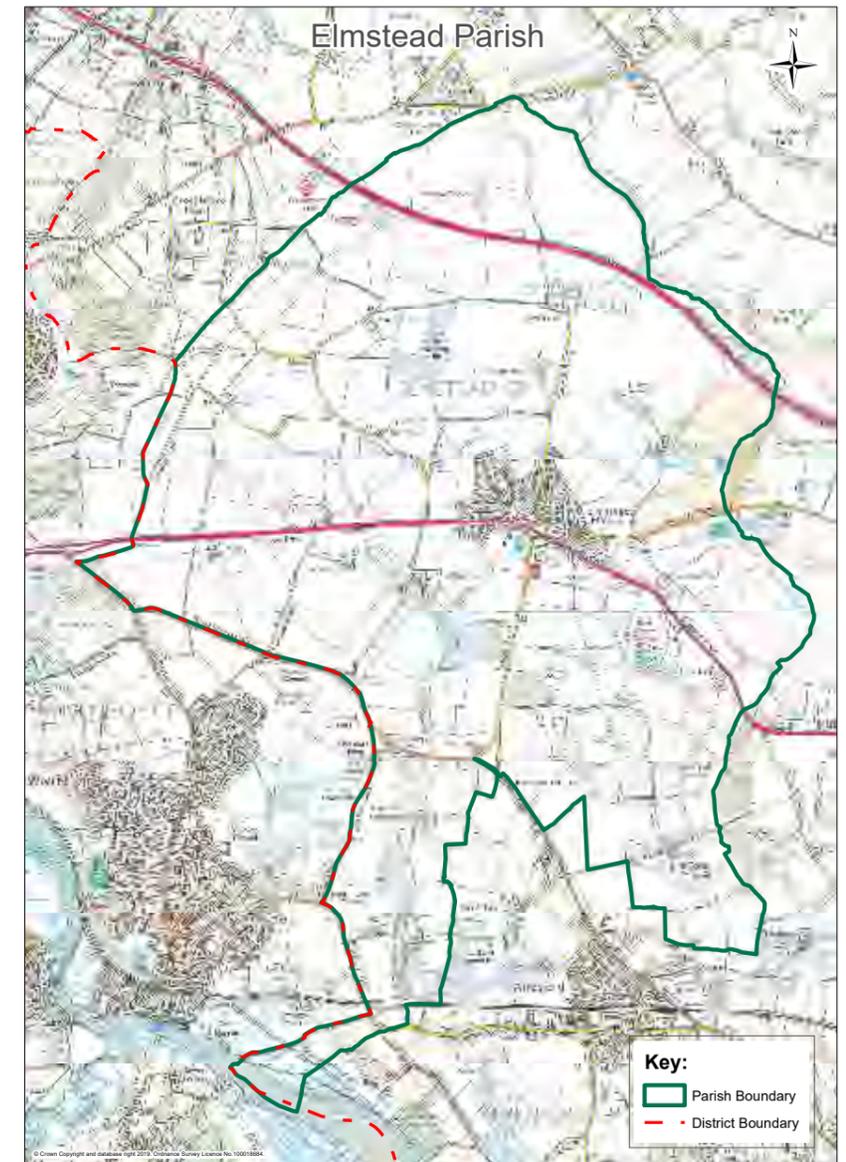


fig 12: Elmstead designated neighbourhood area boundary

In addition, Section 61J of the Town and Country Planning Act 1990 (as amended) requires that the NDO does not comprise 'excluded development'; does not grant planning permission for development that already has planning permission; and does not relate to more than one neighbourhood area. It is confirmed that the NDO complies with these requirements.

8 basic conditions statement

(a) having regard to national policy

The NDO has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of preparing NDOs.

The Parish Council has engaged extensively with the community over the future of this small site and has worked closely with the local planning authority to prepare the Submission version of the NDO in accordance with §52 of the NPPF. The site is currently being used as a Community Centre, however the use of the site as a Community Centre will cease as soon as a new Community Centre, being provided on land opposite the existing site, becomes operational. The ability of the local community to meet its day-to-day needs will therefore not be reduced in line with the provisions of §93 of the NPPF. Rather, the use of this surplus community use site has provided the local community with the opportunity to provide much needed smaller affordable homes to meet a local need, in line with the provisions of §62 and §78 of the NPPF.

Although the site is not a Rural Exception Site this local need for smaller and affordable homes, has been evidenced by the Elmstead Housing Needs Assessment. The Parish Council, as owners of the site, is currently negotiating for a detailed scheme to be developed with a delivery partner to meet the terms of the NDO, and therefore there remains some flexibility to determine the right blend of housing tenures to be achieved. The Feasibility Study undertaken demonstrated that there are no technical or other constraints that would prevent redevelopment of the site for a residential use and the Parish and District Council are in the process of agreeing a Draft Heads of Terms for appropriate contributions expected from development in line with §58 of the NPPF.

The site lies within an existing settlement boundary where development is encouraged by strategic policies. Future occupiers are likely to be able to meet their day to day needs through walking, as the site is located in the village centre where the majority of facilities and services are located, as well as access to the wider public transport network in accordance with §105 and §119 of the

NPPF. The site does not fall within a designated or valued landscape that engages the protection and enhancement provisions of §176 of the NPPF. However, the NDO makes provision for construction management, measures to be taken in the detailing of the landscape scheme and a scheme for foul and surface water drainage, and to protect and enhance ecological value as per the provisions of §174 of the NPPF. The NDO also makes provisions for renewable and low carbon energy infrastructure as per the NDO conditions in line with the provisions of §152 of the NPPF. The NDO also acknowledges that good design is a key aspect of sustainable development and the design statement included within the NDO provides an understanding of the evolution of the design of the scheme which has yet to be agreed as per the NDO conditions and in line with the provisions of §126 of the NPPF.

It is therefore considered that the NDO has regard to national policy, as a result the NDO meets basic condition (a).

8 basic conditions statement

(d) contributing to sustainable development

As set out in §8 and §9 of the NPPF achieving sustainable development means pursuing the three overarching objectives, economic, social and environmental objectives, in mutually supportive ways. The objectives are not criteria against which every decision should be judged but in applying the provisions of the NPPF the objectives are expected to be delivered. The provision of new smaller and affordable homes to meet a local need will lead to a positive social effect. The location of the scheme, and mitigation measures in the form of NDO conditions, will mean negative environmental effects are avoided. The economic effect of the NDO is likely to be neutral.

In demonstrating full regard to the NPPF above, it is therefore considered that the NDO contributes to the achievement of sustainable development and meets basic condition (d).

(e) general conformity with strategic policies

The NDO has been prepared to ensure general conformity with the relevant

strategic policies of the development for the District, which primarily comprises the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and Tendring District Local Plan 2013-2033 and Beyond Section 2. There are minerals and waste local plans that apply but no policies are considered relevant in the production of the NDO.

The Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan was adopted in January 2021. Policy SP2 requires contributions from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The Parish and District Council are in the process of agreeing a Draft Heads of Terms for appropriate contributions expected from development. Policy SP3 directs new development to existing settlements in accordance with a hierarchy established by Section 2 of the relevant authority's Local Plan.

The Tendring District Local Plan 2013-2033 and Beyond Section 2 was adopted 25 January 2022. Policy SPL1 classifies Elmstead Market as a Rural Service

Centre in the settlement hierarchy and Policy SPL2 establishes a settlement boundary for Elmstead Market as a planning policy tool to direct development. The site proposed for development in the NDO falls within the settlement boundary where there is a general presumption in favour of new development. Policy HP2 seeks to avoid the loss of existing community facilities unless a replacement facility has been provided to meet the need of the local population. There is a need to relocate this type of facility to address the weaknesses of the current location and buildings. The new community building will meet the needs of the local population and losing the existing community use on the NDO site will not lead to a shortfall in provision in line with adopted Policy H2. The provision of smaller and more affordable homes proposed in the NDO will deliver a mix of dwellings to meet local needs in accordance with the overarching vision for the District and Policy LP2 on Housing Choice and Policy LP5 on Affordable Housing. A detailed scheme is yet to be agreed; however the design statement has been informed by the provisions of relevant Local Plan policies.

8 basic conditions statement

It is therefore considered that the NDO is in general conformity with the strategic policies of the adopted development plan, as a result the NDO meets basic condition (e).

(f) compatibility with retained EU obligations

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 apply the amended EU Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive) to the planning system in England (Planning Practice Guidance Paragraph: 001 Reference ID: 4-001-20170728). The proposed development of the NDO is not considered to be Schedule 1 or Schedule 2 development and does not fall within a sensitive area and therefore does not fall within the remit of the Regulations 2017. The Elmstead Neighbourhood Plan, which establishes the principle for residential use on the site of the NDO to deliver an affordable housing scheme to meet local needs, has been subject to a Strategic Environmental Assessment screening process which determined that there no

likely significant environmental effects are anticipated.

That opinion also considered that it would not be necessary to assess the effects of residential development on the NDO site on European nature sites as part of the Conservation of Habitat & Species Regulations 2017 (as amended) which implement EU Directive 92/43/ECC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). The report states:

“this HRA screening report indicates that the Elmstead Neighbourhood Plan is not predicted to have likely significant effects on any Habitats site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the Conservation of Habitats and Regulations 2017 (as amended) is therefore screened out.”

The NDO does not include development in relation to the management of waste. On that basis, the Waste Framework Directive (2008/98/EC) is not considered to be relevant. The proposed NDO

development is also not considered to breach the requirements of the Air Quality Directive (2008/50/EC) as it comprises a small-scale development that does not negate from the framework for measurement and improvement of air quality set in the Directive.

Finally, the Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the NDO and considers that it complies with the Human Rights Act. The NDO, alongside the Neighbourhood Plan, has been subject to extensive engagement with those people local to the area who could be affected by its content and their views have been taken into account in finalising the NDO.

It is therefore considered that the NDO is compatible with the relevant retained EU obligations.

(g) prescribed conditions

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation.

8 basic conditions statement

Regulation 32 is in relation to the requirements of the Conservation of Habitat & Species Regulations 2017 (as amended). The competent authority, Tendring District Council, in consultation with Natural England has confirmed that residential development on the NDO site is not likely to have a significant effect upon a Habitat site (as considered in (f) above).

Regulation 33 is in relation to an NDO where the development proposed is EIA development. The development proposed in this NDO is not EIA development (as considered in (f) above).

It is therefore considered that the NDO has met the relevant requirements of the prescribed conditions.

appendix a: layout studies



During the development of the NDO a number of options were considered to test capacity and the flexibility to deliver a scheme within the parameters proposed in the description of development. The NDO needs to provide the scope for a scheme to be developed with a delivery partner after the Order is made to meet their local needs requirements, funding criteria and design standards.



These two studies show two different building forms and parking arrangements, both of which comply with the design principles and the description of development providing 6 to 9 dwellings and meeting Tendring's Parking Standards depending on the mix. We are grateful to CHP, a Colchester based housing association with existing stock in the village for their input.

fig 13: option studies

**Elmstead Parish Council Neighbourhood Development Order
Submission Order** under Regulation 23 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

March 2023 Submission version

CABINET

21st JULY 2023

REPORT OF PARTNERSHIPS PORTFOLIO HOLDER

A.5 UPDATE ON THE TENDRING EDUCATION STRATEGIC BOARD

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an update on the work of the Tendring Education Strategic Board (TESB).

EXECUTIVE SUMMARY

Established in 2020, the Tendring Education Strategic Board aims to work in partnership to raise the aspirations, attainment and skills levels of children and young people (CYP) across the district. The Board sits within the North East Essex Health and Wellbeing Alliance to support their work as a system to ensure that “children get the best start in life (Start Well domain),” as well as contributing positively to tackling the wider determinants of health.

The purpose of the TESSB is to:

- Raise educational outcomes for the children and young people of Tendring
- Positively impact on the wider society of Tendring through improvement of education
- Influence other programmes to specifically support CYP and their families
- Connect with other organisations to target funding and initiatives towards Tendring e.g. lottery funding, commissioned contracts
- Identifying and delivering collective solutions which increase the consistency of best practice and offer for CYP in Tendring

The Board meets quarterly, however priorities (set for the academic year) are progressed through the work of Task & Finish Groups. Memberships of these groups include school representatives, Board members and relevant partners, supported by ECC/TDC officers and partners.

During the 2022/23 academic year, the TESSB is currently working on the following agreed priorities:-

- Speech, Language & Communication
- Reading
- Skills
- Social, Emotional Mental Health
- Pupil Attendance

It is important to recognise that there are many strategies already in place within Tendring schools which are having a positive impact on C&YP, however the TESSB aims to identify the gaps and work collaboratively to address common identified areas of need.

Below provides highlights of progress to date:-

In its first year, the TESB worked with the Department for Education (DfE) funded Opportunity Areas Programme to deliver a Twinning Partnership Project in Tendring to support the delivery of its aims. The Tendring Twinning Partnership was established to share delivery activities that have seen positive impacts in Norwich and Ipswich Opportunity Areas. This partnership brought additional funding into Tendring, and work continues into this academic year:-

The Tendring Twinning project had 2 priorities:-

- To improve language and communication development.
- To strengthen professional development and deployment of Teaching Assistants to support pupils' learning behaviours and emotional literacy

Using DfE funding, to date progress has been made in delivering these priorities by facilitating:

- **2 Communication Hubs Schools**

'Good' or 'Outstanding' primaries with an EYFS are funded to undertake the Eklan accredited Communication Friendly Setting (CFSe) Primary (5-11 yrs) Award, becoming centres of excellence in speech, language and communication.

- **Communication Champions**

Over 100 Teachers, TAs and EY Practitioners are funded to undertake Eklan Speech Language and Communication Level 3 accredited training (3-5 yrs or 5-11yrs) to become Communication Champions.

- 15 Teaching Assistants across 9 schools have undertaken Education Endowment Foundation (EEF) training to become **Learning Behaviour Leads**.
- 29 TAs have undertaken specialist training from Educational Psychologists to become **Emotional Literacy Support Assistants (ELSAs)**. Schools will then fund yearly costs for their ELSA to have ongoing ½ termly 2-hour group supervision sessions facilitated by two EPs.

Skills

A newly formed Task & Finish Group from October 2022. The work of this group has developed significantly recognising the need to work collaboratively across a wider network of partners, increasing capacity and to ensure the delivery of a broad spectrum of skills and development opportunities for C&YP.

The **aims** of the skills group is to:-

- Support young people in Tendring to reach their potential through good career guidance and inspiration and activities that support employability and the development of skills for local employers.
- Ensure good career guidance is available with effective pathways to facilitate Tendring jobs for Tendring children.
- Support the long-term Levelling Up ambition to increase household incomes by ensuring Tendring residents can access high value jobs provided by local employers.
- Work with external partners to develop a bespoke offer of support for supporting attainment through inspiration with links to our local employers and growth sectors to avoid gaps between aspiration and opportunity for young people in Tendring.
- Support Careers Leader development and information

Progress to date:

- Establishing new Task & Finish group and membership and key linkages to other Boards/strategic groups e.g. Tendring Regeneration Board
- Planning for the delivery of the Future Skills Programme over the next 2 years, with the possibility of extending this for another 2 years beyond that (following a review).

For further information on this programme, ref Part 3 – Supporting Information

- Mapping of what offers are currently in place and available, to identify gaps and what should be supported via the Future Skills Programme
- Planning for a hands on career/skills events for both Primary and Secondary schools working with partners who are keen to support the area e.g. Greater Essex Careers Hub, Into University, Make Happen, University of Essex, ECC Skills Team, Tendring District Council, NHS North East Essex Clinical Commissioning Group & Freeport Skills Partnership Board

Pupil Attendance

The TESB Task & Finish group is working on a number of aspects relating to pupil attendance:-

- Membership of the group has been extended to wider partners who support vulnerable children, young people and families e.g Family Solutions.
- Produced and circulated a survey for school staff across Tendring schools to gain feedback on attendance issues. In addition to engage with parent/carers to gain their feedback and a greater understanding of their experiences and issues. Analysis of results in progress.
- In addition to the above, gaining feedback from pupils on their experiences of being absent from school, and those who have managed to return to school following a period of absence to inform actions going forward.
- Planning for a Home school liaison pilot – this role will build links between the school and families (this will be targeted to an identified number of schools and rural areas of the district) and help children return to the school after a period of absence.

RECOMMENDATION(S)

It is recommended that:

Cabinet endorses the work of the TESB and associated priorities/projects as listed within the report, which will continue to be supported in the 2022/2023 academic year in alignment with the Corporate Plan priorities.

REASON(S) FOR THE RECOMMENDATION(S)

To provide continued support from Tendring District Council for the work of the TESB and its priorities.

ALTERNATIVE OPTIONS CONSIDERED

The Council supports this work as it supports the Corporate Plan priority relating to Community Leadership and supporting children and young people within the District to improve attainment levels and raise aspirations. To not support this work would be out of line with the Council's current priorities.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The work of the TESB supports a number of strategic priorities at district, County and national level which include:-

- TDC’s Corporate Business Plan 2020-2024;
Education - for improved outcomes,
Health and Wellbeing – effective services & improved public health, and
More & better jobs
Tending Economic Growth Strategy 2020 – 2024
Tending Health & Wellbeing Strategy 2019
- Levelling Up programme
- ECC Children and Young People Plan, 2016 onwards
- ECC’s Joint Health & Wellbeing Strategy 2022 – 2026, and
- ECC Early Years and Childcare, and Disadvantaged Strategies

OUTCOME OF CONSULTATION AND ENGAGEMENT

The TESB continues to consult and work with schools/partners on its agreed priorities, wider consultation and engagement of the school community is carried out on specific work streams to inform action planning.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
---	-------------------------------------------------------------------------------------------------------------------------

None

FINANCE AND OTHER RESOURCE IMPLICATIONS

All projects are within agreed budgets/funding allocations. There are no direct TDC financial implications, other than Officer time.

X	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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None

USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	TESB MOU in place. All priorities, proposals are costed in line with funding available, and agreed and monitored at the TESB.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Evidence base through feedback from schools and pupils/parent/carers and partners as required, as well as relevant public data sets informs TESB decision making.
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.	In current academic year 2022/23, the TESB will be running pilot projects to test and learn from new initiatives. This will inform decision making and effectiveness of any projects going forward/and any scaling up.
MILESTONES AND DELIVERY	
Key deliverables, outputs/outcomes and monitoring/data identified for each TESB priority.	
ASSOCIATED RISKS AND MITIGATION	
There is minimal risk to Tendring District Council (TDC) in the implementation of this proposal other than reputational damage if successful outcomes are not delivered.	
EQUALITY IMPLICATIONS	
TESB has representation/membership from across all schools settings.	
SOCIAL VALUE CONSIDERATIONS	
The work relating to children and young people supports the Council priority relating to Community Leadership and has a social value as it aims to provide further opportunities to support children and young people to reach their full potential.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
N/A	
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	ALL TESB activity is carried out in line with ECC/schools safeguarding policies.
Health Inequalities	All TESB Board priorities aim to improve outcomes for disadvantaged and vulnerable children and young people. As well as positively contribute to the work to improve the wider determinants of health within our community.
Area or Ward affected	All schools/wards.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The TESB has a Memorandum of Understanding in place which identifies membership, sets out aims, activities and details the terms agreed between the partners in working together. Membership of the TESB includes; Essex County Council, TDC, secondary and primary school representatives, Department for Education, local education partners e.g. Colchester Institute, Essex University, IntoUniversity, Career Ready and Health.

Additional information - progress on the TESB priorities 2022/23:-

Speech, Language & Communication

The Tendring Twinning project has 2 priorities:-

- To improve language and communication development.
- To strengthen professional development and deployment of Teaching Assistants to support pupils' learning behaviours and emotional literacy

Work in progress 2022/23:

- Enrol an additional one/possibly two Communication Hub Schools – training to commence April 2023
- Level 3 – Communication Champion training to commence April 2023. Teachers, TAs and EY Practitioners are funded to undertake Elklan Speech Language and Communication Level 3 accredited training (3-5 yrs or 5-11yrs) to become Communication Champions.
- Communication Friendly Setting (CFSe) accreditation – Elklan Communication Friendly Setting (CFSe) accreditation is awarded to schools that have trained and support all their staff in communication and language development. To commence working towards this from September 2023

Skills

What is The Future Skills Programme?

“Skills partners in Tendring would like to see the district and county’s major projects and developments make a significant contribution to support the local skills and employment landscape”

Our focus is to:

- Drive strong strategic leadership and partnerships, which promote the development of a highly-skilled local workforce and sustainable employment.
- Increase the skill levels of learners, local residents and workers by upskilling and re-skilling, allowing them to access new employment opportunities.
- Link educators and developers to create a shared understanding of future skills needs that will drive local prosperity.

Therefore, working collaboratively to:

1. Support and align investment in existing skills facilities, projects and programmes.
2. Assist developers' to promote immediate and future workforce needs that benefit residents by informing them of skills for all existing and future jobs.
3. Offer targeted opportunities for the hard to reach and those furthest away from the job

market e.g. low skilled, long term unemployment or areas with high levels of NEET (Not in Education, Employment or Training).

4. Address workforce imbalances and promote a culture of fairness, inclusion and respect for all.
5. Increase the percentage of residents with skills at Level 2, 3 and above.
6. Develop a systematic culture of education and industry knowledge sharing.
7. Support the delivery of vocational pathways such as apprenticeships, T-Levels and new models of Work Based Learning.

It is the intention to commission a provider to deliver this two year programme.”

Source: ECC Future Skills Team

Reading

A new task and finish group for this academic year. To date the group has focused on:-

- Widening membership of the group to other school networks e.g. NE ASH, Harlow Futures
- Establishing links with Myland English Hub
- Promotion of current funded support to schools via Tendring headteachers meeting
- Mapping across schools to inform where targeted work is required
- Creating a one page ECC website reading resources page (with links) for all schools (in progress)

Social Emotional Mental Health

A new task and finish group for this academic year. To date the group has focused on:-

- Surveying Tendring Schools on what's working and where best practice lies (in progress)
- Mapping Parents Inclusion for SEMH across Tendring
- Looking at primary GROW provision in Harwich
- Researching preferred 'top 3' from Essex programmes e.g., Harlow Futures (PATHS, RISE, Myhappymind, The Peer Education Project, BROOK) and Tendring-based Wellbeing Hubs

Tendring Education Levelling Up

The TESB is supported through the Tendring Education Levelling up programme which, “Is a two to three year multi-dimensional approach to tackling educational inequality across Tendring to be achieved by:-

Working as a system to deliver the North East Essex Children's Partnership (Start Well) outcomes by providing opportunities for disadvantaged and vulnerable Children and Young People by equipping them with the skills they need to learn for life.

- ensuring children's early learning and development is expertly supported by a strong, skilled, and knowledgeable workforce and that the workforce is confident and competent to deliver targeted interventions, supporting parents, adapting the environment and identifying children who need additional support.
- supporting the workforce to develop sustainable professional networks to share

- expertise and level up good practice across the district.
- trialling new and innovative pilots/initiatives to increase pupil attendance across the district
 - engaging with parents to feel confident to support pupil attendance and develop the skills to support with Language, communications and/or social emotional mental health.
 - broadening the work of the TESB and the Disadvantaged Strategy by providing wrap around support to embed and sustain whole-school improvement.”

Source: ECC Education Tending Levelling Up

PREVIOUS RELEVANT DECISIONS

N/A

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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CABINET

21 JULY 2023

REPORT OF MONITORING OFFICER

A.7 EXTERNAL AUDIT DELAYS CAUSING DELAYS TO THE PUBLICATION OF CERTIFIED ACCOUNTS FOR 2022/23

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To inform Members of a breach of a statutory reporting deadline along with the associated circumstances and the actions being taken in response.

EXECUTIVE SUMMARY

This is a report issued under Section 5 of the Local Government and Housing Act 1989 to formally inform Members that the Council has, for reasons beyond its control, failed to publish its certified draft accounts for the 2022/23 financial year by the statutory deadline of 1 June 2023. The Council is required by law to consider this report and decide what action (if any) to take in response. This report is being presented to Cabinet and will also be presented to Full Council.

The Chief Executive and the Assistant Director (Finance & IT) & Section 151 Officer have both been consulted on this report, as required by the legislation.

As set out later on in this report, it is proposed to publish the certified Statement of Accounts for 2022/23 by the end of July 2023 regardless of whether the External Auditor has completed their work on the 2020/21 and 2021/22 Statement of Accounts.

Once published, the public inspection period can commence which addresses the breach of the Account and Audit Regulations 2015 highlighted above, albeit at a later date later than set out within those regulations.

RECOMMENDATION(S)

It is recommended that:

- a) Cabinet receives and considers the Monitoring Officer's report and the response of the Council's Statutory Officers including the Section 151 Officer's aim to publish the 2022/23 Statement of Accounts by the 31 July 2023 and start the period of public inspection as soon as possible thereafter;**
- b) subject to a) it is noted that this report will be presented to the next meeting of Full Council;**
- c) the matter set out in this report is included within the Annual Governance Statement 2023, which will reviewed by the Audit Committee as part of their work programme;**

- d) Officers be requested to provide an update to the next meeting of Cabinet;
- e) Officers continue to work with partners and all relevant organisations to support a satisfactory resolution to the ongoing External Audit delays;
- f) the Chief Executive be requested to write to the Chief Executive of our External Auditor to express Cabinet’s regret at the on-going audit delays; and
- g) the Council’s Finance Team be thanked for working to their continuing high standards, particularly given the current difficult circumstances with audit delays.

REASON(S) FOR THE RECOMMENDATION(S)

In order to formally receive the Section 5 report from the Council’s Monitoring Officer and to recommend its contents and response onto Full Council.

ALTERNATIVE OPTIONS CONSIDERED

As the Council has failed to publish its Annual Statement of Accounts for 2022/23 to enable the period of public inspection to commence by the statutory deadline, a formal Section 5 report provides a necessary and proportionate response to this governance issue.

It is understood that some Councils are actively considering exploring what action can be taken against External Auditors to investigate whether their failures could amount to a breach of statutory duty entitling a claim for damages to be made. This will be kept under on-going review.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

As set out elsewhere in this report, the publication of the certified Statement of Accounts is a key element of the Council’s financial stewardship responsibilities.

The Accounts along with the Annual Governance Statement and Use of Resources commentary provided by the External Audit as part of their work, supports the Council to develop its financial and governance plans.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Internal consultation has been highlighted within this report.

The Council, along with other Essex Authorities has engaged with the Government, CIPFA, Public Sector Audit Appointments Limited (PSAA) and the FRC to raise the impact that the continuing external delays are having on local authorities. It is understood, the Government (at Ministerial level) are considering a number of options in response to this worsening issue, with an announcement expected shortly.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000
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(see the criteria stated here)		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)	n/a

This is a report issued under Section 5A of the Local Government and Housing Act 1989, which states that a duty of a relevant authority's Monitoring Officer shall be to prepare a report, if it at any time appears to them that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority are represented constitutes, has given rise to or is likely to or would give rise to—

- (a) a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
- (b) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).

The Accounts and Audit Regulations 2015 require Local Authorities in England to publish unaudited but certified Statement of Accounts to enable a 30-day period for the exercise of the public right to inspect those accounts, with that period covering the first 10 days of June.

Before the period starts, the Council has to publish its draft accounts and a certificate by the Section 151 Officer confirming that they are satisfied that the Statement of Accounts presents a true and fair view of—

- (a) the financial position of the authority at the end of the relevant financial year; and
- (b) that authority's income and expenditure for that financial year.

The failure to start the period for the exercise of public rights places the Council in breach of its statutory duty under regulation 15 of the Accounts and Audit Regulations 2015. This has led to the Council having to place a notice on its website to explain the breach and it has led to this report.

The Council's current External Auditors were appointed by Public Sector Audit Appointments Limited (PSAA), a company established by the Local Government Association to collectively procure auditors without authorities having to go through the extremely technical and legally complex statutory process of appointing their own auditor. This means that only PSAA can remove / replace our auditor. The Council has raised the continuing external audit delays with Department Levelling Up Housing Communities (DLUHC), PSAA, CIPFA and the FRC. At the present time, Local Authorities are waiting for the Government to make an announcement on their proposals to resolve this worsening national issue.

It should be noted that our current auditor's engagement as the Council's auditor ends with the audit of the 2022/23 accounts. The Council has appointed KPMG as our External Auditor for the 2023/24 financial year. It is unlikely that KPMG will be able to commence its audit until our current auditors have completed their work. It should also be noted, our current auditors are understood to have withdrawn from Local Government audit work, at least for the short term.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

The Monitoring Officer is the author of the Report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The continuing delays to the External Audit of the Statement of Accounts is having adverse capacity issues within the Council, especially within the Finance Service. This is becoming increasingly more difficult to manage, especially as it diverts resources away from other important issues, not least the work required to support the Council's on-going financial sustainability in future years as part of developing the financial forecast process.

As set out elsewhere in this report, it is hoped that the Government are able to put in place the necessary actions that will enable the External Audit backlog to be addressed as soon as possible with the reporting and external audit timetable recovering from the audit of the 2022/23 accounts onwards.

Yes **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

Over the last two years, the deadline to publish the Statement of Accounts was extended to 31 July. Although this was largely due to the impact of the COVID 19 pandemic, it provided a reasonable / practical deadline for Councils to complete the necessary work, which has increased over time with additional requirements emerging from the associated code.

It was disappointing that the Government did not extend the deadline again for 2022/23 even though it understood many of the respondents to the associated consultation expressed concerns of retaining the end of May 2023 deadline given the on-going workload within Local Authorities.

It is currently scheduled to publish the certified Statement of Accounts for 2022/23 by the end of July 2023, which would mean that they have been published within the same timescales as the last two years, which has not had a detrimental impact on the Council being able to adequately fulfil its financial stewardship role. Once certified and published, it is proposed to commence the 30 public inspection period from 1 August 2023.

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
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B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The purpose of this Section 5 Report is to formally report the current position to Cabinet and onto Council and the plans in place to resolve the breach identified.
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	
These are broadly set out elsewhere in this report.	
ASSOCIATED RISKS AND MITIGATION	
These are broadly set out elsewhere in this report.	
EQUALITY IMPLICATIONS	
None	
SOCIAL VALUE CONSIDERATIONS	
None	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
None	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p> <p>As set out elsewhere in this report, the importance of publishing its Statement of Accounts and Annual Governance Statement is a key element of being able to demonstrate its financial stewardship and governance responsibilities. With this in mind, the Council has to balance the need to ensure that the accounts provide a true and fair view of the Council's financial position with the timeliness of publishing this required information.</p>	
Crime and Disorder	n/a
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

BACKGROUND AND CURRENT POSITION

This is a report issued under Section 5 of the Local Government and Housing Act 1989 to formally inform members that the Council has, for reasons beyond its control, failed to publish its certified draft accounts for the 2022/23 financial year by the statutory deadline of 1 June 2023. The Council is required by law to consider this report and decide what action (if any) to take in response.

As set out within the legal section above, the Council's Section 151 Officer has to certify that

the draft accounts for 2022/23 represent a true and fair view of the Council's financial position at the end of March 2023 before publishing.

The Council's Statement of Accounts for previous years (2020/21 and 2021/22) at the present time, remain subject to being 'signed off' by the Council's External Auditor. The backlog of audits is a national issues which is estimated to reach 1,000 across the country by the end of 2023 and the current situation has been described as a crisis in the External Audit of Local Authorities that risks escalating even further without urgent and decisive action by the Government. I understand that the Government remain committed to exploring options in response to this national issue. The delays highlighted above are a well-publicised issue and in no way reflects any wrong doing by those Councils adversely affected.

In terms of the 'sign-off' of the 2020/21 accounts, the External Auditor has confirmed that they will not be able to formally complete this process until September 2023 at the earliest. At the present time it is unable when they will be able to commence the audit of the 2021/22 accounts.

Although the external audit delays do not necessarily prevent the Section 151 Officer from certifying and publishing the accounts for 2022/23, given there are now two years of accounts still waiting to be 'signed off' by the External Auditor, it does start to significantly compromise the ability to do so, as set out below.

I understand from the Council's Section 151 Officer that:

- The delays in the external audit of the accounts highlighted above have also had direct and secondary impacts on the ability for Councils to meet the 31 May publication deadline for 2022/23.
- In terms of the direct impact, a number of issues relating to 2020/21 and 2021/22 remain subject to the external audit process, and based on current information it is very likely that a number of figures in the 2020/21 and/or 2021/22 accounts will be subject to amendment with the potential 'knock-on' impact in 2022/23. It is also important to highlight that some financial balances from 2021/22, that will need to be brought forward into the 2022/23 accounts are also likely to change.
- In terms of the secondary impact, the Council is still working with the External Auditor on the 2020/21 accounts which in turn has an adverse impact on the capacity of Officers in preparing the 2022/23 accounts.
- Taking the above into account, the Council took the difficult but pragmatic decision to delay the publication of its 2022/23 accounts.
- The Council will endeavour to publish its certified accounts and commence the required period of public inspection as soon as possible, with the scheduled date being the end of July 2023.
- The proposed delay should not impact on the ability for the public to inspect the Council's accounts or to raise questions directly with our External Auditor. However, it is acknowledged that any delay is undesirable and the rights become less meaningful and relevant as the delay lengthens.

- The Council's decision to delay the publication of the accounts should be seen as a practical response to matters outside of its control, rather than a reflection on the Council's important financial stewardship role. However to provide additional assurance in the interim period, the External Auditor has provided a positive Draft Audit Completion Report for 2020/21 which was considered by the Council's Audit Committee in March 2023, with no significant weakness identified to date in terms of the Council's use of resources.

In respect of the 5th bullet point above, it is recognised that the 2020/21 accounts will not be signed off until September 2023 at the earliest. However, the impact from the continuing External Delays needs to be balanced with the need for the Council to be able to adequately demonstrate its financial stewardship and governance role, which includes the right of the public to inspect the certified accounts in a timely manner.

With the above in mind it is proposed to certify and publish the 2022/23 accounts as soon as possible regardless of the 2020/21 accounts not being potentially signed off until the end of September 2023 and the 2021/22 accounts remaining subject to the external audit process.

In this regard the Council's Section 151 Officer has confirmed:

- They are able to certify that the 2022/23 provide a true and fair view of the Council's financial position given this largely reflects the confirmation that the accounts have been prepared in accordance with the associated code of practice and that the financial transactions have been recorded and presented correctly;
- the Council is aware of the external audit issues still outstanding for 2020/21, which are not expected to have a material impact on the 2022/23 position.
- the accounts are published 'subject to audit';
- the 2021/22 certified Draft Statement of Accounts were certified for publication ahead of the 2020/21 accounts being 'signed-off' by the External Auditor;
- the Narrative Statement within the Statement of Accounts will highlight the External Auditor delays for prior years' accounts and the risk of the potential impact on the 2022/23 position;
- the Annual Governance Statement will highlight the need to publish this Section 5A report.

PREVIOUS RELEVANT DECISIONS

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

REPORT CONTACT OFFICER(S)	
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