



PLANNING POLICY AND LOCAL PLAN COMMITTEE

AGENDA

DATE:	Wednesday, 20 December 2023
TIME:	6.00 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Guglielmi (Chairman)
Councillor Bush (Vice-Chairman)
Councillor Chapman BEM
Councillor M Cossens
Councillor Fairley

Councillor Fowler
Councillor Newton
Councillor Scott
Councillor Skeels Jnr.

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DATE OF PUBLICATION: Wednesday, 6 December 2023

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 4)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Thursday 5 October 2023.

3 Declarations of Interest

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

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Public Speaking (Pages 5 - 8)

The Council's Public Speaking Scheme for the Local Plan Committee gives the opportunity for members of the public and other interested parties/stakeholders to speak to the Council's elected members on the Local Plan Committee on any specific agenda item to be considered at that public meeting.

6 Report of the Director (Planning) - A.1 - Commencing the Review of the Local Plan (Pages 9 - 40)

To advise the Planning Policy and Local Plan Committee of the legal and policy requirements to review Local Plans every five years and to accordingly seek its approval to commence the first mandatory review of the current Tendring District Local Plan. In doing so, this report provides initial advice on the likely scope and timeframe for the Local Plan review, sets out a series of overarching 'guiding principles' for the Committee's consideration and seeks its agreement to carry out an initial 'call for sites' consultation exercise in early 2024.

7 Report of the Director (Planning) - A.2 - Monitoring Report and Updated Housing Supply Position (Pages 41 - 80)

To report to the Planning Policy and Local Plan Committee:

- The findings of the most recently updated Strategic Housing Land Availability Assessment (SHLAA) including:
 - The number of new homes built in Tendring during the 2021/22 financial year and the up-dated year-by-year 'trajectory' for future housebuilding; and
 - The current housing land supply position (the 'five-year' supply).
- The findings of the Authorities Monitoring Report (AMR), which monitors the key indicators set out in the adopted Local Plan.

8 Report of the Director (Planning) - A.3 - Updated Statement of Community Involvement (Pages 81 - 120)

To seek the Planning Policy and Local Plan Committee's approval of the updated Statement of Community Involvement.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Policy and Local Plan Committee will be held on a date to be decided in due course by the Chairman of the Committee, in consultation with the Director (Planning).

Information for Visitors

FIRE EVACUATION PROCEDURE

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

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

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

Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON THURSDAY, 5TH OCTOBER, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Guglielmi (Chairman), Bush (Vice-Chairman), Chapman BEM, M Cossens, Fairley, Newton, Skeels Jnr. and Wiggins
Also Present:	Councillor Fowler (Chairman of the Planning Committee) (via MS Teams)
In Attendance:	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager) and Keith Durran (Committee Services Officer)
Also in Attendance:	Hana Loftus (HAT Projects)

10. ELECTION OF THE CHAIRMAN OF THE COMMITTEE

In the light of the fact that the office of Chairman of the Planning Policy & Local Plan Committee was currently vacant, due to the fact that Councillor N W Turner, the previous Chairman, was no longer a serving member of the Committee, the Committee was required to elect, from amongst its appointed membership, the Chairman of the Committee to serve in that office for the remainder of the 2023/2024 Municipal Year.

Members were aware that the newly elected Chairman would also automatically become a Tendring District Council appointed member of the Tendring / Colchester Borders Garden Community Joint Committee.

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

RESOLVED that Councillor Guglielmi be elected Chairman of the Planning Policy & Local Plan Committee for the remainder of the 2023/2024 Municipal Year.

11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Scott (with Councillor Wiggins substituting) and Baker (the Housing & Planning Portfolio Holder, who had a standing invitation to attend the meetings of this Committee but had been unable to do so on this occasion due to illness).

12. MINUTES OF THE LAST MEETING

It was moved by Councillor M Cossens, seconded by Councillor Skeels and:-

RESOLVED that the Minutes of the last meeting of the Committee, held on Thursday 27 July 2023, be approved as a correct record and be signed by the Chairman.

13. DECLARATIONS OF INTEREST

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

14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

15. PUBLIC SPEAKING

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

16. REPORT OF THE DIRECTOR (PLANNING) - A.1 - DRAFT JAYWICK SANDS PLACE PLAN

The Committee considered a detailed report of the Director (Planning) (A.1) which invited its comments on the Draft Jaywick Sands Place Plan and sought its recommendation to Cabinet, that the document be published for consultation with the public and other interested parties.

Members were aware that Jaywick Sands had been identified as a Priority Area for Regeneration in the Tendring Local Plan. The purpose of the Place Plan was to provide a long-term strategy for the regeneration of Jaywick Sands with the main objectives being to:

- *Transform housing quality and the built environment;*
- *Ensure long term flood resilience;*
- *Create greater connectivity to neighbouring areas;*
- *Attract commerce & new economic opportunities; and*
- *Improve people's life chances, access to public services & health & wellbeing.*

In order to achieve this, the Place Plan proposed a number interventions including:-

- *Flood defence and seafront public realm improvements;*
- *Improvements to residential areas (including replacement dwellings);*
- *Creating space for business, tourism and local services;*
- *Improvements to public open space;*
- *Increased accessibility and connectivity;*
- *Drainage infrastructure; and*
- *Ongoing community engagement and stewardship.*

It was reported that those interventions were, in combination, intended to elevate Jaywick Sands from the bottom of the English Index of Multiple Deprivation.

The Committee was informed that realising that vision would necessitate significant funding in excess of £120million for which there was no available budget at present. It did, however provide, for the first time, a costed plan containing tangible proposals that could form the basis for discussions with the Government; the Council's partners and other potential funders; and to support future bids for external funding. The full implementation of the strategy detailed in the Place Plan was expected to span a period of 20 years and any improvements were most likely to be achieved in manageable phases.

Members were reminded that the proposals in the Draft Place Plan formed part of an overarching strategy, which had been informed by previous public consultation and community engagement – including that undertaken in Autumn 2022. It represented an approach that had, to date, been developed with the community with a view to delivery with strong community stewardship; whereas previous unsuccessful ideas for the regeneration of Jaywick Sands had met with local objection as they had been seen as being imposed upon the community against their wishes. Officers were hopeful therefore that this Place Plan (which ruled out extreme, unpopular and undeliverable options) would meet with constructive feedback and local support.

Hana Loftus, HAT Projects gave a comprehensive presentation to the Committee regarding the Jaywick Sands Place Plan, which covered the following matters:-

- (a) Regeneration Objectives for Jaywick Sands;
- (b) Why develop a Place Plan;
- (c) Work done to date;
- (d) What is the Place Plan;
- (e) Place Plan Vision;
- (f) How the Draft Place Plan is meeting Tendring District Council's objectives;
- (g) Spatial Framework;
- (h) Flood Defences & Seafront Public Realm;
 - (1) 'Nationally Preferred Option' (Flood Defences);
 - (2) Place Plan Preferred Design Framework (Brooklands);
 - (3) Place Plan Preferred Design Framework (The Village); and
 - (4) Delivery and Costs.
- (i) Improving Residential Areas;
- (j) Preferred Strategy
 - (1) Vacant & Derelict Plots; and
 - (2) Improving quality of existing homes.
- (k) Creating space for business, tourism and local services;
- (l) Improving Public Open Spaces;
- (m) Accessibility & Connectivity;
- (n) Drainage Infrastructure;
- (o) Community Engagement & Stewardship; and
- (p) Consultation Process.

Members asked the following questions of Hana Loftus:-

- What was the feedback from residents on the design aspects of the Place Plan?; and
- Flood Grant funding of the various options put forward in the Place Plan?

Hana Loftus replied along the following lines:-

- It was clear that the residents preferred to keep the unique diversity of the appearance of properties. They did not want mini-estates of one design only. They did not want to see the current street pattern of Jaywick Sands broken up;
- The Flood Grant aid could not be called upon prior to 2033 and would only be available if the properties in Jaywick Sands still remained at risk.

It was unanimously **RESOLVED** that the Planning Policy and Local Plan Committee -

- a) notes the contents of the Draft Jaywick Sands Place Plan: August 2023; and
- b) recommends to Cabinet that the above document (forming Appendix 1 to item A.1 of the Report of the Director (Planning)) be approved for consultation with the public and other interested parties.

The meeting was declared closed at 6.57 pm

Chairman

Tendring **District Council**



PUBLIC SPEAKING SCHEME – PLANNING POLICY & LOCAL PLAN COMMITTEE

JANUARY 2016

GENERAL

The Public Speaking Scheme (“the Scheme”) is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other interested parties/stakeholders to speak to the Council’s elected members on the Planning Policy & Local Plan Committee on any specific agenda item to be considered at that public meeting.

The Scheme covers both questions and statements to the Committee on a particular agenda item. Any individual wishing to speak must contact Committee Services (see details below).

NOTICE OF QUESTION

If an individual wishes to ask a question, at the Planning Policy & Local Plan Committee meeting, prior notification of that question must be received. The principle is to provide the Chairman (or an Officer, if the Chairman decides appropriate) the ability to fully answer questions, which have been received in advance.

Notice of a question is received by delivering it in writing or by email to Committee Services on democraticservices@tendringdc.gov.uk, by midday on Friday 15 December 2023.

At the meeting, you will be given an opportunity to read out your question to the Committee and an answer will be provided. Supplementary questions are not permitted and there is no debate by the Committee at this stage.

STATEMENTS

Advance notification of the content of a statement on specific agenda items is not required, but to assist the running of the agenda, notification of wishing to speak should

be given prior to the meeting. Please contact Committee Services (email democraticservices@tendringdc.gov.uk or telephone 01255 686584).

NUMBER AND TIMING OF QUESTIONS

At any Planning Policy & Local Plan Committee meeting an individual is limited to asking one question **or** making a statement per agenda item. On each agenda item, no public speaker may speak for longer than three minutes.

Consistent with the Council Procedure Rules, the time allocated for receiving and disposing of questions shall be a maximum 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, and published with the minutes of the meeting.

SCOPE OF STATEMENTS OR QUESTIONS

Please be straightforward and concise and keep your comments to the content of the agenda item. Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you wish to say or read out, having checked beforehand that it will not overrun the three minutes allowed.

Any question or statement which is not directly related to an agenda item for that meeting of the Committee will be rejected. For questions, any rejection will be communicated in advance of the meeting by Officers, and for statements made at the meeting, this will be confirmed by the Chairman.

The Council also reserves its right to reject questions or statements if in its opinion the content is defamatory, frivolous or offensive or requires the disclosure of confidential or exempt information.

PLANNING POLICY & LOCAL PLAN COMMITTEE MEMBERS & POINTS OF CLARIFICATION

No public speaker can be questioned by the Committee however, through the Chairman, relevant points of clarification arising out of the public speaking can be requested at the specific agenda item, before the debate commences. Points of clarification can be given by Officers, with the Chairman's permission.

WHO DO I CONTACT FOR MORE INFORMATION

The Council's website will help you access documents (web: www.tendringdc.gov.uk)

If you have a query with regard to public speaking, or wish to register to speak, please email democraticservices@tendringdc.gov.uk or telephone 01255 686584.

If your query is in relation to the Local Plan, please contact:

Tendring District Council, Planning Services, Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE Tel: 01255 686177 email: planning.policy@tendringdc.gov.uk

Monitoring Officer, Tendring District Council, in consultation with Head of Planning and Chairman of the Planning Policy & Local Plan Committee

(Council Procedure Rule 40)

(January 2016)

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

20 DECEMBER 2023

REPORT OF THE DIRECTOR OF PLANNING

A.1 COMMENCING THE REVIEW OF THE LOCAL PLAN

(Report prepared by Paul Woods and Gary Guiver)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To advise the Planning Policy and Local Plan Committee of the legal and policy requirements to review Local Plans every five years and to accordingly seek its approval to commence the first mandatory review of the current Tendring District Local Plan. In doing so, this report provides initial advice on the likely scope and timeframe for the Local Plan review, sets out a series of overarching ‘guiding principles’ for the Committee’s consideration and seeks its agreement to carry out an initial ‘call for sites’ consultation exercise in early 2024.

EXECUTIVE SUMMARY

The Government requires Councils to review and update Local Plans every five years to ensure they remain up-to-date and effective, comply with latest national policy and are adjusted accordingly to respond to changing circumstances. Failure to keep a Local Plan up-to-date can, and does, result in Councils losing control of planning decisions, particularly if they begin to fall behind on housing land supply and delivery of new homes. Councillors will no doubt recall the period in the run up to the adoption of the current Local Plan when the Council was faced with numerous speculative, unplanned and unwanted residential development proposals – many of which obtained planning permission, on appeal, by the Planning Inspectorate – against the Council and the communities’ wishes. Keeping the Local Plan up-to-date in line with government requirements will enable the Council to avoid such circumstances arising again in the future – but it will still require the Council to take difficult decisions on the content of the updated Local Plan, particularly when it comes to allocating land to meet any longer-term development needs.

The ‘Tendring District Local Plan 2013-2033 and Beyond’ was formally adopted by the Council in two sections – Section 1 in January 2021 and Section 2 in January 2022. Planning legislation requires the Local Plan to be reviewed and updated where necessary at least every 5 years, in order for the policies to be considered up-to-date. **The Local Plan will need to be reviewed and updated by January 2026; i.e. within five-years of adopting the Section 1 Local Plan.**

The Government is proposing significant changes to the system for producing Local Plans through the Levelling Up and Regeneration Act 2023 designed to streamline and speed up the plan-making process but also to simplify the content of Local Plans and reduce the amount of detail contained within local policies. However, there is a ‘transition period’ within which Councils can still progress a

Local Plan review under the current arrangements so long as the updated Plan is submitted to the Secretary of State by June 2025.

The timetable for reviewing the Local Plan under the current system is therefore very tight, however Officers consider it both necessary and prudent to commence the review of the Local Plan under the transitional arrangements to avoid a situation by which the Council finds itself with an out-of-date Local Plan come 2026. Another advantage of progressing the Local Plan review under the current arrangements is that the Council can extend the life of the Local Plan through a focussed update of its policies and proposals, rather than having to re-write the Plan from scratch.

With that approach in mind, and to assist in scoping out the work required to review the Local Plan, Officers have undertaken a preliminary assessment of all the Policies in the current Local Plan to identify where amendments and updates might need to be considered in response to changes in national policy or legislation, changes on the ground (for example, proposals developments have been built), or where practical issues have arisen in the application of certain policies in the determination of planning applications. Initial consideration has also been given to the technical and background evidence that might need to be updated and reviewed to ensure the Local Plan continues to be based on robust and proportionate evidence – having regard to the cost and necessity of studies and assessments.

Officers have also developed a set of overarching ‘guiding principles’ for the Committee’s consideration which are designed to provide an initial focus and direction for the Local Plan review, but which can be kept under review in their own right as work progresses.

An indicative timetable for progressing the Local Plan review through the key stages of the plan-making process is set out in the main body of this report and will be reported back to the Committee in greater detail early next year, as part of an updated ‘Local Development Scheme (LDS) document’.

In reviewing and rolling forward the timescale of the Local Plan to 2041 or beyond, there will be a need to consider the requirement for further housing and employment land and other forms of development and to make provision for additional land for those purposes. Whilst it is anticipated that some of the developments in the current Local Plan (particularly the Tendring Colchester Borders Garden Community and the Hartley Gardens development in Clacton) will contribute to meeting the longer-term requirements, there is likely still to be a residual requirement (yet to be determined) that will require further land allocations.

To help inform the Council’s consideration of potential options and the availability of land across the district for different forms of development, Officers recommend the carrying out of an initial ‘call for sites’ consultation exercise in early 2024. This will be a focussed consultation, targeted mainly at landowners, developers and planning agents (but open to others) to invite proposals and suggestions for housing and mixed-use developments of different scales or commercial development as well as any community-led or environmental-led proposals for community facilities, habitat creation or open space.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) notes the requirement for the Councils to review their Local Plan every five years, the changes that Government may introduce to the plan-making system and the potential implications for the District of Tendring, as explained in this report;**
- b) agrees for Officers to commence the mandatory five-year review of the Tendring District Local Plan under the current plan-making system with the aim of submission to the Secretary of State by June 2025 and adoption by January 2026;**
- c) considers the overarching ‘guiding principles’ set out in this report and agrees that these, with any agreed amendments, should underpin the focus and approach for the Local Plan review, but that these shall themselves be kept under review as work progresses;**
- d) notes that an updated Local Development Scheme (LDS), setting out more detail of the proposed timetable for the Local Plan review and the associated evidence base, will be updated and brought back to the Committee for approval in early 2024; and**
- e) authorises the Director (Planning) to run an initial ‘call for sites’ consultation exercise in early 2024, inviting landowners, developers planning agents and others to put forward sites, ideas and proposals for the Council’s consideration as options as part of the Local Plan review process.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Ensuring the District has an up-to-date Local Plan is a high priority for the Council. It is also the goal of government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment. Since the adoption of the Local Plan, the Council has had greater power to resist speculative development, exercise greater control over the way development is delivered within the district and push towards achieving higher standards of quality.

The review of the Local Plan will be guided by the priorities established in the Council’s new Corporate Plan 2024-2028. The updated Local Plan will promote pride in our area by seeking to deliver decent housing and well-designed communities. The process of the review will take advantage of digital tools to ensure residents are able to effectively engage with the process.

The Local Plan will seek to improve access to skills, learning and training, and boost employment opportunities – particularly associated with Freeport East and the Garden Community. It will promote

a high-quality environment that creates spaces for leisure, wellbeing and healthy lifestyles as well as securing open spaces and community resources. Policies in the Local Plan will promote safe, healthy, well-connected and inclusive communities, and will champion the District's tourism offer and heritage assets.

Officers propose a proportionate and cost-effective approach to producing evidence to support the Local Plan, which will contribute to the financial sustainability of the Council.

RESOURCES AND RISK

The review and update of the Local Plan will be managed by the Council's Planning Policy Team utilising funds from the agreed Local Plan budget. This budget will be used to cover the cost of procuring expert evidence to inform and support the updated policies, as well as the cost of the independent examination of the Local Plan where Officers and, where necessary, expert consultants will defend the plan's policies and proposals in front of a government-appointed Planning Inspector.

Wherever possible, evidence will be produced in house by the Planning Policy Team. Where this is not possible, and external consultants are required to produce evidence, a proportional approach will be taken by Officers to ensure best value for money.

The deadline currently proposed by the Government to submit a Local Plan under the existing system is the end of June 2025. This will place considerable time pressure on the Council to completing the review and updating the Local Plan, but officers have prepared a programme of works that takes account of this deadline and plans to progress through each of the regulatory stages over the coming 18 months. The Department for Levelling Up, Housing and Communities have indicated during Officer briefings that there will be a degree of flexibility with the deadline if necessary, but have given no firm details. However, if the Council are unable to submit the updated Local Plan in time, the work undertaken over the coming 18 months will not be wasted and, along with any evidence produced during this time, can be used to inform and prepare a new-style Local Plan.

The preparation of a Local Plan is guided by legislation and regulations, which inform various stages of work and consultation that must be undertaken before the plan can be lawfully adopted. Third parties can apply for a Judicial Review if they feel the Council have acted unlawfully or have not followed the correct legal process. In order to mitigate the risk of Judicial Review, Officers in the Planning team will work closely with colleagues in Legal Services to ensure all relevant processes are adhered to throughout the programme of works, as well as following up-to-date advice from the Local Government Association's Planning Advisory Service.

LEGAL

Planning legislation and the NPPF place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and

opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The statutory ‘development plan’ for Tendring includes the Tendring District Local Plan 2013-2033 and Beyond Sections 1 and 2, as well as adopted Neighbourhood Plans and the Essex Minerals and Waste Local Plans. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore important to ensure the Local Plan is reviewed, and updated where necessary, to ensure the development plan does not become out of date.

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

Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council’s functions, powers and duties in relation to the preparation of the District Council’s Local Plan, including ensuring that it meets the “tests of soundness” set out in the NPPF. This report does not require any recommendations to Full Council.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The Local Plan Review will involve the same statutory stages of Consultation and Public Engagement as the original preparation of the Local Plan. This will involve a 'call for sites' exercise early in the new year, followed by an Issues and Options consultation, a Preferred Options consultation (regulation 18) and Publication Draft consultation (regulation 19). Once submitted, if the Local Plan Inspector considers that main modifications are required to make the Plan sound, a further consultation on these modifications would be required.

PART 3 – SUPPORTING INFORMATION

Background

The Need to Review

Tendring's Local Plan (the Plan) was submitted for examination in 2017, following several years of preparation and public consultation. The Plan was prepared in partnership with Colchester Borough Council and Braintree District Council, with the shared Section 1 establishing the housing requirements for North East Essex and setting out a vision for a new Garden Community on the Tendring and Colchester Border. Section 2 of the Local Plan is specific to Tendring, and contains policies used when determining Planning Applications to guide the type, location, and quality of new development. Section 1 was adopted by full Council on 26th January 2021, and Section 2 was adopted by full Council on 25th January 2022.

To be effective plans need to be kept up-to-date. The National Planning Policy Framework (NPPF) states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

Where there is not an up-to-date Local Plan, the NPPF requires Local Planning Authorities to grant planning permission unless the proposal conflicts with policies in the NPPF itself or where adverse impacts would significantly and demonstrably outweigh the benefits. This means that the Council would be expected to grant Planning Permission for sites that might not have otherwise been allocated for development, and the risk of speculative applications increases. In the past, not having an up-to-date Local Plan has resulted in the Council losing several appeals for large development schemes that members did not support.

Planning Reform

The Levelling Up and Regeneration Act 2023 was given Royal Assent in October of this year, and brings with it a new regulatory system for producing Local Plans. The procedures and content associated with new-style Local Plans will differ in significant ways from the existing system, and a headline ambition of the reforms is that Local Plans will be produced and adopted within 30 months.

However, there is uncertainty about when Local Planning Authorities (LPAs) will be able to begin producing new style Plans, and a scheme of phasing will be required to ensure the Planning Inspectorate has capacity to examine Plans within the required timeframes. The Department for Levelling Up, Housing and Communities (DLUHC) anticipates that the first new style Local Plans will begin being produced next year, but it is not clear which LPAs will be prioritised to be part of the early wave.

Due to the uncertainty around timeframes for being able to begin production of a new style Local Plan, and the risks associated with not having an up to date Local Plan, it is proposed that Officers begin the process of reviewing the Local Plan under the existing system. DLUHC have indicated a deadline of 30 June 2025 for submitting an old style Local Plan for examination.

The Updated Local Plan

The main purpose of the shared Section 1 of the adopted Local Plan is to facilitate the delivery of a Garden Community on the border of Tendring and Colchester. The Garden Community now has its own Development Plan Document, with policies specific to the that development, which has been submitted to the Secretary of State for Examination. Due to the advanced state of that document, and the ongoing joint working between TDC and Colchester City Council, there would be little benefit in undertaking a joint review of the Local Plan. Both Colchester and Braintree Councils have begun the process of reviewing and updating their Local Plans independently.

It is proposed, therefore, that the reviewed Local Plan will be a single document that will, on adoption, supersede the existing Sections 1 and 2. A policy will be required to facilitate continued cooperation with Colchester City Council around delivery of the Garden Community, and it is anticipated that the wording of this policy will be consistent between Tendring and Colchester's Local Plans.

North Essex Authorities

Colchester City Council have indicated through their committee that they intend to begin working on a new Local Plan to replace their current adopted Plan. Their new Plan will be led by a desire to maximise environmental benefits and bio-diversity net gain and will supersede both Sections 1 and 2 of their Local Plan once adopted.

Braintree District Council have indicated in discussion with TDC officers that they anticipate preparing and submitting a Plan for examination under the new plan-making system introduced by the Levelling Up and Regeneration Act 2023. As with Colchester's approach, their new Local Plan, once adopted, will supersede both Section 1 and 2 of their current Local Plan.

Call for Sites

An initial stage of preparing to review and update the Local Plan is to understand what land might be available for future development, by inviting landowners, promoters, and developers to submit their land to the Council for consideration. A 6-week consultation will be launched, seeking submissions of sites for housing, employment and other kinds of developments, as well as for the provision of green infrastructure and biodiversity net-gain.

In addition to information about the site such as land ownership, previous uses and any known constraints, those submitting sites will be asked to indicate the type of use they are proposing for the land, selecting from the following options:

- Housing/Mixed-Use Development:
 - Small – 1-29 homes
 - Medium 30-99 homes
 - Large 100-299 homes
 - Strategic/Mixed-Use – Short-Term (5-10 years): 300-799 homes (likely to include school/community facilities)
 - Strategic/Mixed-Use – Medium-Term (10-20years): 800-1,999 homes (likely to include school, community facilities and employment/commercial uses)
 - Strategic/Mixed-Use – Long-Term (20+ years): 2000+ homes (likely to include schools, community facilities, employment/commercial uses and major transport infrastructure).
- Business, Industrial or Warehouse/Logistics
- Retail or Leisure
- Gypsy or Traveller Accommodation
- Renewable Energy Installations
- Open Space
- Habitat Creation
- Burial
- Other

Once the 6 weeks have ended, officers will assess each of the submitted sites to understand their suitability and consider their potential for meeting future need for growth. Sites that are assessed as having genuine development potential can then be considered as part of the broader strategy of the Local Plan.

The recommendations above include the proposal that the Committee authorises a call-for-sites exercise to be undertaken in the new year, which will enable the responses to inform the Issues and Options consultation document which be brought to the committee for consideration in the Spring.

Work Programme

The process for updating the Local Plan is closely linked to the regulatory stages of consultation that must take place before the Plan can be submitted. Officers currently anticipate the following high-level programme to enable the updated Plan to be submitted before the end of June 2025.

- **Spring 2023:** Issues and Options Consultation – early stage engagement to enable residents and other stakeholders to comment on the scope and purpose of the review.
- **Autumn 2024:** Regulation 18 Preferred Options Consultation – statutory consultation on the first draft of the reviewed Local Plan.
- **Spring 2025:** Regulation 19 Publication Draft Consultation – a further statutory consultation on an updated draft, responding to representations received at Regulation 18.

- **June 2025:** Submission

The Local Development Scheme (LDS) is a document which sets out an indicative timetable for preparing key Planning documents. It is particularly useful for the public, partner organisations and third parties to understand the broad programme of work and how the Council proposes to resource and manage it. The LDS was last updated at the beginning of 2023, but in light of the Local Elections in May, the progress of the Government's Planning reforms, and the commencement of the Local Plan review at the start of 2024, the timetable should now be updated. The LDS must be kept up-to-date, and it is proposed that an updated LDS that reflects the timetable set out above will be brought back to the committee early in 2024.

Evidence Base

The existing Evidence Base will need to be updated to inform the review of the Local Plan, to ensure that the strategies and policies within it are sound and legally compliant when examined by a Planning Inspector. It is proposed that a proportionate and affordable approach is taken to producing technical evidence – using external consultants when necessary, and producing evidence in-house, when possible, to ensure best value for money for Tendring's residents at a time of significant financial pressure for the Council.

Officers will keep the list of required evidence under review, to ensure the evidence produced is up-to-date and fit for purpose. A full review of the Council's evidence base, indicating which documents will need to be updated to inform the Local Plan review, will be set out in the LDS.

Guiding Principles

In order to provide an initial focus and direction for the review of the Local Plan, officers have developed a set of overarching 'guiding principles' for the Committee's consideration. These principles indicate areas of the Plan which are working well and will be protected or enhanced, and highlights areas that are likely to require updating. They have been informed by discussions with members, colleagues across the Planning department, and the initial policy review exercise included at Appendix 2.

The 'guiding principles' are set out in detail at Appendix 1. The first 6 principles set out the process and format of the reviewed Local Plan, setting out the approach to updating technical evidence, the timeframe the updated Local Plan will cover and the format the document will take (following the same broad structure as the adopted Plan). The following 3 principles deal with broad issues such as the approach to the Garden Community, identifying the Strategic Policies in the Local Plan and the Vision and Objectives chapter.

The remaining 23 principles deal with specific policies or topics within the Local Plan. A number of principles focus on housing requirement, the kinds of housing that will be required, the kinds of settlements that will be able to accommodate new housing development (retaining and reviewing the Settlement Hierarchy in the adopted Local Plan), and the quality of design expected from new housing developments. There are also principles that speak specifically about the proposed

approach to Strategic Green Gaps, landscape character and impact, climate change, ecology, and open spaces. And finally, a number of principles discuss economic issues such as employment land and Freeport East, town centres and retail, and holiday and caravan parks.

As a whole, this set of 'guiding principles' address what officers consider to be the key issues likely to arise during the review of the Local Plan. However, it will be important for the principles will be kept under review in their own right as work progresses – particularly in light of consultation responses received at the various stages of community engagement outlined above, and as new evidence becomes available.

APPENDICES

A.1 Appendix 1 – Guiding Principles for the review of the Local Plan

A.1 Appendix 2 – A preliminary review of the existing Local Plan policies.

BACKGROUND PAPERS

None.

REVIEWING THE TENDRING DISTRICT LOCAL PLAN

GUIDING PRINCIPLES

- **FOCUS:** The Council will approach the review of the Local Plan with the intention of updating the current adopted Plan as opposed to a more fundamental re-write or starting completely from scratch. This will involve extending the Plan's timeframe; making improvements to selected policies where necessary; topping up the supply of housing and employment land to meet longer-term needs; and ensuring the Plan aligns with the latest National Planning Policy Framework (NPPF).
- **PROCESS:** The Council will update the Local Plan following the current statutory plan-making process which will include public consultation on issues and options, a first draft 'preferred options' document and a final 'submission' draft with the latter being submitted to the Secretary of State to be examined by a government-appointed Planning Inspector. The Council will aim to submit the updated Local Plan to the Secretary of State before June 2025 i.e. within the 'transition period' before a new and potentially very different plan-making system might come into force, as has been indicated by the government in a recent consultation proposals. The intention thereafter is to be in a position to formally adopt the updated Local Plan by January 2026 - i.e. five years from the adoption of Section 1 of the current Local Plan.
- **EVIDENCE:** The review of the Local Plan will be informed by proportionate, necessary and affordable updates to relevant technical evidence – with the aim of ensuring the updated Plan has a sound basis whilst achieving best value for money for Tendring's residents at a time of significant financial pressure.
- **STATUS:** The updated version of the Tendring District Local Plan will, on adoption, supersede both Section 1 and Section 2 of the existing Local Plan (2013-2033 and Beyond) which were adopted in 2021 and 2022 respectively and will then form part of the statutory 'development plan'. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- **TIMEFRAME:** The timeframe for the updated Local Plan will be extended by eight years to 2041 so that the Plan covers the 18-year period 2023-2041 i.e. with a statistical base date of 1st April 2023 and an end date of 31st March 2041. The aim will be to ensure a minimum of 15-years' coverage beyond the anticipated date of adoption (in line with paragraph 22 of the NPPF).

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- **FORMAT:** The general format, chapter headings and policy subject order in the updated Local Plan will broadly follow that of the current Section 2 Local Plan – accepting that some policies may be added and others deleted, as necessary. This will ensure a sensible level of continuity and understanding and to minimise confusion for residents, Parish and Town Councils and other interested bodies - particularly given how recently the current Local Plan was put in place.
- **THE GARDEN COMMUNITY:** The Tendring Colchester Borders Garden Community will be carried forward into the updated Local Plan through the inclusion of a single policy agreed between Tendring District Council and Colchester City Council. This policy will discharge the Council's requirements under the legal 'duty to cooperate' and will refer, as necessary, to the separate Development Plan Document (DPD) that contains more detailed expectations and requirements for the development. The policy will also set out the agreed position for the division of housing, employment land and gypsy and traveller pitch numbers between the two authorities for the extended period to 2041.
- **STRATEGIC POLICIES:** The list of policies set out in the contents pages of the updated Local Plan will indicate which of those policies are to be classed as 'Strategic Policies' in line with paragraph 21 of the NPPF. Strategic Policies are those expected to set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:
 - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- **VISION AND OBJECTIVES:** The vision and objectives within Section 2 of the current Local Plan adopted in 2022 will be carried forward, broadly unchanged, into the updated Local Plan to apply to the extended period to 2041. They will however be amended selectively and as necessary to reflect changes in national policy, updated evidence and the potential opportunities arising from Freeport status, particularly in relation to Harwich, Bathside Bay and the A120 corridor.
- **SETTLEMENT HIERARCHY:** The 'Settlement Hierarchy' forming part of the overall spatial strategy for the Local Plan (Policy SPL1) is likely to be carried forward, broadly

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unchanged, from the existing into the updated Plan, if possible. The current settlement hierarchy promotes a sustainable pattern of growth that sees:

- Clacton, Harwich/Dovercourt and the Tendring Colchester Borders Garden Community as the main focus for growth;
- the 'smaller urban settlements' of Frinton/Walton/Kirby Cross, Manningtree/Lawford/Mistley and Brightlingsea accommodating the second largest proportion of future growth;
- The 'rural service centres' of Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth, Thorpe le Soken and Weeley seeing modest increases in housing stock that is proportionate, achievable and sustainable; and
- other 'smaller rural settlements' across the district accommodating smaller-scale development that is sympathetic to their rural and often historic character.

If, however, it becomes apparent that it is not possible to accommodate additional future growth to 2041 following this broad approach, the Council may need to consider alternative options that categorise some settlements differently.

- **NEIGHBOURHOOD PLANS:** The updated Local Plan will give greater recognition to the role of Neighbourhood Plans and encouragement to Town and Parish Councils, and other community groups, to consider the production of Neighbourhood Plans to promote positive change in their areas to compliment, supplement and help guide the policies in the updated Local Plan.
- **SETTLEMENT DEVELOPMENT BOUNDARIES:** The updated Local Plan will continue to define settlements (both towns and villages) within 'Settlement Development Boundaries' as a means of managing the pattern of growth. These boundaries will be adjusted as necessary to accommodate additional growth to meet longer-term needs for housing and other development up to 2041 in accordance with the overarching spatial strategy.
- **HIGH QUALITY, BEAUTIFUL AND SUSTAINABLE DESIGN:** The updated Local Plan, in its approach to design and quality and other relevant policies, will be updated to better reflect the ambition within latest national policy to promote high quality, beautiful and sustainable buildings and places.
- **INFORMATION REQUIREMENTS:** The updated Local Plan will include more guidance on the information required with planning applications when proposing development that might justify or result in the loss of a community facility, a care home, an employment site, a holiday park or other sites or buildings that the Council would otherwise seek to protect for their existing use.
- **OPEN SPACE AND SPORTS PROVISION:** The approach to the protection and delivery of open space and sports provision in the updated Local Plan will reflect both

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the Council's updated strategies on open space and sports provision and latest evidence on quality and accessibility. For the development of these policies, the input of Town and Parish Councils being particularly welcomed.

- **CEMETERIES AND CREMATORIUMS:** The policy for cemeteries and crematorium will be revisited to ensure it allows for future needs to be met and to reflect the growing demand and interest in alternative forms of burial.
- **HOUSING REQUIREMENT:** The updated Local Plan will need to plan for additional new homes over the extended 18-year period reflecting updated demographic projections and/or any new requirements of national planning policy. Approximately 10,000 homes are already expected to be delivered on sites allocated in the current adopted Local Plan and sites with planning permission or that are already under construction. However, additional sites will likely be required to address an increasing housing requirement and longer-term needs post 2033.
- **OPTIONS FOR ACCOMMODATING MORE HOMES:** To accommodate and deliver any 'residual' housing requirement, the Council will consider and assess a range of reasonable options, will consult the public and other interest parties on those options and will undertake a 'sustainability appraisal' of those options before selecting a preferred approach to include in the updated Local Plan. The higher the housing requirement, the greater the challenge of identifying an appropriate strategy and more communities that are likely be affected.
- **LIMITING ADDITIONAL HOUSING GROWTH AROUND CLACTON AND THE GARDEN COMMUNITY:** Significant housing development is already planned on sites on the edge of Clacton on Sea (most notably, approximately 1,700 homes at Hartley Gardens) and land at the new Tendring Colchester Borders Garden Community, both through allocations in the current adopted Local Plan and from developments with planning permission or under construction. These developments are already expected to make a significant contribution towards housing growth in Tendring for an extended Local Plan period up to 2041. The options for accommodating any homes to address additional requirements are therefore unlikely to involve any significant additional housing growth around Clacton or the proposed Garden Community.
- **MAINTAINING STRATEGIC GREEN GAPS:** The Council will look to carry forward and potentially expand upon the 'Strategic Green Gaps' in the current Local Plan around Clacton, the Garden Community, Frinton, Walton & Kirby Cross; Manningtree, Lawford & Mistley and other communities in the district for the extended period to 2041. This is to ensure the principle of maintaining the separate identity of settlements and preventing the coalescence of settlements for the long-term carries forward into the future.

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- **10% HOUSING ON SMALLER SITES:** In accordance with paragraph 69 of the NPPF, the updated Local Plan will seek to deliver at least 10% of all new homes on smaller sites of less than 1 hectare in size. This could include some developments in rural areas to enable villages to grow and thrive and to enhance and maintain the vitality of rural communities in line with paragraph 79 of the NPPF.
- **COMMUNITY INFRASTRUCTURE LEVY (CIL):** The Council will actively and positively explore opportunity to introduce a Community Infrastructure Levy (CIL) Charging Schedule alongside the updated Local Plan as a means to secure financial contributions from developments across a range of sizes towards the delivery of new and improved infrastructure including transport, schools, health facilities, open spaces and others – with a proportion of funds going to Town and Parish Councils. This will require technical evidence on infrastructure requirements and economic viability to justify the setting of an appropriate level of CIL which will apply to development on a ‘per square metre’ basis and which could vary across different types of development and different parts of the district. The introduction of CIL could be particularly important if the strategy for housing growth in the updated Local Plan includes an increase in small to medium-sized developments spread across different parts of the Tendring District.
- **HOUSING MIX AND AFFORDABLE HOUSING:** The Council will update its Strategic Housing Market Assessment (SHMA), either alone or in partnership with other Councils, to provide up to date evidence on the mix of housing size, type and tenure likely to be required in the future - including the requirement for affordable housing. In line with paragraph 69 of the NPPF, a minimum of 10% of all new homes on new major residential developments will need to be provided specifically in the form of ‘affordable home ownership’. The Council will review the wording of the Local Plan’s affordable housing policy with the aim of maximising affordable housing delivery to meet the needs of lower-income households.
- **SELF-BUILD AND CUSTOM BUILT HOMES:** The Council will specifically review its policy on Self-Build and Custom-Built Homes to widen the opportunities for people to build their own homes and to support the local construction industry – balanced carefully against the need to achieve a sustainable pattern of growth and to prevent inappropriate development in the countryside. This might involve setting out more detailed guidance on the information required with planning applications.
- **GYPSIES AND TRAVELLERS:** The Council will use the findings of the latest Gypsy and Traveller Accommodation Assessment (GTAA) to determine whether or not the updated Local Plan needs to identify any sites to meet projected needs for Gypsy and

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Traveller pitches – taking into account existing sites and the provision already being made through the Tendring Colchester Borders Garden Community.

- **EMPLOYMENT LAND AND FREEPORT EAST:** The Council will specifically review the supply of land for new business and industrial development in the Local Plan, informed by updated technical evidence. In particular, the Council will consider the need to allocate additional land in and around Harwich and the A120/A133 corridor to maximise the potential for new business investment following the designation of 'Freeport East' and the start of the Bathside Bay Container Port expansion development; and to enable existing businesses in the district to relocate, expand and diversify and to free up property on existing employment sites for the establishment of new and/or growing local businesses.
- **ECOLOGY AND BIODIVERSITY NET GAIN:** The Council will specifically review its policies on the protection and enhancement of ecology and biodiversity to ensure they properly reflect government requirements for Biodiversity Net Gain (BNG) with the aim of increasing BNG expectations to above 20%. This could include the identification of specific sites for the creation and enhancement of ecology and biodiversity.
- **TOWN CENTRES AND RETAIL:** The Council is likely to carry forward its current policies on retail and town centre development into the updated Local Plan – given that the current approach aligns with national policy and the Council's existing technical evidence is considered to be fairly recent and up to date.
- **HOLIDAY AND CARAVAN PARKS:** The Council will review both its policies and evidence on the protection of caravan and holiday parks and, in particular, whether there is any justification for allowing certain sites to accommodate residential park homes. This is in response to a growing trend for park homes, improvements in the quality and efficiency of park homes, the challenges faced in accommodating new housing development and an increase in the unlawful occupation of some sites on a year-round basis.
- **LANDSCAPE CHARACTER AND IMPACT:** The Council will update its Landscape Character Assessment to provide an up-to-date baseline of evidence that reflects the beauty and sensitivity of Tendring's landscape and seascape. Against this baseline, the Council will assess the landscape impact of specific development options that will inform any decisions on a preferred strategy. The review of the Local Plan will also provide an opportunity to consider the future role of specific landscape designations, such as the Coastal Protection Belt, in ensuring the district's landscape character is, as far as is possible, protected and enhanced.

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- **CLIMATE CHANGE:** The Council will substantially update its policies aimed at tackling climate change and contributing towards the achievement of Net Zero Carbon. This will include strengthening the requirements around energy and water efficient design, renewable energy generation, electric car charging and waste reduction. Considerable evidence and policy development has been advanced by Essex County Council, working with other Councils that provides a robust basis for an improved set of viable policies.
- **TRANSPORT PROVISION:** The Council will work with Essex County Council in its capacity as the local transport authority to assess and consider the transport implications of any options for future growth to 2041, utilising and updating existing sources of data and modelling as appropriate. There will be a general expectation that the majority of additional development will be located in such a way to maximise the opportunities for walking, cycling and public transport and to help encourage a shift away from a reliance on private car use – but with realistic expectation that this might not be possible in all locations, particularly rural areas. Where modelling work reveals a need for additional transport infrastructure, the Council will work with relevant bodies to ensure this is put in place – which may involve the use of developer contributions secured through legal agreements or Community Infrastructure Levy (CIL).

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
Section 1					
SP1 – Presumption in Favour of Sustainable Development	Reflects the presumption in favour of sustainable development established in the NPPF and sets out the positive and proactive approach the Council will take to determining planning applications, approving development that complies with the Plan without delay unless material considerations indicate otherwise.	No specific issues identified.	NPPF Para 11 differentiates between strategic and non-strategic policies and prescribes that sustainable development should align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas). The Policy should also take account of any needs that cannot be met within neighbouring areas.	No specific updates to the evidence base are required.	Consideration to be given to deleting Policy SP1 and incorporating the approach to determining Planning applications into the updated version of Policy SPL2, which also echoes the NPPF's presumption in favour of sustainable development.
SP2 – Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	This policy sets out that the Council will secure developer contributions towards the mitigating the impact of recreational disturbance on protected sites, in line with the RAMS Strategy.	Contributions are secured in line with Policies SP2 and PPL4. No concerns.	The RAMS SPD remains up-to-date. Further requirements around biodiversity net gain and local nature recovery are discussed below under Policy PPL4.	No specific updates required. Further evidence requirements around ecology are discussed below under Policy PPL4.	Consideration to be given to deleting Policy SP2, as the requirement to secure contributions towards mitigation measures identified in RAMS is already echoed in Policy PPL4.
SP3 – Spatial Strategy for North Essex	This policy sets out a spatial strategy for development within Tendring, Colchester and Braintree, including the broad location for the Tendring Colchester Borders Garden Community.	No specific issues identified.	No specific changes that affect this strategy. Detailed requirements of the NPPF are discussed below.	No specific updates required. Further evidence requirements around growth and housing delivery are discussed below.	Consideration to be given to deleting Policy SP3 and incorporating the Spatial Strategy into Policy SPL1, which contains the Settlement Hierarchy for Tendring.
SP4 – Meeting Housing Needs	This policy identifies the housing requirement for each District, confirming Tendring's annual requirement of 550 dwellings per annum across the Plan period.	No specific issues identified.	The NPPF now requires Local Planning Authorities to use the 'Standard Method' set out in national policy as a starting point when determining housing need.	The Strategic Housing Market Assessment and Household Projects will need to be updated to establish the housing requirement for the new Local Plan period.	Consideration to be given to deleting Policy SP4 and incorporating the rolled-forward housing requirement into an updated version of Policy LP1.
SP5 – Employment	This policy identifies the amount of employment land required for each District.	No specific issues identified.	No specific changes to national policy in determining the amount of employment land required. Further discussion against Policies PP6 and PP7.	An Employment Land Review will be required to understand whether additional employment allocations should be made. The Council's Economic Development Strategy may need updating, to reflect the benefits and opportunities created by Freeport East around the A120 corridor.	Consideration to be given to deleting Policy SP5 incorporating the rolled-forward employment land requirement into an updated version of Policy PP7.
SP6 – Infrastructure & Connectivity	This policy details the infrastructure requirements for both the garden community and the District as a whole. This includes transport, social, education and health infrastructure among others.	No specific issues identified.	Paragraphs 34 and 58 of the NPPF require that Local plans set out what contributions will be required from new development and expectations the such contributions will not make new development unviable. Paragraph 98 requires the LPA to work proactively and positively with promoters, delivery partners and	The Infrastructure Delivery Plan (IDP) will need to be updated for the purposes of the Local Plan review along with the Council's evidence on viability. These pieces of evidence might be updated as part of, or to coincide with background work to support the possible introduction of Community Infrastructure Levy (CIL).	Consideration to be given to deleting Policy SP6 and incorporating the District's infrastructure requirements into an updated version of Policy DI1, or other policies in the Local Plan as appropriate. Infrastructure requirements of the Garden Community are set out in its own DPD.

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
			statutory bodies to plan for public service infrastructure.		
SP7 – Place Shaping Principles	This policy sets out the broad design principles for all new development within the District.	No specific issues identified.	Paragraph 131 of the NPPF requires Local Plans to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.	No specific new evidence is required to inform a review of this policy, although there have been developments in the thinking around design and quality – including the introduction of the National Model Design Code (NMDC), the ‘Building for a Healthy Life’ toolkit, and continued updates to the Essex Design Guide.	Consideration to be given to deleting Policy SP7 and incorporating the requirements into an updated version of Policy SPL3, or other policies in the updated Local Plan as appropriate.
SP8 – Development & Delivery of a New Garden Community in North Essex	This policy requires that a Development Plan Document (DPD) is prepared ahead of the delivery of the garden community. Fourteen broad principles are also highlighted which are to be incorporated within the DPD.	Developers have contested the principle that no new development consent will be granted until the DPD has been adopted. The DPD has now been submitted for examination, and is likely to be adopted in 2024.	No specific changes that affect this policy.	Additional evidence produced and updated during the preparation of the DPD. Further evidence will be produced by the developers to support any future Planning Application.	Consideration to be given to replacing Policies SP8 and SP9 with a new policy within the updated Local Plan, dealing specifically with the Garden Community.
SP9 – Tendring/Colchester Borders Garden Community	This policy considers the split of land uses between the two Councils and identifies broad areas of separation between the garden community and Elmstead, Wivenhoe and Colchester.	No specific issues identified.	No specific changes that affect this policy.	Additional evidence produced and updated during the preparation of the DPD. Further evidence will be produced by the developers to support any future Planning Application.	Consideration to be given to replacing Policies SP8 and SP9 with a new policy within the updated Local Plan, dealing specifically with the Garden Community.

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Section 2

Sustainable Places

SPL1 – Managing Growth	Sets out the ‘Settlement Hierarchy’ which categorises the district’s settlements under four tiers according to their size, function and accessibility to jobs, shops, services and facilities. This hierarchy guides the overall pattern of growth (the ‘spatial strategy’) across the district - prioritising settlements in the higher tiers for generally the larger amounts of development, with lesser levels of growth proposed and allowed in and around settlements in the lower tiers.	This policy has generally worked well in the determination of planning applications, but there have been appeal decisions allowing small-scale (infill) development in Point Clear – a settlement not listed within any tier of the Settlement Hierarchy.	The NPPF at para 78 requires planning policies affecting rural areas to be responsive to local circumstances and support development that reflects local housing needs.	The categorisation of settlements was informed by the ‘Establishing a Settlement Hierarchy’ technical paper, last updated in 2016. This paper could benefit from being updated to better reflect the current size of settlements and any changes in their accessibility to shops, jobs, services and facilities.	Officers consider the settlement hierarchy (and the categorisation of settlements within it) to be broadly up-to-date and appropriate in its current form and could potentially be carried forward unchanged into the updated Local Plan. This position may need to be reviewed once longer-term requirements for housing and employment have been determined; as it may or may not require the Council to consider different spatial strategy options for accommodating that future growth. Notwithstanding the above, there may, in light of recent appeal decisions alone, be a case for the reconsideration of Point Clear for inclusion in the hierarchy as a defined settlement – which is currently a notable omission, particularly given its size. This could be looked at when updating the ‘Establishing a Settlement Hierarchy’ technical paper.
SPL2 – Settlement Development Boundaries	This policy gives effect to the overarching spatial strategy and hierarchy set out in Policy SPL1 by drawing settlements within defined development boundaries on the relevant policies and local maps. This	Whilst the supporting text preceding the policy states <i>“in general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect the character and</i>	No specific changes that affect this policy.	An in-house review of Settlement Development Boundaries will need to be undertaken as part of the Local Plan review to ensure they continue to properly define the extent of settlements and the	Aside from the need to review the definition of the Settlement Development Boundaries themselves as part of the Local Plan review, recent appeal decisions suggest that the Council may wish to revisit and strengthen the wording of Policy SPL2 to ensure it properly reflects the intention (as set out in the supporting text) that land beyond the boundaries will, in general terms, be the subject of strict control to protect and enhance the character of the countryside, recognising that

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	<p>approach seeks to encourage sustainable patterns of growth and control urban sprawl by being generally permissive of development on land within the defined boundaries and stricter in the control of development on land beyond them.</p>	<p><i>openness of the countryside</i>”; the wording of the policy itself is not so explicit. There have been some appeal decisions where Planning Inspectors have interpreted the policy as being more permissive of development on land beyond the defined boundaries than intended.</p>		<p>countryside beyond. This review will naturally have regard to any actual changes on the ground and any relevant planning permissions granted since the adoption of the last Local Plan. The need to identify any additional land to accommodate longer-term housing or employment development as part of the overarching spatial strategy will also likely result in changes to the settlement development boundaries once those requirements are determined and options have been considered.</p>	<p>there will be exceptions – some of which will be addressed through other Local Plan policies.</p>
<p>SPL3 – Sustainable Design</p>	<p>This policy applies to all new development (including changes of use) and sets out the Council’s requirements aimed at achieving good design, general practical requirements and compatibility with surrounding uses whilst minimising adverse environmental impacts.</p>	<p>This is the most commonly used policy in planning decisions as it sets out expectations and criteria that will apply in the determination of the majority of planning applications. The policy is broadly reflective of national requirements and lists the general planning considerations against which judgements are made.</p>	<p>Paragraph 131 of the NPPF requires Local Plans to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.</p> <p>Local Plans should set out a clear design vision and provide maximum clarity about design expectations. These design codes or guides can either form part of the Local Plan or be supplementary planning documents.</p>	<p>No specific new evidence is required to inform a review of this policy, although there have been developments in the thinking around design and quality – including the introduction of the National Model Design Code (NMDC), the ‘Building for a Healthy Life’ toolkit, and continued updates to the Essex Design Guide.</p>	<p>Officers consider that Policy SPL3 remains broadly relevant and appropriate and could potentially be carried forward relatively unchanged into the updated Local Plan.</p> <p>Consideration could however be given to focussed amendments to incorporate the expectations around tree-lined streets and the creation of beautiful and sustainable places as set out in the latest version of the National Planning Policy Framework (NPPF).</p> <p>The policy might also benefit from being updated to refer to other relevant planning guidance and initiatives aimed at achieving good quality development; and a general check to ensure that policy requirements are not repeated, unnecessarily, here or elsewhere in the Local Plan. The National Model Design Code (NMDC), local design codes, Building for a Healthy Life, the Essex Design Code and use of the Essex Design Review Panel could be referenced in the policy or supporting text, and/or in relation to an updated Policy LP4 ‘Housing Layout’.</p>
Healthy Places					
<p>HP1 – Improving Health and Wellbeing</p>	<p>This policy sets out how the Council will work with partners to improve the Health and Wellbeing of residents in Tendring. One of the policy’s specific requirements is for Health Impact Assessments (HIA) to be submitted with planning applications for 50 or more dwellings, residential institutions and non-residential developments of 1,000 sqm of more gross internal floor space. It also provides the policy basis for seeking mitigation towards new or enhanced health facilities from housing developments.</p>	<p>There is often significant public interest in ensuring infrastructure around health provision is provided alongside and/or as part of new development. It will be important to ensure, going forward, that the policy wording is strong enough to secure both the quality of development needed to promote healthy lifestyles and the infrastructure for health provision that will be required to meet the needs of a growing and changing population.</p> <p>The right level of flexibility will also be required to ensure that any developer contributions towards health provision can be</p>	<p>Paragraph 94 of the NPPF now requires Local Plans to consider the social, economic and environmental benefits of estate regeneration. This requirement could be met with reference to the Jaywick Sands Place Plan and Design Guide SPD, and is already addressed through Policy PP14.</p>	<p>The Council is expected to produce a Health and Wellbeing Strategy in partnership with other bodies responsible for delivering health provision and promoting healthy lifestyles. The updated Local Plan ought to reflect the aims and objectives of that strategy as best as possible, as it emerges.</p> <p>An updated Infrastructure Delivery Plan (IDP) will also be necessary as part of the evidence base to consider the infrastructure needs arising from any additional development proposed to meet longer-term requirements, particularly housing. Public health partners</p>	<p>Officers consider that Policy HP1 remains generally fit for purpose and could be carried into the updated Local Plan with only minor changes and relevant updates.</p> <p>The supporting text preceding the policy might warrant a fuller update to reflect both the latest statistical evidence around health and wellbeing along with any more up-to-date strategies and initiatives – including the Council’s own future Health and Wellbeing Strategy, Sport England and Active Travel England’s ‘Active Design’ checklist and Essex County Council’s ‘Livewell Accreditation’ requirements</p> <p>Consideration could also be given to the inclusion of more guidance on specific requirements of Health Impact Assessment (HIA), either within the policy, its supporting text or the Local Plan’s appendices.</p>

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
		<p>directed toward delivering the right infrastructure in line with the most up-to-date strategies from the NHS and other health partners.</p> <p>Planning Officers have suggested that the Local Plan might benefit from some additional guidance on the requirements of a Health Impact Assessment (HIA).</p>		<p>will be involved in this update with regards to health provision. Health statistics in the supporting text of the Local Plan could benefit from being updated with the latest available information.</p>	
<p>HP2 – Community Facilities</p>	<p>This policy sets out how the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. It specifically requires new development to provide or contribute towards new or enhanced community facilities; and guards against the loss of existing facilities unless replacement provision is made or it is proven the facility is no longer needed.</p>	<p>Supporting text to Policy HP2 lists the type of community facilities to which the policy will apply. The list includes community halls, libraries, museums, arts venues, post offices, public houses, places of worship, sports halls, health and fitness facilities, swimming pools and other facilities of community value. This differs from that set out in the National Planning Policy Framework (NPPF) which refers to the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.</p>	<p>Paragraph 84 of the NPPF requires Local Plans to enable the retention and development of local services and community facilities.</p>	<p>No specific evidence is required to inform a review of this policy; however, an Infrastructure Delivery Plan (IDP) will be required to identify specific infrastructure, services and facilities needed to support longer-term housing growth – having regard to the latest strategies of different service providers.</p>	<p>Officers consider that Policy HP2 remains broadly fit for purpose and could potentially be carried forward unchanged, or with very minor amendments, into the updated Local Plan.</p> <p>There is however some suggestion that the list of community facilities to which the policy applies could be promoted from the supporting text and into the wording of the policy and/or amended to better reflect the wording of the National Planning Policy Framework (NPPF) .</p> <p>Consideration could also be given to the inclusion of guidance, potentially as an appendix to the Local Plan on the kind of evidence that would be expected with a planning application to justify the loss of an existing community or cultural facility. This increased clarity could enable greater retention of local services and community facilities.</p>
<p>HP3 – Green Infrastructure</p>	<p>This policy explains the important role of ‘green infrastructure’ in tackling climate change, providing flood mitigation and habitat creation. It requires all new development to include new green infrastructure and seeks to protect and enhance existing areas as appropriate.</p>	<p>No specific issues identified.</p>	<p>Paragraph 179 of the NPPF has been strengthened. Local Plans must now identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <p>The introduction of mandatory 10% biodiversity net gain may also impact this policy.</p>	<p>The Council is likely to develop a strategy for the provision, maintenance and use of open space which will itself be informed by studies already carried out on behalf of the Council looking at both the quality and quantity of open space. Any updated version of Policy HP3 (and associated policies HP4 and HP5) ought to reflect and give effect to this work.</p> <p>The <u>Essex Green Infrastructure Standards</u> should be referenced in the Policy text.</p>	<p>Officers consider that the suite of Policies HP3, HP4 and HP5 that relate to green infrastructure, open space, sports and recreation might warrant a full review. This is to ensure that together the policies reflect the latest evidence on open space quantity and quality, the latest requirements, and opportunities around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG) and any emerging strategies from the Council or its partners on open space, sports and recreational provision.</p>
<p>HP4 – Safeguarded Open Space</p>	<p>This policy seeks to protect against the loss of ‘Safeguarded Open Space’ unless certain criteria are met. It also identifies land for the future expansion of existing cemeteries and the crematorium and gives support</p>	<p>The policy gives protection to a wide range of safeguarded open spaces – some of which are potentially unusable provide little public or environmental benefit.</p>	<p>No specific changes that affect this policy.</p>	<p>The Council is likely to develop a strategy for the provision, maintenance and use of open space which will itself be informed by studies already carried out on behalf of the Council looking at both the</p>	<p>Officers consider that the suite of Policies HP3, HP4 and HP5 that relate to green infrastructure, open space, sports and recreation might warrant a full review. This is to ensure that together the policies reflect the latest evidence on open space quantity and quality, the latest requirements and opportunities around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG) and any emerging strategies from the</p>

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	for new cemeteries and burial places, subject to meeting other Local Plan requirements.	This may need to be reviewed going forward.		quality and quantity of open space. Any updated version of Policy HP3 (and associated policies HP4 and HP5) ought to reflect and give effect to this work.	Council or its partners on health and wellbeing; and open space, sports and recreational provision. The element of Policy HP4 relating to the expansion of crematorium and cemetery space might need further consideration both to reflect longer-term demands over an extended Local Plan period, but also to reflect the emergence of other forms of burial, such as woodland burial, which are becoming increasingly popular and which may play a role in local nature recovery in the future.
HP5 – Open Space Sports and Recreation Facilities	This policy sets out how the Council will work with partners and sports providers to maintain, expand and improve the quality and accessibility of public open spaces, sports and recreational facilities. The policy specifies the requirement for larger residential developments of 11 or more dwellings on sites of 1.5 hectares and above to provide a minimum 10% open space.	The Supplementary Planning Document (SPD) to which the policy refers is old and would benefit from being updated. The policy could be improved by being explicit that open spaces should be publicly accessible and being clearer as to how the dwelling number and site-size threshold are supposed to apply. Some concern that too low a threshold can result in a proliferation of smaller open spaces on medium-sized developments across the district that are not always usable and straight-forward to maintain as larger more strategically-located spaces.	Paragraph 98 of the NPPF now requires open space, sports and recreational facilities to meet the needs of the local area and also to consider how they can deliver wider benefits for nature and support efforts to address climate change.	The Council is likely to develop a strategy for the provision, maintenance and use of open space which will itself be informed by studies already carried out on behalf of the Council looking at both the quality and quantity of open space. Any updated version of Policy HP3 (and associated policies HP4 and HP5) ought to reflect and give effect to this work.	Officers consider that the suite of Policies HP3, HP4 and HP5 that relate to green infrastructure, open space, sports, and recreation might warrant a full review. This is to ensure that together the policies reflect the latest evidence on open space quantity and quality, the latest requirements and opportunities around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG) and any emerging strategies from the Council or its partners on health and wellbeing; and open space, sports and recreational provision.

Living Places

LP1 – Housing Supply	This policy sets out how new housing development will be delivered across the district to meet projected needs. It identifies the different sources of housing land supply i.e., the number of homes expected to be delivered from sites specifically allocated for development in the Local Plan, sites already under construction or with planning permission in place and other non-allocated 'windfall' sites.	This policy provides the basis for the 'housing land trajectory' which is kept under annual review through updates to the Council's 'Strategic Housing Land Availability Assessment' (SHLAA). The trajectory enables the Council to monitor and maintain a five-year supply of deliverable housing sites, as required by the National Planning Policy Framework (NPPF). If the Council is unable to demonstrate a five-year supply of deliverable housing sites at any time, it can lead to speculative development proposals having to be considered favourably, contrary to the Local Plan.	NPPF para 69 requires 10% of housing requirement to be delivered on sites smaller than 1ha. NPPF para 66 requires strategic policies to set out the housing requirement for designated neighbourhood areas.	The longer-term requirement for housing over a rolled-forward Local Plan period will be informed by population and household projections, making adjustments to reflect economic growth, housing affordability and other factors. The evidence that underpins the current Local Plan housing requirement of 550 homes a year will need to be revisited in line with the requirements of national planning policy – as relevant at the time of review. Annual updates to the Council's Strategic Housing Land Availability Assessment (SHLAA) are already carried out. These will inform the updated housing supply figures to be included in this policy.	Because the review of the Local Plan will extend its timeframe, the Council will need to determine and address longer-term requirements for housing – which is likely to require the allocation of additional land for that purpose. Policy LP1 will need to be updated, in full, to reflect this.
LP2 – Housing Choice	This policy requires larger residential developments to	Suggestion that the policy wording could be strengthened	Paragraph 61 of the NPPF now requires Local Plans to be informed by	An update to the Strategic Housing Market Assessment will	Officers consider the format and wording Policy LP2 to be broadly appropriate and up-to-date to be carried forward, mainly unchanged,

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	include a mix of dwelling sizes, types and tenures, and states that the Council will support the delivery of specific housing types such as bungalows, self-build, and retirement complexes.	so that developments must deliver a mix of dwelling, size, type and tenure – making it a requirement rather than an expectation.	<p>a local housing need assessment, conducted using the standard method in national planning guidance as a starting point. Any housing needs which cannot be met within neighbouring areas should also be taken into account when establishing the amount of housing to be planned for within the plan.</p> <p>Paragraph 62 requires the plan to identify the size, type and tenure of housing needed for different groups.</p> <p>The NPPF requires at least 10% of the total number of new homes to be available for affordable home ownership, which would account for 1/3 of the affordable housing requirement of the adopted Local Plan.</p> <p>In addition, 25% of all affordable homes should be 'First Homes' - in line with the national definition.</p>	be required to inform the size, type and tenure of new housing likely to be required in the district going forward. This will also inform the requirements for affordable housing and any specialist forms of housing to meet the needs of particular groups.	<p>into the updated Local Plan – however the evidence referred to in the supporting text will need to be updated to reflect latest available information and findings of an updated Strategic Housing Market Assessment (SHMA).</p> <p>Some consideration could however be given to strengthening the wording of the policy to ensure developments do genuinely deliver a mix of dwelling size, type and tenure whilst maintaining a necessary degree of flexibility to reflect changes in market demand and the circumstances under which it might not be appropriate to insist on such a mix.</p>
LP3 – Housing Density and standards	This policy ensures new residential and mixed-use development achieves the appropriate housing density in regards to infrastructure, accessibility to local services, character of development and technical housing standards. The last part of the policy requires a certain percentage of dwellings on larger developments to meet higher standards of adaptability, accessibility and wheelchair access from the Building Regulations.	The final part of the policy relates more to accessibility, adaptability and wheelchair standards as set out in the Building Regulations. This element of the policy might be better placed elsewhere in the Local Plan and these standards may well change in the future.	No specific changes in the NPPF that affect this policy. However, new guidance such as Sport England 'Active Design Checklist' and 'Active Design Principles', the Essex Design Guide 'Health Places' checklist, and Homes England's 'Building for a Healthy Life' toolkit will need to be reflected in this policy.	The viability assessment of the Local Plan will need to be updated, which may have implications for the level of adaptable, accessible and wheelchair-user standard homes required on new developments.	Officers consider that there is scope to improve this policy and bring it in line with current guidance and best practice. Examples of topics that may be added to this policy include designing for healthy, inclusive, and active lifestyles, and building homes that meet minimum standards with regards to carbon emissions and climate resilience. The supporting text could be updated to include reference to relevant guidance documents, such as the Sport England 'Active Design Checklist' and 'Active Design Principles', the Essex Design Guide 'Health Places' checklist, and Homes England's 'Building for a Healthy Life' toolkit.
LP4 – Housing Layout	This policy is to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District.	The policy could benefit from clarity around whether SUDS should be a requirement of small sites (including single dwellings). Additionally, the relationship between this policy and policy HP5 (Open Space) should be made clearer.	<p>The NPPF requires Local Plans to set out a clear design vision and provide maximum clarity about design expectations. These design codes or guides can either form part of the Local Plan, or be supplementary planning documents.</p> <p>Paragraph 131 of the NPPF requires Local Plans to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.</p>	No specific evidence required, although the viability assessment will need to consider the implications of any improved standards required by an updated policy.	<p>The Council may wish to consider updating this policy to reflect the most recent guidance provided nationally and in the Essex Design Guide. Reference may need to be made to biodiversity net gain and green infrastructure interconnectivity, taking the Local Nature Recovery Strategy into consideration. Consideration may also need to be given to how more detailed design requirements can be set out here and elsewhere within the Local Plan.</p> <p>The supporting text could be updated to include reference to relevant guidance documents, such as the Sport England 'Active Design Checklist' and 'Active Design Principles', the Essex Design Guide 'Health Places' checklist, and Homes England's 'Building for a Healthy Life' toolkit.</p>

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
LP5 – Affordable Housing	This policy sets out how the Council will work with the development industry to provide new affordable housing. It requires developments of 11 or more dwellings to provide 30% of dwellings in the form of affordable housing.	<p>There have been cases where financial contributions toward off-site affordable housing provision have been agreed as an appropriate alternative to on-site provision; but where the contribution has had to be negotiated in the absence of any specific published guidance (such as a Supplementary Planning Document (SPD)) on how the contribution is calculated.</p> <p>There have also been cases where developments falling below the site size threshold in the policy have come forward on land immediately adjoining development, where cumulatively they could be considered a larger development to which on-site affordable housing requirements would apply – and for which, in some cases, the Council has sought financial contributions towards off-site provision</p>	<p>The NPPF requires at least 10% of the total number of new homes to be available for affordable home ownership, which would account for 1/3 of the affordable housing requirement of the adopted Local Plan.</p> <p>In addition, 25% of all affordable homes should be ‘First Homes’ - in line with the national definition.</p>	<p>An update to the Council’s Strategic Housing Market Assessment (SHMA) or equivalent evidence will help determine the scale of affordable housing need which, in turn will inform the percentage of affordable housing that can be sought.</p> <p>There will also need to be an update to the Council’s evidence on economic viability which will help determine how affordable housing can realistically be delivered on sites having regard to relevant costs and values.</p>	<p>Officers consider that the wording of Policy LP5 might warrant some amendments to bring it more closely in line with national policy and to ensure, given the likely scale of affordable housing needed in the future, that as much affordable provision can be secured on-site as is reasonably and viably possible. The Policy will need to reflect up-to-date requirements within national policy with regards to the tenure split of affordable housing.</p> <p>The site size threshold of ‘11 dwellings or more’ could be amended to reflect policy in the National Planning Policy Framework (NPPF) which refers to affordable housing being sought from ‘major developments’, defined as development of 10 or more dwellings..</p> <p>More detailed guidance on how affordable housing is secured, either on site or through off-site financial contributions, might be considered – either for inclusion in the supporting text or appendices of the Local Plan itself, or through a separate Supplementary Planning Document (SPD).</p>
LP6 – Rural Exception Sites	This policy sets out the requirements for affordable housing if outside the settlement development boundaries of a rural service centre or smaller rural settlement.	No comment	The NPPF emphasises that Local Plans should be responsive to local circumstances and support rural housing developments that reflect local need.	None. Rural exception schemes are judged on the basis of bespoke housing needs evidence submitted with individual planning applications.	Officers consider that Policy LP6 could be carried forward, unchanged, into the updated Local Plan.
LP7 – Self-Build and Custom-Built Homes	This policy sets out the requirements for developments comprising self-build and custom-built homes.	There have been no specific problems with the application of this policy in determining planning applications, although there has been some confusion as to the interpretation of the policy wording. Consideration could be given to providing definitions for the policy requirements, such as ‘safely accessible on foot’.	Requirements under the self build and custom housebuilding legislation have not changed since the adoption of the Local Plan. However, there is growing emphasis by Government on the importance of providing opportunities for this kind of development, which may suggest an update to this policy is appropriate.	The Council’s self-build register is updated as and when new applications to be entered onto the register are received, and the demand demonstrated by the register is reviewed annually.	<p>The Council may wish to consider amending the policy to require a specific percentage of homes on larger residential development being provided in the form of self-build or custom-built housing – in the same manner that a percentage of affordable housing is required through Policy LP5. Any percentage might require evidenced justification.</p> <p>Given that the strategic urban settlements and smaller urban settlements are generally the focus for large-scale planned development, within which an element of self-build and custom-built housing could be provided, the element of the policy that allows for development beyond settlement development boundaries may be better focussed on rural locations – in a similar way in which Policy LP6 on rural exception schemes applies.</p> <p>The Council may wish to consider whether or not self-build and custom –built housing could also be permitted on land outside the settlement development boundaries of the ‘smaller rural settlements’ to enable sensible levels of development to take place in and around more of the district’s rural areas – and to contribute towards the requirement in the NPPF for 10% of new housing to be on smaller sites of less than 1ha.</p> <p>Officers consider that some additional clarification around the criteria of this policy, to provide clear definitions for terms such as ‘small developments’ and ‘safely accessible on foot’, could improve the policy’s effectiveness.</p>

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
LP8 – Backland Residential Development	This policy sets out the requirements for residential development of “backland” sites.	There has been some confusion around the definition of long and narrow driveways. Greater clarity could be provided to assist decision makers.	No relevant changes in national policy.	No additional evidence required.	Officers consider that Policy LP8 could be carried forward, unchanged, into the updated Local Plan. There could however be some consideration within the supporting text of providing some guidance around what might be classed as a ‘long or narrow’ driveway.
LP9 – Gypsy and Traveller Sites	This policy sets out the criteria for any future Gypsy and Traveller sites.	No specific issues have arisen as a result of this policy, although applicants have questioned whether the evidence behind it is update. A review of the evidence around Gypsy and Traveller Sites is already underway.	No changes to national policy since the adoption of the Local Plan.	An update to the Gypsy and Traveller Needs Assessment (GTAA) is currently being undertaken for all the authorities in Essex.	Because the review of the Local Plan will extend its time-frame, it will need to determine and address longer-term requirements for gypsy and traveller pitch provision. Depending on the findings of the latest Gypsy Traveller Accommodation Assessment (GTAA), there might be a need to allocate specific sites for that purpose. The criteria-based element of the policy that applies in the determination of planning applications is considered to be up-to-date and appropriate and could be carried forward, unchanged, into the updated Local Plan.
LP10 – Care, Independent Assisted Living	This policy is to ensure the Council meets the care needs of future generations and generates growth in the care, independent and assisted living sector.	The policy give clear criteria for the provision of new care homes, but is silent on the extension of care homes already located outside Settlement Development Boundaries.	No specific changes affect this policy.	An update to the Council’s Strategic Housing Market Assessment (SHMA) or equivalent evidence will help determine the future demand for this type of accommodation.	The Council may wish to consider amending the text of the policy to make it clear that extensions to care homes will be supported.
LP11 – HMO and Bedsits	This policy sets out the requirements for creation of HMO’s or bedsits within defined town centres.	There is uncertainty over the interpretation of the opening paragraph, and in which circumstances new Houses in Multiple Occupation will be supported.	No specific changes affect this policy.	None required.	Officers consider there is scope to update this policy in light of any updated vehicle and bicycle parking standards prevailing at the time of the review. Amendments to the opening paragraph to increase clarity may also be considered.
Prosperous Places					
PP1 – New Retail Development	This policy seeks to focus new retail development to town centres.	No specific issues identified.	NPPF Paragraph 20 states that meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.	A review of the District’s retail and town centres study may be required.	Officers consider that Policy PP1 remains up-to-date and relevant and could be carried forward, unchanged, into the updated Local Plan.
PP2 – Retail Hierarchy	This policy identifies the town and district centres that should be the focus for ‘town centre uses’.	The definition of ‘town centre uses’ is not entirely consistent with the NPPF, and should be amended to ensure uniformity.	There are no significant changes which affect this Policy.	A review of the District’s retail and town centres study may be required.	Officers consider it unlikely that the local economy will have changed so significantly in the years since the Local Plan was adopted that the approach to new retail development will be out-of-date. This policy could be carried forward largely unchanged into the updated Local Plan. Consider reviewing the list of ‘town centre uses’ to ensure conformity with national policy.
PP3 – Village and Neighbourhood Centres	This policy seeks to protect village and neighbourhood centres by preventing the loss of retail uses in these locations.	No issues identified..	There are no significant changes which affect this Policy.	A review of the District’s retail and town centres study may be required.	Officers consider that this policy remains broadly up to date, and could be carried forward into the updated Local Plan with only minor changes. Any update will need to reflect the recent commercial development in Jaywick Sands, Tendring Colchester Garden Community neighbourhood centres and other major developments within Tendring.

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
PP4 – Local Impact Threshold	This policy sets thresholds to identify which retail, leisure and office developments will require impact assessments if they are to be located outside of the town, district, village or neighbourhood centres.	No issues identified..	There are no significant changes which affect this Policy	A review of the District’s retail and town centres study may be required.	Officers consider that Policy PP4 remains up-to-date and relevant and could be carried forward, unchanged, into the updated Local Plan. It may be necessary to review the list of uses the locally set thresholds applies to, to ensure consistency with the list of ‘town centre uses’ is consistent with the NPPF. It may also be beneficial to include a reference in the supporting text to the national Planning Practice Guidance on Town Centres and Retail to provide greater clarity regarding the application of this policy.
PP5 – Town Centre Uses	This policy seeks to prevent the loss of town centre uses within Town Centre boundaries, and to retain group floor shop units within Primary Shopping Areas.	No issues identified..	There are no significant changes which affect this Policy	A review of the District’s retail and town centres study may be required.	Officers consider that Policy PP5 remains broadly up-to-date and relevant and could be carried forward, unchanged, into the updated Local Plan. A review of the Town Centre boundaries and Primary Shopping Areas may be necessary following the review of the retail study.
PP6 – Employment Sites	This policy seeks to protect existing employment sites from redevelopment to non-employment uses.	The Policy supports the retention of existing employment sites, but is silent on whether the Plan supports the extension of such sites.	There are no significant changes which affect this Policy	An Employment Land Review will be required to understand whether additional employment allocations should be made. The Council’s Economic Development Strategy may need updating, to reflect the benefits and opportunities created by Freeport East around the A120 corridor.	The Council may wish to consider updating this policy to establish a set of criteria for determining applications to extend existing employment sites.
PP7 – Employment Allocations	This policy sets out the land allocated for new employment uses within the District.	The allocations in this policy are being brought forward for development through Planning	Paragraph 83 of the NPPF promotes the provision of clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.	An Employment Land Review will be required to understand whether additional employment allocations should be made. The Council’s Economic Development Strategy may need updating, to reflect the benefits and opportunities created by Freeport East around the A120 corridor.	It is expected that the District has sufficient employment sites to meet demand until 2041 without taking into account the allocations within the TCBGC. However, this will be reconsidered in the Employment Land Review. The economic strategy outlined within the text does not fully take account of the effects of the Freeport East in Harwich and the A120 corridor. This will be subject of a further study, the findings of which will be incorporated into the text with the possibility of additional planning policies and allocations.
PP8 – Tourism	This policy seeks to support economic growth in tourism and attract visitors to the Tendring District.	The policy gives general support to appropriate proposals for a range of leisure and tourism attractions and facilities – but it is unclear whether tourist accommodation is to be supported.	There are no significant changes which affect this Policy.	The Council’s Tourism Strategy may be updated to coincide with the review of the Local Plan.	This Policy may need to be updated to ensure it reflect the emerging Tourism Strategy, and to provide greater clarity around when new tourist accommodation will be supported.
PP9 – Hotels and Guesthouses	This policy encourages the provision of new hotels and guesthouses, and seeks to retain existing accommodation within defined centres and along the seafront within the District’s coastal towns.	No issues identified.	There are no significant changes which affect this Policy.	None required.	Officers consider that this Policy is still relevant and up-to-date, and can therefore be carried forward into the updated Local Plan with no significant changes.
PP10 – Camping and Touring Caravan Sites	This policy sets out the requirements for new camping or touring caravan/motorhome sites and extensions to existing sites.	No issues identified.	There are no significant changes which affect this Policy.	The Council’s Tourism Strategy may be updated to coincide with the review of the Local Plan.	Officers consider that this Policy is still relevant and up-to-date, and can therefore be carried forward into the updated Local Plan with no significant changes, subject to reviewing the Council’s Tourism Strategy.

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
PP11 – Holiday Parks	This policy seeks to safeguard the District's holiday parks, to protect them from redevelopment for alternative uses.	There is uncertainty as to whether chalets with residential C3 use, but with occupancy restrictions, are also protected by the policy. It is proposed that review of which parks should continue to be safeguarded is undertaken as part of the Local Plan review.	There are no significant changes which affect this Policy.	A Holiday and Residential Park Impact Assessment was undertaken in 2020. A review of this study may be considered, to determine which parks should continue to be safeguarded.	Whilst the wording of Policy PP11 is considered up-to-date and relevant, the Council may wish to take the opportunity to review which of the holiday and caravan parks in the district should continue to be safeguarded for the longer-term and thus protected under the policy.
PP12 – Improving Education and Skills	This policy seeks to improve education and employment prospects within the District, and to ensure residential development addresses the impacts on education provision.	There is uncertainty as to whether the requirements for new residential development apply to all proposals, or just that on larger sites of 10 dwellings or more.	There are no significant changes which affect this Policy.	The policy should reflect the very latest version of Essex County Council's Guide to Developer Contributions.	Officers consider that this Policy is still relevant and up-to-date, and can therefore be carried forward into the updated Local Plan with no significant changes. Clarification as to the scope of the requirements for new residential development may be incorporated into the supporting text.
PP13 – The Rural Economy	This policy sets out the kinds of new development that will be supported outside Settlement Development Boundaries, and the criteria for assessing reuse of rural buildings linked to farm diversification schemes.	No significant issues identified.	NPPF Para 85 now states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Policy PP13 already addresses this.	None	The Council may wish to consider what other kinds of development are suitable outside development boundaries, to meet the needs of local businesses and community facilities. Furthermore, the policy could be used to enhance the sustainability of certain locations, in line with the most recent NPPF guidelines.
PP14 – Priority Areas for Regeneration	This policy identifies priority areas for regeneration.	No comments.	Paragraph 94 of the NPPF now requires Local Plans to consider the social, economic and environmental benefits of estate regeneration.	None.	Officers consider that this policy remains up-to-date, and can be carried forward with no significant changes. However, the explanatory text may need to be updated to reflect and explain the significant work currently underway in these areas.
Protected Places					
PPL1 – Development and Flood Risk	This policy sets out the requirements for development within a flood zone (which includes flood zones 2 and 3 as defined by the Environment Agency).	There is a degree of uncertainty surrounding the definitions of blue and green infrastructure.	No significant changes that affect this policy.	The Strategic Flood Risk Assessment for Tendring would benefit from being updated.	Officers would recommend updating the Glossary to include clear definitions of green and blue infrastructure.
PPL2 – Coastal Protection Belt	This policy sets out how the Council will protect the open character on the undeveloped coastline.	No specific concerns.	None	No specific evidence updates required.	Officers consider that the Coastal Protection Belt policy is effective and could be carried forward into the updated Local Plan relatively unchanged. However, the boundary of the designation may need to be amended to reflect any new land allocations proposed as part of the review process.
PPL3 – The Rural Landscape	This policy sets out how the Council will protect the rural landscape from any proposed development that will cause overriding harm to its character or appearance.	No specific concerns.	Local Plans must demonstrate how they will contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services	A full review of the Landscape Character Appraisals is likely to be required.	Officers consider that this policy is effective, and could be carried forward into the updated Local Plan with only minor changes. However, a review of the Landscape Character Appraisals is proposed, to inform the assessment of any future land allocations.
PPL4 – Biodiversity and Geodiversity	This policy sets out the requirements for development proposals in sites designated for their international, European	There are new requirements under planning law and national planning policy around Biodiversity Net Gain (BNG) that are expected to come into force	Local Plans should: distinguish between the hierarchy of international, national, and locally designated sites, take a strategic approach to maintaining and enhancing networks of	A full review of the evidence base around ecology and nature recovery may be required.	Officers would recommend a full and thorough review of this policy to ensure alignment with current national requirements around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG). The Council may wish to consider the feasibility of a target of 20% biodiversity net gain as being promoted by Essex Local Nature Partnership.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	and national importance to nature conservation.	in 2024. The current policy does not fully reflect these requirements but may need to going forward.	habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.	Consider endorsing the GeoEssex Local Geological Sites (LoGS) report November 2019.	In addition, the updated policy will need to reflect the findings of the GeoEssex Local Geological Sites report.
PPL5 – Water Conservation, Drainage and Sewerage	This policy ensures that all new development must make adequate provision for drainage and sewerage and should include sustainable drainage systems.	Greater clarity would be welcomed around how the water conservation techniques can be quantified to ensure compliance.	No changes to national planning guidance.	None.	Officers suggest that consideration is given to incorporating some of the requirements of this policy into a new policy on biodiversity net gain which has been developed by Essex County Council in partnership with individual local planning authorities in Essex, with evidence to demonstrate that it is feasible and viable.
PPL6 – Strategic Green Gaps	This policy is to protect the strategic green gaps as shown on the policy maps in order to retain the separate identity of settlements.	Strategic Green Gap designation has been the subject of a planning application for a solar farm between Kirby Cross and Kirby le Soken which was refused on grounds of its impact on the green gap. That proposal is, at the time of writing, subject of an appeal for which the Inspector’s decision is awaited.	No changes	The current evidence on Strategic Green Gaps that supported the Local Plan examination is relatively up-to-date. Unless the Council has to consider releasing land for development in the designated areas to meet longer-term development needs, further evidence is not, at this time, considered necessary.	Because the Strategic Green Gap designation is designed to endure for the purpose of long-term separation of settlements and is based on relatively up-to-date evidence, Officers would recommend carrying forward all of the protected areas unchanged into the updated Local Plan. The outcome of the solar farm appeal at Kirby Cross/Kirby le Soken might or might not require a review of specific policy wording. Consideration could however be given to extending the Strategic Green Gap east of the Tendring Colchester Borders Garden Community (as shown in the emerging Development Plan Document) to the western edge of Elmstead Market village to reinforce the need for separation to be retained between the new and existing settlements.
PPL7 – Archaeology	This policy sets out the requirements of any new development which would or might affect designated or non-designated archaeological remains.	This policy reflects the requirements of national planning policy and the expectations	No changes to national policy.	None.	The suite of Policies PPL7, PPL8 and PPL9 that all relate to the historic environment are all considered to remain appropriate and up-to-date and Officers suggest that could all be carried forward, unchanged, into the updated Local Plan.
PPL8 – Conservation Areas	This policy sets out the requirements for new development within a designated Conservation Area.	No concerns.	No changes to national policy.	None.	The suite of Policies PPL7, PPL8 and PPL9 that all relate to the historic environment are all considered to remain appropriate and up-to-date and Officers suggest that could all be carried forward, unchanged, into the updated Local Plan.
PPL9 – Listed Buildings	This policy sets out the requirements for proposals for new development affecting a listed building or its setting.	No concerns.	No change to national policy.	None.	The suite of Policies PPL7, PPL8 and PPL9 that all relate to the historic environment are all considered to remain appropriate and up-to-date and Officers suggest that could all be carried forward, unchanged, into the updated Local Plan.
PPL10 – Renewable Energy Generation and Energy Efficiency Measures	This Policy sets out the requirements for new renewable energy generation schemes, and the energy efficiency measures required in other kinds of development.	The policy is unclear as to whether the renewable energy requirements should apply to all development proposals, or just to new residential and employment development.	National policy places an increasing emphasis on responding to climate change and promoting energy efficiency. and Local Plans will need to respond to this.	None required.	There have been significant advancements in thinking around policies on renewable energy and energy efficiency measures – including a suite of model Local Plan policies developed at a county level. Officers consider that there is scope of this policy to include more elements around energy efficiency and renewable energy generation, or for new policies to be incorporated into the plan that cover this issues in greater depth.
PPL11 – The Avenues Area of Special Character, Frinton-on-Sea	This Policy covers new development within The Avenues area of Frinton-on-Sea.	No concerns.	None.	None.	Officers consider that Policy PPL11 could be carried forward, unchanged, into the updated Local Plan.
PPL12 – The Gardens Area of Special Character, Clacton-on-Sea	This Policy sets out specific requirements for new development within The Gardens area of east Clacton	No concerns.	None.	None.	Officers consider that Policy PPL12 could be carried forward, unchanged, into the updated Local Plan.

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	aimed at ensuring its special character is respected.				
PPL13 – Ardleigh Reservoir Catchment Area	This policy support proposals which involve the role, function and operation of Ardleigh Reservoir, its Treatment Works and associated networks.	No concerns.	No change to national policy.	None.	Officers consider that Policy PPL13 could be carried forward, unchanged, into the updated Local Plan – but will consult Affinity Water and Anglian Water to confirm.
PPL14 – Safeguarding of Civil Technical Site, North East of Little Clacton/South of Thorpe-Le-Soken	This Policy is the safeguarding of the civil technical site, North East of Little Clacton/South of Thorpe-Le-Soken.	No concerns.	No change to national policy.	None.	Officers consider that Policy PPL14 could be carried forward, unchanged, into the updated Local Plan – but will consult the Civil Aviation Authority (CAA) to confirm. A minor update to the supporting text may be required
PPL15 – Safeguarding of Hazardous Substance Site, South East of Great Oakley/South West of Harwich	This Policy is for the hazardous substance site located at Bramble Island.	No concerns.	No changes to national policy.	None.	Officers consider that Policy PPL15 could be carried forward, unchanged, into the updated Local Plan – but will consult EPC UK to confirm.
Connected Places					
CP1 – Sustainable Transport and Accessibility	This policy ensures new development includes sustainable modes of transport, including walking, cycling, public transport.	No concerns.	Paragraph 110 of the NPPF requires Local Plans to ensure that: <ul style="list-style-type: none"> - appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; - safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance including the National Design Guide and the National Model Design Code; and - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. 	None required.	Officers consider that this policy could be reviewed to ensure it reflects the most recent guidance and best practice surrounding sustainable transport in new developments. Reference could be made to provision of secure cycle parking both on private residential development and within the public realm, and also to Active Design guidance published by Sport England and Active Travel England. The supporting text could be updated to include reference to relevant guidance documents, such as the Sport England ‘Active Design Checklist’ and ‘Active Design Principles’, the Essex Design Guide ‘Health Places’ checklist, and Homes England’s ‘Building for a Healthy Life’ toolkit.
CP2 – Improving the Transport Network	This purpose of this policy is to ensure proposals for new development will contribute to the provision of a safe and efficient transport network.	No concerns.	Paragraph 106 of the NPPF requires Local Plans to: <ul style="list-style-type: none"> - provide for any large-scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy; and - provide adequate overnight lorry parking facilities, taking into account any local shortages. 	None required.	Officers suggest this policy could be updated to ensure references to the Tendring Colchester Borders Garden Community do not duplicate requirements in the site specific DPD. The Council may need to consider the requirement for any large-scale transport facilities that may arise from development connected to Freeport East.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
CP3 – Improving the Telecommunications Network	This policy seeks to ensure all new dwellings have access to suitable broadband connection and that new telecommunications infrastructure are, where possible, located on existing masts or buildings.	The policy doesn't stipulate whether a financial contribution towards the cost of installing broadband connectivity can be secured where a developer fails to provide the requirements themselves.	No changes.	None.	Officers consider that Policy CP3 remains generally fit for purpose and could be carried into the updated Local Plan with only minor changes and relevant updates, for example to reflect the most up-to-date broadband technologies.
Delivering Places					
SAMU1 – Development at EDME Maltings, Mistley	This policy identifies EDME Maltings in Mistley for a residential-led mixed-use development including employment, recreation and leisure. . The policy sets out specific requirements for the development.	EDME had been looking to relocate its operations from the Maltings Site in Mistley to Horsley Cross. Since the current Local Plan was adopted, the Council understands that EDME may now stay in Mistley and work to modernise its current premises.	n/a	Up-to-date communication with EDME to clarify its intentions with regard to the future of the Maltings site in Mistley.	The Council will need to consult EDME to determine whether or not it remains its intention to redevelop the site – particularly if it is no longer proposing to relocate to Horsley Cross. The Council will then be able to determine whether or not Policy SAMU1 is carried forward into the updated Local Plan. If the policy is deleted, it could be replaced with a new policy specifically relating to the Tendring Colchester Borders Garden Community and the associated Development Plan Document (DPD).
SAMU2 – Development at Hartley Gardens, Clacton	This policy relates to the second largest mixed-use development proposal in the Local Plan (behind the Garden Community) on land to the north west of Clacton. The policy allocates the site for a mixed-use development of around 1,700 homes, up to 7ha of employment land, and associated community facilities and infrastructure. The policy sets out specific requirements for the development, including the need for it be guided by a Supplementary Planning Document (SPD) or Masterplan.	Homes England, in collaboration with Greenwich Hospital Trust and other landowners are bringing the development forward and developing a masterplan to inform and be incorporated into an SPD – developed through public engagement. Preparation and adoption of SPD to carry on into 2024 with first outline planning applications potentially submitted by the end of 2024.	n/a	The Supplementary Planning Document (SPD), emerging Masterplan and all the evidence sitting behind them will be relevant to, and might inform any amendments to Policy SAMU2, if any are required. The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development.	This policy requires a comprehensive masterplan and SPD be prepared and approved by the Council before development comes forward. Work is now advancing on those documents, and they are likely to be completed before the Local Plan is fully reviewed. The policy should therefore be carried forward into the next Local Plan but might need to be updated to explicitly reference and reflect any adopted SPD and masterplan in place at the time of review.
SAMU3 – Development at Oakwood Park, Clacton	This policy allocates land east of current Finches Park development to the north of Clacton for a mixed use development including a further 900 homes and associated community facilities and infrastructure – with specific criteria that development is expected to meet.	An outline planning application 22/00537/OUT for this development has been submitted but is still in the process of being determined but which is expected to be amended before a decision is made, likely in 2024.	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development. The planning application and the evidence and studies sitting behind it will be relevant to, and might inform any amendments to Policy SAMU3, if any are required.	While it is likely that this allocated site will have received outline planning consent by the time the Local Plan review is under way, it will still need to secure detailed consent and discharge certain conditions before development commences. Policy SAMU3 may need to be carried forward, relatively unchanged, into the updated Local Plan so it applies in the determination of future detailed applications or variations to the development.
SAMU4 – Development at Rouses Farm, Jaywick Lane, Clacton	This policy allocates land to the West of Clacton for up to 950 homes and associated community facilities and infrastructure with specific criteria that development is expected to meet..	–The development is subject of outline planning application 17/01229/OUT which has a Planning Committee resolution to grant permission subject to the completion of a s106 legal agreement. At the time of writing, the completion of that	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development and whether this policy needs to be retained in the Local Plan.	While it is likely that this allocated site will have received outline planning consent by the time the Local Plan review is under way, it will still need to secure detailed consent and discharge certain conditions before development commences. Policy SAMU4 may need to be carried forward, relatively unchanged, into the updated Local Plan so it applies in the determination of future detailed applications or variations to the development.

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Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
		agreement and the grant of permission was imminent.			
SAMU5 – Development South of Thorpe Road, Weeley	This policy allocates land in Weeley for a mixed-use development comprising 280 homes, 1ha of employment land, and community facilities and infrastructure – with specific criteria that development is expected to meet.	Detailed planning consent has been granted through applications 19/00524/OUT and 22/00979/DETAIL.	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development and whether this policy needs to be retained in the Local Plan.	With detailed planning permission already in place, construction is likely to be underway before the Local Plan is updated. There may be a case for deleting Policy SAMU5 from the Local Plan if it is considered no longer necessary. However, if to meet the longer-term need for housing over an extended Plan Period, further large scale housing developments are required – the Local Plan may need new site-specific policies setting out specific expectations for those developments.
SAH2 – Development Low Road, Dovercourt	This policy allocates land off Low Road, Dovercourt for a development of at least 300 dwellings and associated open space – with specific criteria that development is expected to meet.	Full planning permission has been granted and development is already under way.	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development and whether this policy needs to be retained in the Local Plan.	This development is already under construction and likely to be well advanced before the Local Plan is updated. There may be a case for deleting Policy SAH2 from the Local Plan if it is considered no longer necessary. However, if to meet the longer-term need for housing over an extended Plan Period, further large scale housing developments are required – the Local Plan may need new site-specific policies setting out specific expectations for those developments.
SAE1 – Carless Extension, Harwich	This policy allocates land for the potential expansion of the Carless Refinery, and sets out the need for any development to minimise and mitigate impacts on the natural environment and landscape.	No planning applications have come for the expansion of Carless Refinery to date.	n/a	Up-to-date communication with Carless Refinery.	The Council will need to consult the operators of Carless Refinery to determine whether or not it remains its intention to expand – particularly given the national ambition to reduce carbon emissions and move towards green energy; and the specific environmental issues associated with the site’s location on the Stour and Orwell Estuaries SPA and Ramsar site, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the requirements of the Habitat Regulations.
Delivering Places					
DI1 – Infrastructure Delivery and Impact Mitigation	This policy is to ensure all new development has good access to all necessary infrastructure. It provides the policy basis for securing both on-site and off-site contributions through s106 agreements but makes provision for the future introduction of Community Infrastructure Levy (CIL). .	No specific issues.	Paragraphs 34 and 58 of the NPPF require that Local plans set out what contributions will be required from new development and expectations the such contributions will not make new development unviable. Paragraph 98 requires the LPA to work proactively and positively with promoters, delivery partners and statutory bodies to plan for public service infrastructure	The Infrastructure Delivery Plan (IDP) will need to be updated for the purposes of the Local Plan review along with the Council’s evidence on viability. These pieces of evidence might be updated as part of, or to coincide with background work to support the possible introduction of Community Infrastructure Levy (CIL).	The Council will need to consider whether it will actively seek to introduce Community Infrastructure Levy (CIL) as a means of securing developer contributions. However, overall the format and wording of Policy DI1 is broadly appropriate and could be carried forward, relatively unchanged, into the updated Local Plan.

PLANNING POLICY AND LOCAL PLAN COMMITTEE

20 DECEMBER 2023

REPORT OF THE DIRECTOR OF PLANNING

A.2 – MONITORING REPORT AND UPDATED HOUSING SUPPLY POSITION

(Report prepared by Eleanor Storey and Paul Woods)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
<p>To report to the Planning Policy and Local Plan Committee:</p> <ul style="list-style-type: none">• The findings of the most recently updated Strategic Housing Land Availability Assessment (SHLAA) including:<ul style="list-style-type: none">○ The number of new homes built in Tendring during the 2021/22 financial year and the up-dated year-by-year ‘trajectory’ for future housebuilding; and○ The current housing land supply position (the ‘five-year’ supply).• The findings of the Authorities Monitoring Report (AMR), which monitors the key indicators set out in the adopted Local Plan.

EXECUTIVE SUMMARY
<p><u>Housing Supply Position</u></p> <p><u>Housing Requirement</u></p> <p>Section 1 of the Local Plan sets out the ‘objectively assessed housing need’ (OAN) for Tendring of 550 homes a year, and the housing requirement for the period of the Local Plan 2013-2033 is therefore 11,000 homes. With approximately 5,850 homes already built between 2013 and 2023, the remaining requirement between now and 2033 stands at approximately 5,150 and the historic shortfall in housing delivery has now been addressed. There is sufficient land allocated for housing development in the adopted Local Plan, along with sites that already have planning permission, to comfortably achieve the District’s housing requirement up to 2033 without the need to consider the release of additional sites. The Council will however, as part of the mandatory five-year Local Plan review, revisit the housing requirement to comply with latest national planning policy and meet longer-term needs over a rolled-forward plan-period.</p> <p><u>Housing Completions and Future Trajectory</u></p> <p>In the period 1 April 2022 to 31 March 2023, a total of 810 (net) new homes were completed in Tendring. This means that the housebuilding target of 550 homes a year has now been achieved for a seventh year in succession.</p>

Officers have updated the Council's 'Strategic Housing Land Availability Assessment' (SHLAA) which contains a trajectory for future housing building up to 2033. Information from developers as well as officers' own monitoring of building sites have informed the forecast for the coming years.

Five Year Housing Supply and Decision Making

The government requires Councils to demonstrate an ongoing 'five year supply' of deliverable housing sites to ensure that they are well placed to meet their future housing needs.

Taking into account the future trajectory set out in the SHLAA, **the Council can demonstrate a 6.44 year supply of deliverable housing sites.** Around 3,700 homes are expected to be built within the five years 2023/24 – 2027/28, against a five-year requirement of approximately 2,900 homes. This means the Council remains in a strong position to resist speculative and unwanted housing developments that fall outside of the settlement development boundaries of the Local Plan unless there are material benefits that might exceptionally justify a departure from Local Plan policy.

Authority's Monitoring Report

Following the first full financial year since the adoption of the Local Plan, officers have prepared an Authority's Monitoring Report (AMR) which presents high level information in relation to the key indicators set out in the monitoring chapter of the Local Plan.

The AMR includes chapters relating to the Local Development Scheme, Housing Delivery, and Employment, Commercial and Retail development. There is also information about the provision of infrastructure and community facilities, protection of the natural and historic environments, and the Tourism Strategy.

The structure of the report will enable an annual update that will be beneficial to the process of reviewing and updating the Local Plan.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- **endorses the contents of this report;**
- **notes that the new Strategic Housing Land Availability Assessment (SHLAA) (linked as a background document) demonstrates an up-to-date housing land supply position for the purposes of determining planning applications and contesting planning appeals; and**
- **notes that the Authority Monitoring Report (AMR) forms a baseline assessment of the key monitoring indicators set out in the Local Plan which will help inform the upcoming review of the Local Plan.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Maintaining and demonstrating an ongoing five-year supply of deliverable housing sites is key to the Council's ability to control the pattern of housing growth across the district and to determining planning applications in line with the policies of the Local Plan. Monitoring against the key indicators set out in the Local Plan is important to inform the scope of priorities of the review of the Local Plan.

This report contributes to a number of priorities established in the Council's Corporate Plan 2024-2028, including creating opportunities, championing our local environment, and working with partners to improve quality of life.

RESOURCES AND RISK

The annual housing survey, the five-year housing land supply calculation, updated housing trajectory and Local Plan monitoring have all been undertaken by the Council's Planning Policy Team within the agreed 'LDF Budget'.

The main risk to the housing supply calculations is a challenge to the figures by third-party developers promoting their sites through the planning appeal process. To minimise this risk, Officers have generally taken a cautious/conservative approach to the expected delivery of housing on sites to make it difficult for developers to successfully challenge the figures on the basis of them being too optimistic.

The main risk to housing delivery and achieving and maintaining an ongoing five-year supply of housing land is the housing market in the District. If the market is not buoyant, insufficient completions will be achieved, adding to the shortfall that has to be recovered. In addition, the trajectory of future housing delivery would have to be adjusted to reflect longer lead-in times and/or slower build-out rates.

The AMR presents factual data and observations about the key monitoring indicators set out in the Local Plan, and has been prepared by officers within the Planning Policy Team.

LEGAL

The National Planning Policy Framework (NPPF) requires Councils to boost, significantly, the supply of housing by identifying sufficient land with their Local Plans to meet their housing requirements. They are also required to identify and update, annually, a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing against their housing requirements, plus an appropriate buffer. Updates to the NPPF in February 2019 have clarified that housing supply has to be measured against a 'local housing need' figure derived using the government's 'standard method' unless adopted Local Plan housing policies are less than five years old. Because the Council

adopted its Local Plan in January 2022, housing supply is measured against the Local Plan requirement of 550 homes a year.

From November 2018, housing delivery has also had to be measured against a new 'Housing Delivery Test', which looks at the number of homes constructed, against housing requirements, over the previous three years.

In the event that a Council is unable to demonstrate a five-year supply of deliverable housing land, its policies for the supply of housing cannot be considered up-to-date. Councils are then expected to grant planning permission for housing developments (even if they are contrary to the Local Plan) unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific paragraphs in the NPPF indicate that development should be restricted.

Under the Planning and Compulsory Purchase Act 2004 (as amended by Part 6 Section 113 of the Localism Act 2011) the Council is required to publish a regular monitoring report which monitors and reviews the progress made with the Local Plan and the extent to which its planning policies are being successfully implemented. Part 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the requirements for the content of these 'authorities' monitoring reports.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: None – although the assumptions about housing delivery set out in the SHLAA have been informed through consultation with a number of landowners and developers. Officers will keep the assumptions under continual review and will produce updated versions of the SHLAA on an annual basis, or more frequently if required.

PART 3 – SUPPORTING INFORMATION

Housing and SHLAA

The 'objectively assessed housing need' (OAN) for Tendring, as set out in the adopted Section 1 of the Local Plan, has been confirmed as 550 homes a year – or 11,000 homes over the period 2013 to 2033.

Earlier this year, Officers undertook the annual survey of housing completions for the period 1 April 2022 to 31 March 2023. This involved updating records of sites with planning permission for housing and recording the number of dwellings that had been created on each of those sites over that 12-month period. This was achieved through a combination of site visits, satellite images, information requested from and provided by developers and the use of building control completion data.

The 'net dwelling stock increase' (or housing completions minus losses) for the 2021/22 financial year is recorded as **810** new dwellings. This 'net' figure takes into account demolitions and other losses of existing homes such as conversions. This exceeds the housing requirement for Tendring of 550 homes a year.

In each of the first three years of the Plan Period actual completions fell short of this requirement. However, strong delivery over the past seven years has helped to eliminate the shortfall from the early years of the Plan Period.

Of the 810 completions recorded for 2021/22, 654 took place on larger development sites of 10 or more dwellings with 156 on smaller developments of 9 or fewer.

Officers have received contact from some small to medium sized developers concerned that the adoption of the new Local Plan and greater level of control it gives the Council is stifling the pipeline of small development sites that might be of interest to local builders. However, at April 2023, there remains an expectation that 807 dwellings will be built on small schemes of 9 or fewer dwellings up to 2033 and planning permissions are already in place for 854 dwellings (net) on sites of this size. If the pipeline of small sites does become a genuine concern for the Council in future years, there will be an opportunity through the five-yearly review of the Local Plan to consider policy changes or additional land releases to allow such developments.

Strategic Housing Land Availability Assessment (SHLAA) and Housing Trajectory

A Strategic Housing Land Availability Assessment (hereafter referred to as a 'SHLAA') is an essential part of the 'evidence base' that is needed to inform and underpin decisions on allocating sites for housing in Local Plans. The primary purpose of the SHLAA is to:

- identify sites and broad locations with potential for housing development;
- assess their housing potential; and
- assess their suitability for development and the likelihood of development coming forward.

The assessment (linked as a background document) has been updated to a 1st April 2023 base date in order to reflect the latest available information on housing developments in the district, including planning decisions and appeal decisions which have a significant bearing on the assumptions on housing delivery currently set out in the Local Plan.

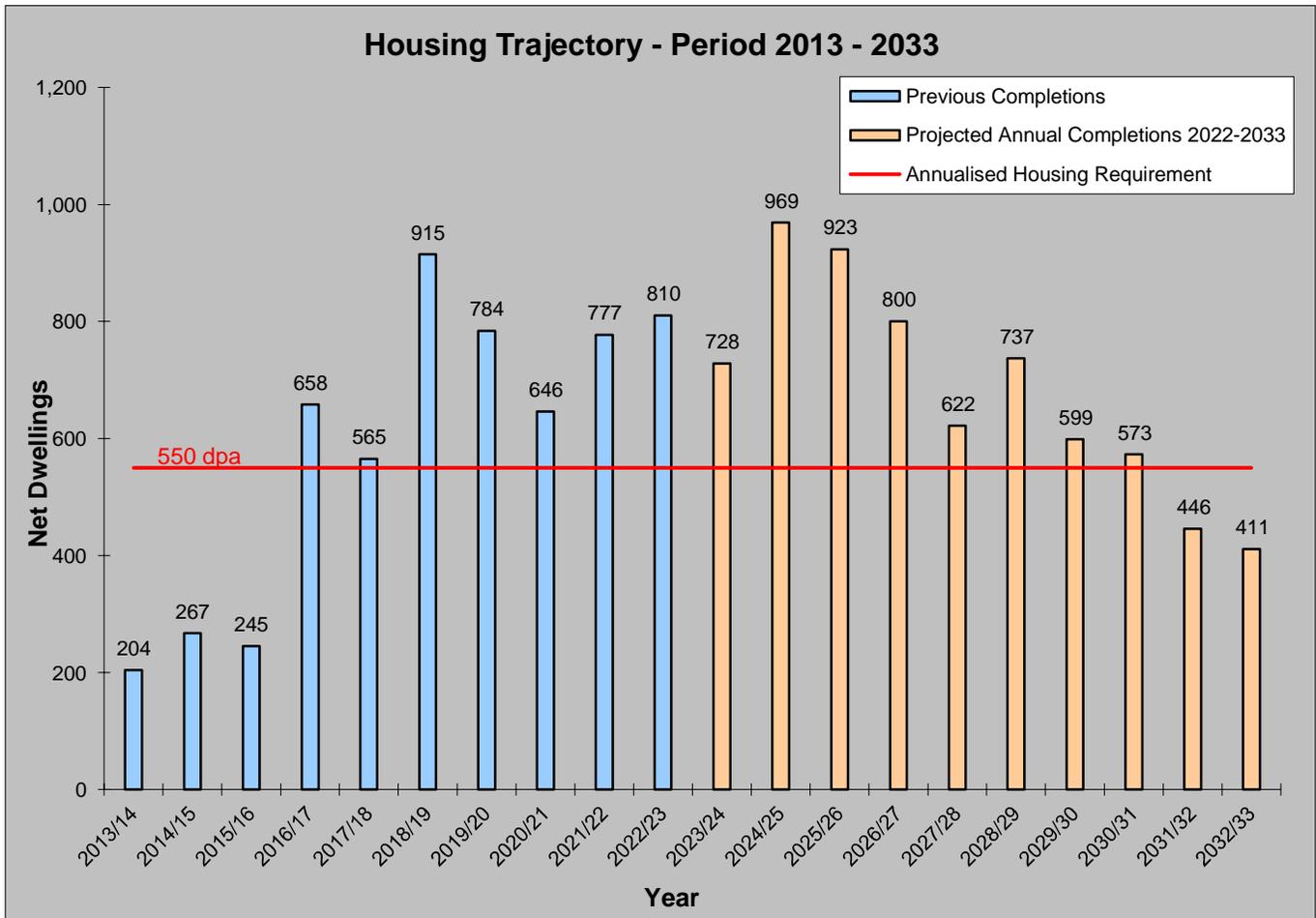
This assessment identifies that through a combination of dwellings completed since 2013, large sites with planning permission for housing development, small sites and windfall sites and sites specifically allocated in the adopted Local Plan, the objectively assessed requirement to deliver 11,000 homes between 2013 and 2033 can still be met and comfortably exceeded, by over 1,600 homes.

This 'headroom' was useful in demonstrating to the Local Plan Inspector examining Section 2 of the Local Plan that even if certain sites do not come forward for development in the timescales envisaged, there is still a reasonable prospect that the district's housing requirements up to 2033 will

be achieved. For example, the largest and most complex residential and mixed-use developments in the emerging Local Plan are the Tendring Colchester Borders Garden Community and the Hartley Gardens development in north west Clacton. If either one of these developments were delayed, or failed to come forward at all during the remainder of the plan period to 2033, there is still sufficient headroom in the overall supply to meet the housing requirement. Because of this additional flexibility and headroom, the Inspector did not require the Council to include additional sites in the Local Plan.

The National Planning Policy Framework requires Councils to ensure their Local Plans meet the full objectively assessed needs for market and affordable housing. As well as identifying and updating a supply of specific deliverable sites to provide five years' worth of housing (plus the appropriate buffer), Councils need to identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. The expected rate of housing delivery has to be illustrated through a 'housing trajectory' for the plan period.

The updated information contained within the new SHLAA has been fed into an overall trajectory for housing growth over the plan period which is set out in the graph below.



The trajectory shows the low level of housing completions in the years 2013/14 to 2015/16 followed by significant improvement in performance recorded for 2016/17 to 2019/20. Delivery fell in 2020/21 due to the pandemic and the closure of building sites for several months, but stronger delivery has been seen in the years since.

Stronger performance is expected to continue through the next four years, dropping slightly in year five, and then a further increase in delivery is expected in the later part of the plan period once sites allocated in the Local Plan have obtained planning permission and commence building. Officers will keep under review impacts on the economy arising from increasing inflation, particularly in energy and materials costs, which might lead to some revisions to next year's forecast.

The Five Year Supply and implications for determining planning applications

Requirements Under the NPPF

The NPPF requires Councils to significantly boost the supply of housing. Councils still have to identify and update, annually, a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing against their housing requirements. It also requires Councils to include an additional 'buffer' of either:

- a) *"5% to ensure choice and competition in the market for land; or*
- b) *10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."*

From November 2018, as well as having to demonstrate a five-year supply of deliverable housing sites, Councils have also needed to demonstrate that they are meeting the new 'housing delivery test' (HDT) in the NPPF. It requires housing delivery over the previous three financial years to be measured against the housing requirement and where delivery is 'substantially below the housing requirement', the 'tilted balance' is engaged.

The Council's performance in housing delivery over the last three years has been very strong when measured against the requirement of 550 homes a year in the Local Plan. The Council is therefore currently allowed to apply the lower 5% buffer in its housing supply calculation.

Critically if a Council cannot identify a five-year supply of deliverable housing sites (plus the appropriate buffer), its policies for the supply of housing cannot be considered up to date and the 'presumption in favour of sustainable development' applies. This requires Councils to consider all housing development proposals on their merits, even if they are contrary to the Local Plan. There is an expectation that planning permission will be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. This is now commonly referred to as the 'tilted balance'.

The Council does still however have the flexibility to grant planning permission for housing development on sites that fall beyond the allocations and settlement development boundaries of the Local Plan where it considers that other material considerations justify such a departure.

Deliverable Sites

In determining whether a five year supply of deliverable housing sites can be demonstrated, the NPPF in Annex 2 includes clear guidance on what can and cannot be considered a 'deliverable site'. It states:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

Two types of sites are included within the five year supply calculation: *large sites with planning permission*, and *small sites/windfall sites*.

Large sites with planning permission includes sites with the potential to deliver 10 or more (net) dwellings that have either gained planning permission or are the subject of a Planning Committee resolution to grant planning permission on completion of a s106 legal agreement. In the last few years, the supply of land with planning permission has increased rapidly as a result of planning decisions by the Council and the Planning Inspectorate to comply with the government's policy to boost, significantly, the supply of housing. These sites are assessed one-by-one in Appendix 1 of the SHLAA.

Small sites/windfall sites comprise sites with potential for 9 or fewer dwellings either with planning permission or likely to come forward as 'windfall' sites over the course of the plan period. Whilst it is not possible or practical to identify and assess every potential windfall site, the NPPF states that an allowance can be made for windfall sites in the ongoing five-year supply of land if there is compelling evidence that they will provide a reliable source of supply. Appendix 2 of the SHLAA includes a detailed explanation of the projected supply from windfall sites, which was updated in 2020 as part of the Local Plan examination. The updated projection covers the 13 year period 2020/21-2032/33. Actual delivery on small sites for the first three years of this projection (2020/21 - 2022/23) was 97% of the predicted total, giving confidence that the trajectory is an accurate prediction of small site delivery throughout the rest of the plan period.

Updated Figures

Officers have re-calculated the housing supply position to a 1st April 2023 base-date, measured against the requirement of 550 homes a year as set out in the adopted Section 1 of the Local.

The updated calculations are based on the evidence and assumptions contained within the new SHLAA. The calculations within the SHLAA (chapter 6) give a housing supply position of **6.44** years.

These calculations are set out in the following table:

Five Year Requirement and Supply	Local Plan OAN of 550 homes a year
Requirement 2023/24 – 2027/28	2,750 (550 x 5)
Shortfall 2013/14 – 2022/23	0
Sub-Total	2,750
5% buffer	138
Total Requirement	2,888
Supply from large site commitments	3,216
Supply from Local Plan allocations	0
Supply from small windfall sites	501
Total supply of Homes – Units	3,717
Total five- year supply of Homes	128.7%
Total supply of Homes – Years	6.44

Monitoring and AMR

The Local Plan includes a table that identifies broad policy areas, Local Plan objectives relevant to those areas, and key indicators that can be used to understand how the policies are performing. This AMR is the first to have been undertaken since the adoption of the Local Plan in January 2022. It covers the period 1st April 2022 – 31st March 2023, and reports on the monitoring indicators set out in Chapter 11 of the Local Plan.

Whereas AMR's used to be a statutory requirement and formed part of the Council's formal reporting to central Government, they are now a local tool that can enable the Council to monitor the effectiveness of its own plan and helps inform any reviews and update to the Local Plan. This AMR will be published on the Council's website and will, along with future updates, form part of the evidence base for the Local Plan review.

Employment, Commercial and Retail Development

The AMR analyses the new employment sites allocated in the adopted Local Plan, to understand how much of allocated 32ha remains available for development. In March 29.9ha remained available, 11.2 ha of which has secured planning permission and is now under construction. The Local Plan review will involve an updated assessment of the employment land needed to serve the period up to 2041, and additional land allocations may need to be made.

A number of planning applications for additional employment sites outside of the land allocated in the Local Plan have also been received since the Local Plan was adopted, and 12 applications were approved within the AMR period. The majority of these (52%) were for land use class B8 (storage and distribution), with others seeking consent for class B2 (general industry) and class E(g)iii (light industrial) uses. These applications represent an additional 9,700 square metres of commercial floor space on sites spread across the District, which indicates strong commercial activity in that year.

The Retail Development chapter of the AMR provides an overview of vacant retail floorspace across the District's town centres at March 2023. The data shows that there is retail floor space available in each of the District's centres, with the larger towns having the greatest capacity. The units available are of a variety of sizes – ranging from 2,865 square meters at the old Sainsburys building in Clacton High Street down to 23 square metres at a property in Manningtree. The data relating to retail capacity reported in the AMR will be used to inform an updated Retail and Town Centre Uses Study, which will need to be prepared during the review of the Local Plan.

Infrastructure Provision, Education and Health

The AMR provides details of infrastructure projects delivered in the year 2022-2023, as well as infrastructure and community facilities secured through planning obligations. Three large development schemes submitted details of the ultrafast fibre broadband that would be provided to future occupiers, and four of the District's play areas were fitted with new equipment secured through developer contributions. Larger schemes, such as upgrades to football and skateboarding facilities at Clacton Leisure Centre, have also been delivered by the Council.

Over £173,000 was secured through new S106 agreements for healthcare improvements, and approximately £126,000 was secured for education. Of money secured through planning applications from previous years, £211,400 was spent in 2022-2023 on improvements to healthcare facilities in the District.

The Historic Environment

In 2020 the Council adopted its Heritage Strategy, which aims to celebrate and enhance the heritage of Tendring. The strategy includes 35 actions and 3 local projects, categorised into high, medium and low priorities. The aims of the strategy are supported by Local Plan policies, and the AMR provides an overview and update on the status of these recommendations.

The Natural Environment

The main indicator identified within the Local Plan to monitor Biodiversity is the implementation of the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD. The AMR for 2022-23 provides an update on work undertaken using contributions secured from new residential development, including the employment of three rangers to work in the RAMS 'Bird Aware' team. With the introduction of mandatory 10% biodiversity net gain expected early in 2024, it is anticipated that next year's AMR will also monitor planning obligations and conditions related to habitat creation and the increase of biodiversity.

In the year 2022-23, the Environment Agency objected to three planning applications with Tendring on the basis of flood risk. Two of those applications were refused. A third application had an initial holding objection from the Environment Agency which was subsequently overcome by the preparation of a flood risk assessment.

Tourism Promotion

The AMR sets out the importance of the tourism industry for the District, and highlights that almost 9,000 jobs are generated by the sector. The tourism economy has grown by around £66 million since 2012, and the Council has worked with partners to develop a programme of events that will draw visitors to Tendring and raise the profile of the area with significant investment by both the public and private sector in tourism over recent years. The Holiday Park Study that informs the Local Plan will be updated as part of the Local Plan review, and the policies in the Local Plan will be updated to reflect changes in the Council's Tourism Strategy.

APPENDICES

Appendix 1 - Authority Monitoring Report (AMR) November 2023

Background Documents

Strategic Housing Land Availability Assessment (SHLAA) November 2023 ([link](#))

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Tendring *District Council*



Authority Monitoring Report April 2022 – March 2023

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1. Introduction

- 1.1. Under the Planning and Compulsory Purchase Act 2004 (as amended by Part 6 Section 113 of the Localism Act 2011) the Council is required to publish a regular monitoring report which monitors and reviews the progress made with the Local Plan and the extent to which its planning policies are being successfully implemented. Part 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the requirements for the content of these authorities monitoring reports.
- 1.2. The primary purpose of the Authority Monitoring Report (AMR) is to provide factual data to determine the extent to which policies in the local plan have achieved their objectives. There is no longer a requirement to submit a report to central government but the overall duty to monitor and report remains. An AMR also presents an opportunity to share the performance and achievements of the planning service with the local community.
- 1.3. Through Planning Policy and Development Management, the Planning Service delivers the Council's spatial objectives. The AMR can demonstrate to the authority, its partners, fee payers and taxpayers what priorities the planning service is using to make decisions about how the area will look and function.
- 1.4. The Local Plan was adopted in two Sections – Section 1 on 26th January 2021 and Section 2 on 25th January 2022. Prior to that, the last adopted Local Plan was in 2007. **This AMR covers the first financial year following the full adoption of the Local Plan: 1st April 2022 – 31st March 2023.** Future AMRs will be published annually and cover each subsequent financial year.
- 1.5. One Neighbourhood Plan has been made within the Tendring District. Alresford Neighbourhood Plan was formally made (adopted) on 8th October 2021. Alresford Parish Council are responsible for maintaining and periodically revisiting the Plan to ensure relevance and to monitor delivery.

2. Local Development Scheme Progress

- 2.1. In January 2023 the Planning Policy and Local Plan Committee approved an updated version of the Local Development Scheme, setting out the projected timetable for preparation of key Planning Policy documents. The tables below evaluate the Council's performance against those timetables and indicates where revisions will need to be made in the updated LDS in 2024.

Table 1 : Timetable for preparing Local Plan Documents

Document	LDS Timetable	Comments
Local Plan Review	Issues and Options Consultation in Summer 2023	Due to a number of factors including the change of administration following the Local Elections in May 2023 and the accelerating progress of the Government's Planning Reform proposals, the programme of reviewing the Local Plan is likely to begin in 2024. The Planning Policy and Local Plan Committee are considering an updated programme for the review, and this will be reflected in an updated LDS early in 2024.
Tendring Colchester Borders Garden Community Development Plan Document	Submission of the DPD to the Secretary of State – Summer 2023 Examination in Public – Autumn 2023	Tendring District Council and Colchester City Council submitted the DPD for examination in September 2023. The Councils are now awaiting confirmation from the Planning Inspectorate as to the timing of the Examination hearings.
CIL	Preparation of the document beginning in Spring 2023	The LDS provides an indicative timeframe for preparation of a CIL Charging Schedule, with the caveat that it is in 'optional' document. Work has not yet begun, but officers have been exploring the potential for implementing CIL in the Tendring District.
Authorities Monitoring Report (AMR)	Annual publication in Summer following the end of the financial year.	The first AMR has been published following adoption of the Local Plan. Updates will be published annually.

Table 2 : Timetable for preparing Neighbourhood Plans

Document	LDS Timetable	Comments
Ardleigh Neighbourhood Plan	Reg 16 Plan submitted 2022. Consultation, examination and referendum expected 2023.	The Ardleigh Neighbourhood Plan is currently being examined, and the referendum is expected in 2024.
Brightlingsea Neighbourhood Plan	Regulation 14 Consultation expected mid-2023.	Brightlingsea Town Council are working to prepare their Neighbourhood Plan ahead of a formal public consultation.
Elmstead Neighbourhood Plan and NDO	Reg 16 Plan and NDO due to be submitted early 2023 with consultation to run shortly after, examination and referendum later in the year.	The Elmstead Neighbourhood Plan has been submitted for Examination. The referendum is now anticipated in 2024.

Table 3 : Timetable for Supplementary Planning Documents

Document	LDS Timetable	Comments
Hartley Gardens SPD	Potential adoption late 2023.	Work continues to develop a masterplan and SPD for Hartley Gardens. Early-stage public engagement has taken place, with further public engagement expected to happen early in 2024.
Jaywick Sands Design SPD	Potential adoption Spring 2023	Adopted February 2023
Open Space SPD	Potential adoption Spring 2023	Work is ongoing, and it is expected that the evidence produced while preparing the SPD will also inform the review of the Local Plan.
Climate Change SPD	Potential adoption Autumn 2023	Essex County Council have produced model Local Plan policies relating to climate change and energy efficiency, which will be considered by TDC in due course.

3. Housing Delivery

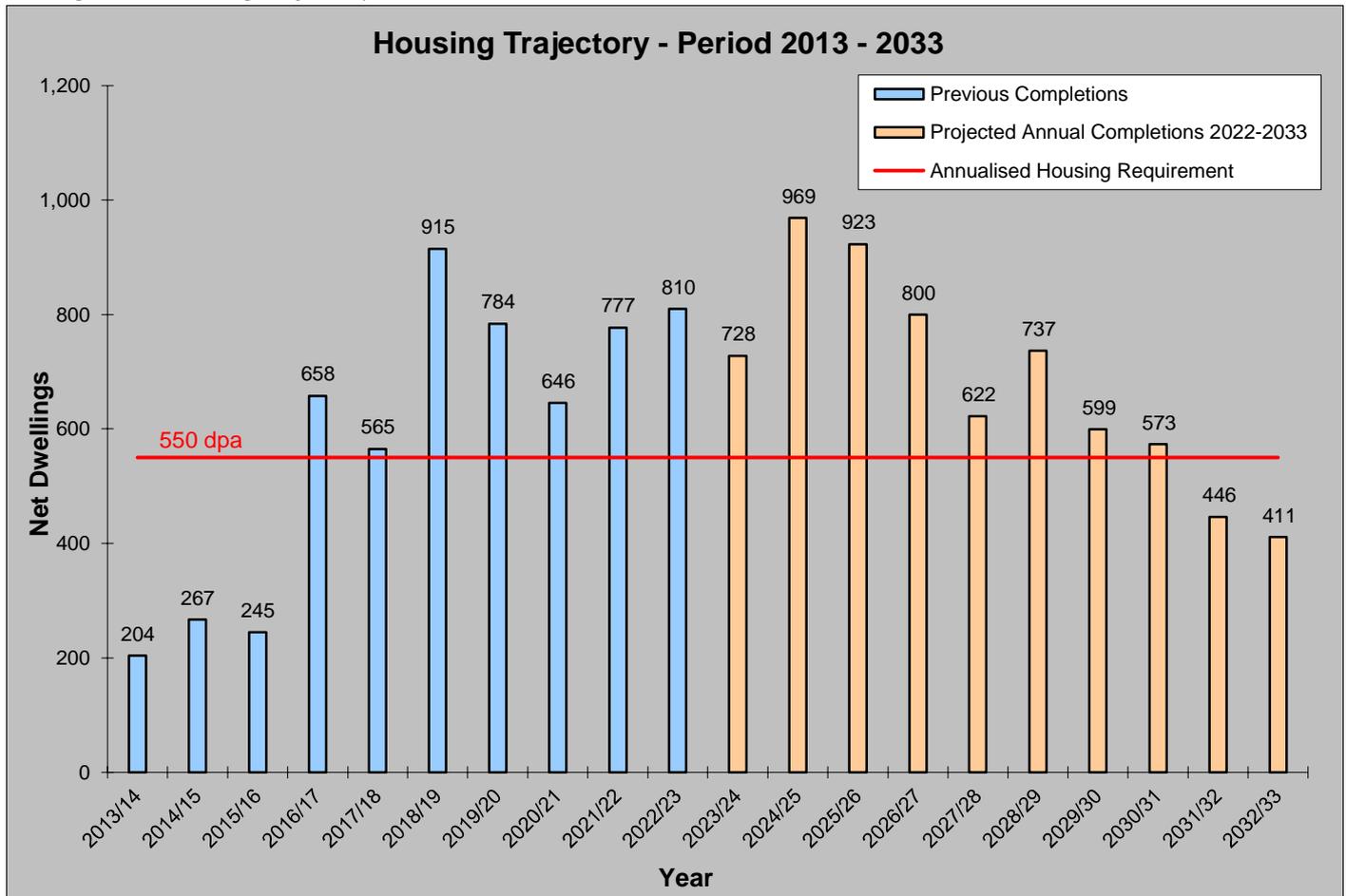
Housing Requirement

- 3.1. Section 1 of the Local Plan sets out the 'objectively assessed housing need' (OAN) for Tendring of 550 homes a year, and the housing requirement for the period of the Local Plan 2013-2033 is therefore 11,000 homes. With approximately 5,850 homes already built between 2013 and 2023, the remaining requirement between now and 2033 stands at approximately 5,150 and the historic shortfall in housing delivery has now been addressed.

Housing Completions and Future Trajectory

- 3.2. In the period 1 April 2022 to 31 March 2023, a total of **810 (net)** new homes were completed in Tendring. This means that the housebuilding target of 550 homes a year has now been achieved for a seventh year in succession.
- 3.3. Officers have updated the Council's 'Strategic Housing Land Availability Assessment' (SHLAA) which contains a trajectory for future housing building up to 2033. Information from developers as well as officers' own monitoring of building sites have informed the forecast for the coming years.
- 3.4. The updated information contained within the new SHLAA (November 2023) has been fed into an overall trajectory for housing growth over the plan period which is set out in the graph below.

Figure 4 : Housing Trajectory 2013 - 2033



3.5. The trajectory shows the low level of housing completions in the years 2013/14 to 2015/16 followed by significant improvement in performance recorded for 2016/17 to 2019/20. Delivery fell in 2020/21 due to the pandemic and the closure of building sites for several months, but stronger delivery has been seen in the years since.

3.6. Stronger performance is expected to continue through the next four years, dropping slightly in year five, and then a further increase in delivery is expected in the later part of the plan period once sites allocated in the Local Plan have obtained planning permission and commence building. Officers will keep under review impacts on the economy arising from increasing inflation, particularly in energy and materials costs, which might lead to some revisions to next year’s forecast.

Five Year Housing Supply and Decision Making

3.7. The government requires Councils to demonstrate an ongoing ‘five-year supply’ of deliverable housing sites to ensure that they are well placed to meet their future housing needs. Following the adoption of Section 1 of the Local Plan in January 2021, the Council’s local housing need has been confirmed as 550 homes per year.

3.8. Taking into account the future trajectory set out in the SHLAA, the Council can demonstrate a **6.44 year supply of deliverable housing sites**. Around 3,700 homes are expected to be built within the five years 2023/24 – 2027/28, against a five-year requirement of approximately 2,900 homes.

Self-build and Custom Housebuilding

3.9. The [Self-build and Custom Housebuilding Act 2015](#) (the *SCHA 2015*) requires relevant authorities to keep a register of individuals (or associations of individuals) seeking to acquire serviced plots of land in the authority’s area for their own self-build and custom housebuilding.

3.10. In each of the base periods up to 30th October 2022, the following individuals have been added to the Self-build and Custom Housebuilding register:

Table 5 : Individuals added to the Self Build & Custom Housebuilding Register

Base Period	Individuals Added
Base Period 1 (01/04/16 - 30/10/16)	2
Base Period 2 (31/10/16 - 30/10/17)	6
Base Period 3 (31/10/17 - 30/10/18)	30
Base Period 4 (31/10/18 - 30/10/19)	24
Base Period 5 (31/10/19 - 30/10/20)	20
Base Period 6 (31/10/20 - 30/10/21)	31
Base Period 7 (31/10/21 - 30/10/22)	25
Base Period 8 (31/10/22 - 30/10/23)	12

3.11. No associations had applied to join the register.

3.12. Section 2A of *the SCHA 2015* places a duty on the authority to give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period, as evidenced by the number of entries added during that period to the register.

3.13. Development permission is “**suitable**” if it is permission in respect of development that could include self-build and custom housebuilding.

3.14. Section 5 of *the SCHA 2015* and Regulation 3 of [The Self-build and Custom Housebuilding Regulations 2016](#) define a “**serviced plot of land**” as a plot of land that has access to a public highway and has connections for electricity, water, and wastewater, or can be provided with those things within the period before any development permission granted in relation to that land expires.

3.15. Regulation 2 of [The Self-build and Custom Housebuilding \(Time for Compliance and Fees\) Regulations 2016](#) states that the time allowed for an authority to comply with the duty is the period of **3 years** beginning immediately after the end of that base period.

3.16. The legislation does not stipulate that ‘suitable permissions’ must explicitly be described as self-build. In fact, many applications for a single dwelling are submitted by an applicant who intends to occupy it, despite not using the terms self-build or custom housebuilding in their application. Furthermore, the legislation does not state that the proposed development must eventually be delivered as self-build housing, in order for the permission to be considered ‘suitable’. Future occupants are not usually known to the Council at the time permission is granted. Therefore, the methodology used by the Council in determining the number of suitable development permissions granted is to identify approved planning applications which either:

- a. Stipulate that the development is for self-build or custom housebuilding; or
- b. propose the creation of a single dwelling that is accessible from the highway and could therefore be provided with services within the period before that permission expires.

3.17. In each of the years following the end of a base period, suitable development permission has been granted for the follow number of serviced plots:

Table 6 : Suitable development permission granted for serviced plots

Year	Permissioned Plots
31/10/16 – 30/10/17	59
31/10/17 – 30/10/18	65
31/10/18 – 30/10/19	42
31/10/19 – 30/10/20	51
31/10/20 – 30/10/21	33
31/10/21 – 30/10/22	27
31/10/22 - 30/10/23	38

3.18. The need arising in each base period has been met in the year immediately following it, except for Base Period 6 which was met by the combined permissions granted in the two years immediately following it. The Council is therefore currently meeting its duty under the relevant Act and Regulations.

4. Employment, Commercial and Retail Development

Overview

4.1. The Local Plan seeks to provide opportunities for the development of a diverse range of employment sites across the District. A key requirement of the Local Plan is to provide for appropriate sustainable employment opportunities for residents in Tendring and to support the growth of local businesses and attract investment in the District. It aims to support and diversify the economy while maintaining a broad balance between homes and jobs, and reduce the need to travel for employment.

Allocated Employment Sites

4.2. Policy PP7 allocates 32ha of land for new development in use classes B2 (General Industry) and B8 (Storage and Distribution) on sites across the District. Table 7 summarises the status of these allocated employment sites in Tendring as of October 2023. It indicates which sites are the subject of current planning applications, which sites have received planning consent, and how much of the site is still available for development.

Table 7: Allocated Employment Sites with remaining available land

Name of Site	Location	Size (ha)	Status
Extension to Gorse Lane Industrial Estate	Telford Road, Clacton	6.8	4.8 ha remaining
Land at Stanton Europark	Parkeston	3.3	3.3 ha remaining
Land at Harwich Valley	East of Pond Hall Farm, Dovercourt (as part of a wider mixed use development)	6.3	6.3 ha remaining
Land off Clacton Road/Dead Lane	Mistley	2.0	2 ha remaining – development pending (PP 21/00197/DETAIL)
Crown Business Centre	Old Ipswich Road, Ardleigh/Colchester	2.3	2.3 ha remaining – amended planning application submitted (23/00136/FUL)
Land south west of Horsley Cross	Horsley Cross	11.2	11.2 ha remaining – Outlined planning permission granted (13/00745/OUT plus a series of detailed planning applications). Currently under construction
TOTAL			29.9ha remaining

4.3. In March 29.9ha remained available, 11.2 ha of which has secured planning permission and is now under construction.

Commercial Development

4.4. The Local Plan supports development for commercial land uses outside of the employment allocations, where they have the potential to support economic growth in the District. In the year April 2022 – March 2023 12 applications for commercial development were approved – 10 applications for planning permission, 1 application for prior approval under permitted development rights, and one application for a certificate of lawful development. Of these, 52% were for use class B8 (Storage and Distribution), 38% were for use class B2 (General Industry), and 7% were for use class E(g)iii (Light Industrial). The total floor area of the 12 planning permissions is 9,700.32 square meters.

Table 8 : Commercial Development - applications for planning permission

Location	Description	Reference number	Type of application	Floor area (m2)
Kellys Farm Clacton Road Horsley Cross Manningtree Essex CO11 2NZ	Change of use of agricultural buildings to B8 commercial storage	22/00468/FUL	Full	2026.00
Harwich Road, Ardleigh CO7 7LT	Demolition of existing industrial units and erection of bespoke administration building with associated parking	22/00539/FUL	Full	1857.00
Old House Farm Harwich Road Beaumont Clacton On Sea Essex CO16 0AU	Change of use of agricultural building to flexible B2 general industrial / B8 storage use	22/01616/FUL	Full	1350.00
Park Farm Hilliards Road Great Bromley Essex CO7 7US	B2 commercial building	22/00541/FUL	Full	1000.00
The Farm Office Allens Farm Tye Road Elmstead Essex CO7 7BB	Proposed erection of class B8 storage and distribution unit.	22/01782/FUL	Full	886.00
Old House Farm Harwich Road Beaumont Clacton On Sea Essex CO16 0AU	Proposed change of use of agricultural building to commercial B2 use	22/01023/FUL	Full	758.00
Sladburys Farm Sladburys Lane	Proposed conversion of an agricultural building into a Class	22/00940/COU NOT	Prior Approval	290.00

Clacton On Sea Essex CO15 4SS	B8 use under Class R of the GPDO			
Foxash Estate Harwich Road Lawford Essex, CO11 2LS	Replacement of B8 storage building with larger unit (additional floor space is only counted)	22/01254/FUL	Full	241.00
Old Ipswich Road Ardleigh Colchester Essex CO7 7QR	Erection of 2 no. detached single storey buildings forming 10 no. commercial units and retention of 2 existing buildings to be used for mixed Class E(g), B2 and B8 uses (with ancillary office building)	22/00121/FUL	Full	446.00
Pond Farm Hall Road Great Bromley Colchester Essex CO7 7TP	Change of use from agricultural to B2 commercial	22/01555/FUL	Full	400.00
Stephenson Road Clacton On Sea Essex CO15 4NS	Storage in connection with the existing industrial use on the site	22/01130/LUEX	Certificate of Lawfulness	300.00
Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex CO11 2NZ	Erection of three buildings (use classes Eg (iii), B2 and B8), a new access and highway works	22/01047/FUL	Full	146.32
TOTAL				9,700.32 m2

4.5. Table 8 shows that there is a high demand for commercial development in Tendring, especially for B2 general industrial units and B8 storage and distribution units. The total floor area of all the applications is **9,700.32 square meters**, which indicates a significant increase in commercial activity in the area.

Retail Development

4.6. The Local Plan seeks to promote the vitality and viability of the town centres, exploiting the benefit of enhanced growth of the town whilst retaining the best and most valued aspects of its existing character. Tables 9 - 14 below provide an updated assessment of retail floorspace capacity within the main centres of Tendring.

Clacton on Sea

Table 9 : Retail floorspace capacity – Clacton on Sea

Address	Gross Internal Area (Square Metres) * (estimated)
16 Station Road	129
17 Station Road	203*
24 Station Road	96*
75a Station Road	28
75b Station Road	60
8 High Street/ 46 -48 Rosemary Road	300*
10 High Street	40
12 High Street	82*
39 High Street	2,865
40-42 High Street	54*
Clacton Covered Market	184
Former Post Office, High Street	816
16 Rosemary Road	51
17 Rosemary Road	0 (Being converted to residential)
24 Rosemary Road	104*
66 – 68 Rosemary Road	80
69 Rosemary Road	97
29-31 Pier Avenue	200
44 Pier Avenue	160*
68B – 70 pier Avenue	113
85 Pier Avenue	185
50 Beach Road	28
Magnet House, Jackson Road	107 (ground floor only)
TOTAL	5,982 square metres

The total gross internal area (GIA) of vacant retail floorspace in Clacton is **6,165 square metres**.

- **The High Street** and **Station Road** has the most number of vacant commercial spaces with a total of 5 properties. The largest vacant commercial space is also located at **39 High Street**, with a floorspace of **2865 sq m**.
- **Rosemary Road** has 4 vacant commercial spaces.
- **Pier Avenue** has 3 vacant commercial spaces, with the largest being at **29-31 Pier Avenue** with a floorspace of **200 sq m**.
- The smallest vacant commercial space is at **75a Station Road, Clacton** and **50 Beach Road**, each with a floorspace of **28 sq m**.
- One property, **17 Rosemary Road**, is currently being converted to residential use and hence does not contribute to the commercial floorspace.

Dovercourt

Table 10: Retail floorspace capacity - Dovercourt

Address	Gross Internal Area (Square Metres) * <i>(estimated)</i>
1 Central House, High Street	59*
177 High Street	60*
173 High Street	69*
171 High Street	118*
244 High Street	63
220 High Street	145*
180 High Street	98
48 Kingsway	211
58 Kingsway	233
38 Kingsway	37
20 Kingsway	37 (partial conversion to residential)
268 High Street	251*
288 High Street	75
2 Steele House	50*
5 Steele House	94

4.7. The total vacant retail floorspace is approximately **1,600 square metres** across 15 locations. The largest vacant space is at 268 High Street with 251 square metres.

Frinton on Sea

Table 11: Retail floorspace capacity - Frinton on Sea

Address	Gross Internal Area (Square Metres) * <i>(estimated)</i>
52-54 Connaught Avenue	96
122 Connaught Avenue	75
139 Connaught Avenue	75

4.8. The total vacant retail floorspace is approximately **246 square metres** across 3 locations. All locations have similar sizes around 75-96 square metres.

Brightlingsea

Table 12: Retail floorspace capacity - Brightlingsea

Address	Gross Internal Area (Square Metres) * <i>(estimated)</i>
18 Victoria Place	126*
1a New Street	75
6 High Street	100*

4.9. The total vacant retail floorspace is approximately **301 square metres** across 3 locations. The largest vacant space is at 18 Victoria Place with 126 square metres.

Walton on the Naze

Table 13: Retail floorspace capacity - Walton on the Naze

Address	Gross Internal Area (Square Metres) * <i>(estimated)</i>
57 High Street	64
2 Mill Lane	30*
3 Mill Lane	30*
5 Mill Lane	30*
46-48 High Street	52*
9 Old Pier Street	56
2 North Street	30

4.10. The total vacant retail floorspace is approximately **292 square metres** across 7 locations. The largest vacant space is at 57 High Street with 64 square metres.

Manningtree

Table 14: Retail floorspace capacity - Manningtree

Address	Gross Internal Area (Square Metres) * <i>(estimated)</i>
7 High Street	81*
9 High Street	0 converted to residential
18 High Street	0 converted to residential
19 High Street	23
33–35 High Street	183*
40 High Street	110*
22 South Street Exchange House	56

4.11. The total vacant retail floorspace is approximately **453 square metres** across 7 locations. The largest vacant space is at 33–35 High Street with 183 square metres.

5. Provision of Infrastructure and Community Facilities

5.1. This section reflects the policies in the both the Connected and Sustainable Places chapters of the Local Plan. The delivery of infrastructure projects includes sustainable transport opportunities, internet provision, community facilities, water and waste management. This is key to ensuring new growth enhances existing infrastructure provision for the benefit of new and existing communities.

Table 15 : Infrastructure projects - funding and delivery

Application / Project	Funds/Delivery
Clacton to Jaywick Cycle Network	Delivery of a significantly upgraded 3 metre cycleway with new drainage, wind powered lighting. It was opened by members of the Essex Pedal Power based in Jaywick.
Clacton Leisure Centre: New skate park delivered by TDC 3G football pitch	TDC delivered a new upgraded skate park and facilitated the delivery of a new 3G football pitch through partnership working with the Football Foundation.
Strengthening sea defences at Cockett Wick	Enabling environmental works undertaken by Environment Agency in preparation for the construction phase to raise and strengthen the sea wall.
08/00677/FUL Land at former Harwich Primary School, Harwich	£40,000 Flood Memorial Harwich Creation of a new garden from a piece of scrubland to commemorate the victims of the 1953 floods.
15/01277/OUT Land south of St Andrews Close, Alresford	£65,191.00 St Andrews Close, Alresford Installation of new play equipment for toddlers and juniors at the existing play area.
16/01137/FUL Land west of Edwards Drive, Thorrington 18/01558/FUL Land adj 5 Chapel Lane, Thorrington	£38,037.71 Chapel Lane, Thorrington Installation of new play equipment to enhance the existing play area.
16/00782/OUT Land at Bradley Hall Farm, Gt Bromley 19/01353/OUT Wisteria House, Back Lane, Gt Bromley 20/00259/FUL Land Frating Road, Gt Bromley	£34,053.71 Hare Green, Great Bromley Installation of new play equipment to enhance the only recreation ground in Great Bromley.
20/00380/FUL 56-66 Frinton Road, Kirby Cross	£24,660.45 Halstead Road, Kirby Cross Installation of a net climber and trim trail to add to the ongoing improvements to the only play area in Kirby

5.2. Within the year 2022-23, details were submitted to and approved by the Council regarding the provision of ultrafast full fibre broadband for three residential development schemes: Land West of Sladburys Lane, Clacton; Turpins Farm, Kirby-le-Soken; and Lawford House, Bromley Road, Lawford.

Education and Health

5.3. Provision of good quality health and education facilities are key to support growing, sustainable communities. These functions are delivered by partners in Essex County Council and the National Health Service. As the Local Planning, Tendring District Council are responsible for securing the funds through planning obligations that enable our partners to deliver these services.

Health

5.4. The following table sets out how much money has been secured for healthcare through S106 agreements related to planning applications approved in 2022-2023.

Table 16 : Healthcare funding secured

Reference	Address	Healthcare Contribution
21/01397/FUL	Land east of Henderson Road, Thorpe	£16,500
21/01000/FUL	St Johns Plant Centre, Earls Hall Drive, Clacton	£109,900
22/00958/FUL	Land South of Long Road, Mistley	£46,700
TOTAL		£173,100

5.5. Money secured through developer contributions isn't collected at the time that planning permission is granted, but at various trigger points stipulated in the legal agreement. The following table sets out the developer contributions collected during 2022-2023, which were originally secured through earlier planning applications.

Table 17 : Healthcare funding received

Reference	Address	Healthcare Contribution	Purpose
16/01250/OUT	Brook Park West, Clacton	£80,961.58	Improvements at Great Clacton Medical Practice
21/00104/FUL	Admirals Farm, Great Bentley	£5,699.27	Healthcare facilities at The Hollies
20/00179/FUL	Oakwood Park, Thorpe Road, Clacton	£28,527.52	Improvements at North Clacton Medical Group
15/01234/OUT	Land East of Halstead Road, Kirby Cross	£50,772.49	Increase patient capacity within development area
15/01710/OUT	The Laurels, Thorpe Road, Kirby Cross	£43,345.84	Improvements at Thorpe and/or Frinton Surgery
20/00462/FUL	The Laurels, Thorpe Road, Kirby Cross	£2,093.55	Improvements at Thorpe and/or Frinton Surgery
TOTAL		£211,400.25	

Education

5.6. This table sets out the amount of contributions towards education facilities secured through S106s agreements linked to planning applications granted in 2022-2023.

Table 18 : Education funding secured

Reference	Address	Education Contribution	Purpose
20/01797/FUL	Land east of Tye Road, Elmstead	£17,268.00	Great Bentley 1fe expansion circa 2024
21/01552/FUL	Land east of School Road, Elmstead	£30,749.00	Colne Community 1fe expansion 2022, Secondary School Transport
21/02176/FUL	Land at Moorlands Farm, Great Bentley	£60,421.60	Secondary School Transport – Tendring Technology College
21/01000/FUL	St Johns Plant Centre, Earls Hall Drive, Clacton	£17,268.00	Early Years & Childcare Scheme
TOTAL		£125,406.60	

1fe = 1 form of entry

6. Sustainable Travel

- 6.1. This section reflects the policies in the both the Healthy and Sustainable Places chapters of the Local Plan. The Settlement Hierarchy sets out the areas where development is directed within the District. Locations are prioritised to ensure development is located with access to the strategic road network, public transport and has the potential to offer the widest range of services so daily needs can be met with minimal travel required.

Strategic Work

- 6.2. Essex County Council (ECC) have begun work on the **Tendring Future Transport Strategy**, and public engagement on the vision and objectives of this strategy will be undertaken in due course. They are also are progressing the **Tendring Local Cycling Walking and Infrastructure Plan** (LCWIP) as part of their wider work preparing this plans for the whole county.

Planning Applications

- 6.3. The S106 agreement associated with development at St Johns Plant Centre, Earls Hall Drive, Clacton (21/01000/ FUL – allowed at appeal) has secured £104,000 towards the procurement of bus services, upgrading existing bus stops and create cycle and pedestrian access onto St Johns Road.
- 6.4. A Travel Plan was submitted to the Council and approved for the development at Samphire Meadow (Turpins Farm, Walton Road, Kirby-le-Soken) in the year covered by this AMR, under reference 22/01522/DISCON.

7. The Historic Environment

- 7.1. This section reflects the policies in the both the Protected and Sustainable Places chapters of the Local Plan and the delivery of projects and proposals set out within the Councils adopted Heritage Strategy 2020 (as amended). The adopted Tendring Heritage Strategy contains thirty-five actions and three local projects. The actions are split into four categories: high, medium, and low-urgency, and those which were ongoing at the time the strategy was adopted.
- 7.2. Many of the priority actions are dependent on the completion of the district wide review of Conservation Areas, which officers in the Planning Policy team have been working on. Consultations have been conducted on 10 of the updated Conservation Area Appraisals, with the remaining 10 scheduled for early 2024.

High Priority Actions

Table 19 : Status of Heritage Strategy High Priority Actions

Action	Status
Reassess condition and status of assets on the Heritage at Risk Register, including ownership	Ongoing. The 'Heritage at Risk' register, whist administered by Historic England has not had any assets added to in over the last year. This is likely to change on the completion of the conservation area appraisal work as there are a number of properties identified within the appraisals which could be added to the register.
Adopt Conservation Area Character Appraisals and Management Plans for five conservation areas on the Heritage at Risk Register (Clacton Seafront, Dovercourt, St Oysth, Thorpe-le-Soken, and Thorpe-le-Soken Station and Maltings)	Ongoing. These conservation Area Management Plans have already been the subject of public consultation and are due for adoption in early 2024.
Assess need for Article 4 Directions or Areas of Special Advertisement Consent within Conservation Areas at Risk (Clacton Seafront, Dovercourt, St Oysth, Thorpe-le-Soken, and Thorpe-le-Soken Station and Maltings)	Ongoing. This work will be informed by the new conservation area appraisals once adopted.
Update "Conservation in Tendring" booklets providing practical advice to owners of historic buildings	Ongoing. Heritage awareness leaflets were circulated to all households alongside Council Tax bills in April 2023.
Create and adopt a Local List	Ongoing. The criteria to which Local Listed buildings to be assessed was subject to public consultation and

	due for adoption in early 2024. The consultation on those building to be Locally Listed will start in mid-2024.
Promote the District's Heritage Champion and raise awareness of their duties	Complete.
Promote the District's events and festivals	Ongoing. The Council's Tourism team continue with District-wide promotional activities covering arts and heritage locally, including for the International Day For Monuments and Sites in April, and Heritage Open Days in September each year. The Districts events and festivals appear on the Essex Sunshine Coast website, Visit Essex, TDC website and the Love Tendring app.
Audit into current condition of signage and information boards, and maintenance of these where required	Not yet started. This work will follow the adoption of the new Conservation Area Appraisals.

Medium Priority Actions

Table 20: Status of Heritage Strategy Medium Priority Actions

Action	Status
Facilitate pre-application discussions to find solutions to problematic and redundant sites/buildings, including Harwich and Dovercourt Lighthouses	Ongoing
Adoption of Character Appraisals and Management Plans for every Conservation Area	Ongoing. 10 updated Conservation Area Appraisals have been through public consultation, and will be presented to members for adoption in 2024. Public consultations on the remaining 10 will take place in 2024.
Ensure Conservation Area boundary maps are updated and made available online	Ongoing. Work to publish interactive maps showing Conservation Area boundaries as well as Local Plan data is nearing completion.
Assess need for Conservation Management Plans for sites including Beaumont Quay, St Osyth's Priory (and Registered Park and Garden), Lawford Barrow, Clacton Seafront Registered Park and Garden	Not yet started.

Produce design guidance documents for historic areas, including shopfront and signage design guides and guidance for high quality new developments	Ongoing. Early internal conversations have started.
Provide targeted training courses with Parish Councils	Not yet started.
Promote communication between organisations who make decisions affecting historic environment	Ongoing.
Promote communication and improved partnership working between Tendring District Council, regional partners, volunteer groups, local societies and business owners	Ongoing.
Encourage development of educational programmes between museums and visitor attractions and schools	Ongoing. COVID-19 has severely impacted schools however the Tendring Local Cultural Education Partnership- Established April 2021 and working towards developing cultural aspirations in young people, and this includes access to and engagement with local heritage and cultural assets.
Investigate potential of hosting courses for building contractors and apprentices in traditional construction techniques at venues such as St Osyth's Priory and partnership with National Heritage Training Group	Not yet started.
Use of imagery and displays on hoarding to generate public interest and promote heritage during archaeological excavations and development	Ongoing. This kind of signage was used for the Jaywick Market site.
Encourage local schools to take part in heritage trips	Ongoing.
Establish collaborative approach with commercial teams to ensure heritage visitor sites are easily accessible to all	Ongoing.
Organise and promote Heritage Open Days	Ongoing.

Low Priority Actions

Table 21: Status of Heritage Strategy Low Priority Actions

Action	Status
Establish a 'Cultural Partnership'	Ongoing:

	The Tendring Local Cultural Education Partnership (TCEP) was established in April 2021. This post, funded by Royal Opera House Bridge aims to bring together partners to support young people and their creative aspirations. Officers in Economic Growth & Leisure continue to work with arts and cultural organisations to facilitate partnership and discussions, also meeting aims within the Creative and Cultural Strategy.
Investigate opportunities provided by the University of Essex and other higher education facilities to carry out research into aspects of Tendring's heritage, particularly key themes of military and coastal heritage	Not yet started.
Create a shared approach to branding for the District's heritage to connect the historic environment, cultural heritage and the arts	Ongoing: There is no distinctive brand establish yet however Culture and Heritage features on the Essex Sunshine Coast website. The LoveTendring app continues to be updated to include more events and activities, and Clacton150 has highlighted Heritage through the Heritage Trail and commemoration activities.
Creation of additional signage and information boards	Not yet started.
Introduction of blue plaques	Not yet started.
Creation of further heritage trails such as 'Hidden Heritage' to respond to wider national trends and interests	Completed.
Create digital interpretive mapping	Not yet started.
Undertake research into existing apps and resources to assess potential for future initiatives and collaboration	Ongoing.
Create a 'healthy heritage' brand across Tendring	Ongoing

Ongoing actions at the time the Heritage Strategy was adopted

Table 22: Status of Heritage Strategy Ongoing Actions

Action	Status
Ensure effective conservation of heritage assets and their significance through the Development Management process	Ongoing.
Utilisation of Local Authority enforcement powers	Ongoing.

Use of up-to-date GIS mapping system within Tendring District Council and Essex County Council	Completed.
Continue to provide conservation advice to owners of historic buildings through the "Conservation in Tendring" booklets	Ongoing. Quotes have been submitted from Essex Place Services for this work, but due to its low priority this action has not yet been commissioned.
Promote training courses relating to conservation and the historic environment, including Traditional Building Skills courses run by Place Services (Essex County Council)	Not yet started.
Collaborate with the aims, objectives and actions of the Tourism Strategy to promote the historic environment	Ongoing.
Consider approach to events and exhibitions	Not yet started.

Local Projects

7.3. The three locally specific heritage projects are:

- **Support the future of Walton's Maritime Museum in Walton.** Create improved way finding, linking the Museum with other attractions and facilities, taking advantage of the coastal path and support the Trust to work with nearby facilities to develop a programme of activities for key dates and summer season. It is understood that the Walton Forum are now leading on this project.
- **Support with the 5 year development plan for the Brightlingsea Lido.** Expansion of the pool to ensure it is fully accessible for all, and construction of a Wellbeing Centre. The Council have supported Brightlingsea Town Council with a submission to phase 2 of Sport England Swimming Pool Support Fund.
- **Explore options for the restoration or sympathetic reinterpretation of the first electric street lights in Clacton.** A historical survey and costing appraisal has been commissioned to restore/replace the electric street lights in Clacton.

8. The Natural Environment

- 8.1. This section reflects the policies in the both the Protected and Sustainable Places chapters of the Local Plan.

The delivery of projects contained within the Essex RAMS SPD.

- 8.2. Over the 2022/23 period three rangers have been employed by the Essex Coast RAMS/ Bird Aware team. Their first duties included the distribution of leaflets and posters along the Colne and Blackwater Estuaries and engagement with sailing clubs, holiday homeowners, and caravan parks managers, the response has been generally positive. The rangers have also been patrolling and monitoring the breeding sites and their surroundings, with a particular focus on Colne Point and Point Clear Bay, which so far this season have seen the highest rate of disturbance.

Water Management and Flood Risk

- 8.3. This section reflects the policies in the Protected Places chapter of the Local Plan.

Number of major developments incorporating water management schemes

- 8.4. Through the 2022/23 year, a number of planning applications were approved with conditions requiring that all new dwellings should meet a water consumption rate of no more than 110 litres per person per day, in accordance with Policy PPL5. Those developments which did not include such a condition were required to meet the Building Regulations standard of 125 litres per person per day. Therefore, all major developments approved in the year will have incorporated some level of water management scheme. A more consistent approach to water management is proposed over the coming year, to ensure full compliance with Local Plan policy.

Number of developments approved contrary to advice from Environment Agency.

- 8.5. The National Planning Practice guidance note states:

For any planning application for major development where the local planning authority is minded to grant permission and the proposal:

1. Is within Flood Zones 2 or 3, or on land within Flood Zone 1 which has been notified to the local planning authority as having critical drainage problems; and

2. Is the subject of a sustained objection by the Environment Agency on flood-risk grounds,

the local planning authority must follow the procedure provided for in the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#). Prior to this, the authority, the Agency and the applicant should first make all reasonable endeavours to negotiate and come to an agreement as to whether changes could be made to the application that would enable the Agency to withdraw its objection. The referral process set out in the Direction will need to be followed by the local planning authority unless the Environment Agency withdraws its flood risk objection in writing.

This means that if the Agency still concludes that it is unable to withdraw its objection and the authority is still minded to grant permission, then the authority must refer the application to the Secretary of State for possible call-in.[...]

The Environment Agency publishes transparency data comprising an annual list of all those planning applications to which it made an initial objection on the basis of flood risk.

8.6. In the period April 2022 – March 2023 there were three applications identified on the Environment Agency’s list.

Table 23 : Applications in a flood zone with initial Environment Agency objections

Application Number	Address	Status
21/01585/FUL	3 Eastern Promenade St Osyth Clacton On Sea Essex CO16 8LG	APPROVED
22/00492/FUL	51 Garland Road Parkeston Harwich Essex CO12 4PB	REFUSED
22/00949/OUT	Land North of Mill Lane Walton On The Naze Essex CO14 8GA	REFUSED

8.7. Out of these three, two were refused planning permission. The third had a holding objection from the Environment Agency, which was overcome with the preparation of a flood risk assessment. The decisions for all three applications were in accordance with Environment Agency advice and did not need to go before the Secretary of State.

9. Tourism Promotion

- 9.1. This section reflects the policies in the both the Prosperous and Protected Places chapters of the Local Plan.
- 9.2. Tendring District Council has a Tourism Strategy in place for the period of 2021—2026. The strategy covers the development and promotion of tourism with input and integration from partners in the private, voluntary, and wider public sector.
- 9.3. The tourism sector is worth almost £414 million* to Tendring, with the industry responsible for almost 9,000 jobs, equivalent to 17.9% of the District's employment. The net worth of Tendring's tourism economy has grown by around £66 million since 2012.
- 9.4. The Council is working with partners to develop a programme of events that will draw visitors to Tendring and raise the profile of the area with significant investment by both the public and private sector in tourism over recent years.

** Data from 2022 Economic Impact of Tourism – Tendring Report*

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

20 DECEMBER 2023

REPORT OF THE DIRECTOR OF PLANNING

A.3 - UPDATED STATEMENT OF COMMUNITY INVOLVEMENT

(Report prepared by Will Fuller and Paul Woods)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To seek the Planning Policy and Local Plan Committee's approval of the updated Statement of Community Involvement (SCI).
EXECUTIVE SUMMARY
<p>Key Points:</p> <ul style="list-style-type: none">• The Statement of Community Involvement (SCI) details the way in which the public will be consulted on all Planning matters.• Before work starts on the review of the Local Plan Members are asked to agree an updated Statement of Community Involvement.
<p>SCIs must be reviewed regularly, to ensure they remain up-to-date and contain appropriate measures for engaging with the community about Planning matters.</p> <p>Members will recall that the Statement of Community Involvement SCI was updated in 2017 (as an agenda item on the Local Plan Committee) to allow for the preparation of the Garden Community Development Plan Document (DPD) and again in 2020 (as an item for this Committee) to incorporate the amended consultation requirements which the Government introduced as part of their broader legislative package in response to the Coronavirus pandemic.</p> <p>Officers have now reviewed the Council's adopted SCI again in advance of the Local Plan review commencing and propose only minor changes to ensure it is consistent with most recent guidance and good practice. The updated SCI itself must be the subject of public consultation, and it is proposed that this takes place early in 2024 to enable the updated document to be adopted before statutory consultation begins on the Local Plan review.</p>
RECOMMENDATION
That the Planning Policy and Local Plan Committee:

(a) agrees the recommended revisions to the Council’s Statement of Community Involvement (SCI) (as shown in Appendix 1) to reflect the specific requirements arising from national guidance, and

(b) authorises the Director (Planning) to publish the updated Statement of Community Involvement on the Council’s website for Public Consultation for a period of six weeks.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The SCI supports the Council’s Corporate Plan 2024-2028, particularly in looking to harness the power of digital delivery of services and ensuring no resident is left behind. It seeks to promote pride in our communities, and encourages residents to engage with the process of reviewing the Local Plan. The proposals in the SCI seek to delivery efficient services, prioritising the Council’s resources during public engagement exercises.

The SCI will be used in conjunction with the Council’s recently adopted Consultation Strategy and Community Engagement Strategy.

RESOURCES AND RISK

The proposed amendments to the SCI were prepared by the Council’s Planning Policy Team under the leadership of the Director of Planning within the agreed ‘LDF Budget’. The SCI sets out the proposed approach to consultation which can have resource implications including costs of media publicity and any exhibitions or public meetings.

Without an up-to-date SCI, the Council would be unable to demonstrate how it will effectively engage with the community in relation to the review of the Local Plan and other Planning matters. This could lead to the Council receiving criticism during examination of the Local Plan for not meeting its statutory obligations.

LEGAL

Section 18 of the Planning and Compulsory Purchase Act 2004, as amended provides that the Council must prepare a Statement of Community Involvement, which is a statement of the authority’s policy as to the involvement in the exercise of its functions.

OTHER IMPLICATIONS

Equality and Diversity: The processes for consultation and community engagement in the updated SCI aim to give people equal opportunity to engage in the planning process, including ‘hard to reach’ groups.

Area or Ward affected: All wards.

Consultation/Public Engagement: The adopted SCI was subject of public consultation in its own right to enable interested parties to comment on the proposed approach to community engagement and consultation on other planning documents and planning applications. The updated SCI will also need to be the subject of consultation and will be published on the Council's website for six weeks to invite comments from members of the public and other interested parties.

THE AMENDED STATEMENT OF COMMUNITY INVOLVMENT

The Statement of Community Involvement (SCI) is designed to set out how the Council will involve the community and other stakeholders in the Planning process, in particular when it comes to public consultation on the Local Plan and other Planning Policy documents. It also explains how the Council will consult communities and other stakeholders on Planning Applications and advises developers how best to undertake early community engagement prior to submitting their applications.

The Council's latest SCI was published in 2020 when the Government published legislation around how public engagement should take place during the pandemic. These new requirements meant that we had to arrange consultations in a different way, without requiring members of the public to congregate together. Now that social distancing is no longer a consideration, the foreword relating to the pandemic can now be removed.

Officers are beginning the process of reviewing the Local plan for the District. This updated Local Plan will guide new development in Tendring until the 2040s. This is therefore the appropriate time to also review the SCI and ensure it is up to date and relevant.

The SCI must be published for six weeks consultation in its own right before it can be formally adopted by the Council to give the community and other stakeholders the opportunity to comment on the consultation methods proposed. The Planning Policy and Local Plan Committee is therefore being asked for its agreement to publish the SCI for six weeks consultation after which any necessary amendments can be made before the document returns to this Committee to be formally approved.

APPENDICES

Appendix 1 – The Updated Statement of Community Involvement (SCI).

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A.3 APPENDIX 1



Tendring District Council



Statement of Community Involvement (SCI)

November 2023

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Executive Summary

This Statement of Community Involvement (SCI) explains how communities and stakeholders can get involved in the preparation of Council planning documents like the Local Plan and the consideration of individual planning applications.

Community Involvement in the Local Plan

The Council has started the process of reviewing the Local Plan for the district, this will follow six stages:

- Stage 1: Consultation on 'Preferred Options'
- Stage 2: Consultation on the 'Proposed Submission Draft'
- Stage 3: Examination of the Local Plan by an independent Planning Inspector
- Stage 4: Consultation on modifications to the Local Plan (if required by the Inspector)
- Stage 5: Receipt of the Inspector's report
- Stage 6: Adoption of the Local Plan

The most extensive programme of public engagement will be at stage 1 'preferred options'. The Council will hold exhibitions and send leaflets to residents in communities affected by the most significant development proposals and will undertake more general publicity in other areas. Residents directly affected by these developments will be notified directly either by letter or a site notice. All the relevant Local Plan documents will be made available to view on the Council's website, at Council offices and at libraries. For the stage 2 'proposed submission draft' consultation, all residents that commented on the plan at stage 1 will be invited to make any final comments before the plan is submitted for examination by an Inspector (stage 3). At stages 4 to 6, residents that commented at either stage 1 or 2 will be directly notified about the progress of the Local Plan through the final stages of the process.

Community Involvement on Planning Applications

The Council will encourage developers to engage with communities before they submit planning applications for development so they can take on board residents' views and, where practical, incorporate their ideas or address their concerns by making changes to their initial proposals. For major developments generally involving the development of 10 or more homes or 1,000 or more square metres of commercial floor space, the Council will expect developers to undertake pre-application community engagement, but for other smaller developments it will be encouraged. When the Council receives a planning application, the Council will notify residents and other stakeholders likely to be affected by the proposal.

Community Involvement in Supplementary Planning Documents or Neighbourhood Plans

If the Council produces any Supplementary Planning Documents to explain or provide further detail on policies or development proposals in the Local Plan, they will be published for consultation and the level of community engagement and publicity will vary depending on the subject of the document and the likely level of public interest. For Neighbourhood Plans prepared by Town or Parish Councils

A.3 APPENDIX 1

or other community groups, those bodies will be expected to undertake community engagement following some of the principles and techniques set out in this document.

1. Introduction

1.1 One of the aims of the national planning system is to strengthen community and stakeholder involvement, encouraging people to participate in the development of their local community. To help achieve this Councils are required to prepare a 'Statement of Community Involvement' (SCI) – a public statement that lets communities and stakeholders know when and how they can be involved in both the preparation of planning policy documents such as the Local Plan and the consideration of applications for planning permission.

1.2 The objectives of the SCI are to:

- make sure the consultation process is understood;
- explain how the Council intends to enhance community involvement in planning;
- ensure that residents and other stakeholders know when and how they can get involved in the production of the Local Plan and other planning documents;
- ensure that residents and other stakeholders know when and how they can get involved in the consideration of planning applications;
- improve the way that we consult and, in particular, make sure that everyone has the opportunity to be included, recognising the different needs of different audiences;
- demonstrate that the Council is able to resource the community involvement proposed;
- show how community involvement with planning will be linked to other community involvement initiatives; and
- explain how the SCI will be monitored and reviewed in the future.

1.3 Throughout the planning process, the Council welcomes comments and suggestions. Residents and other stakeholders can do this through the formal consultation processes which are the subject of this guide. They may also wish to raise matters or discuss ideas with their local ward councillor at any time who can then raise matters directly with the Council or other organisations on their behalf. Town and Parish Councils are a further source of advice and assistance. Details of all the Tendring District Council ward councillors and Town and Parish Councils can be found on the Council's website www.tendringdc.gov.uk.

1.4 Although the Council promotes community involvement in the planning process and more widely through our adopted Communications Strategy and Community Engagement Strategy, it is important to note that because of the range of people, organisations and community interests that changes to the local environment can affect, it will often be difficult to find solutions that will satisfy everyone. The Council also has to take into account available resources and government policies and legislation which apply to all Councils across the country; including the government's policy in the National Planning Policy Framework (NPPF) to boost, significantly, the supply of new housing. Getting involved in the planning process will therefore not always guarantee that your views and ideas will be agreed, but the Council does promise to listen and seriously consider all comments and suggestions that are put forward.

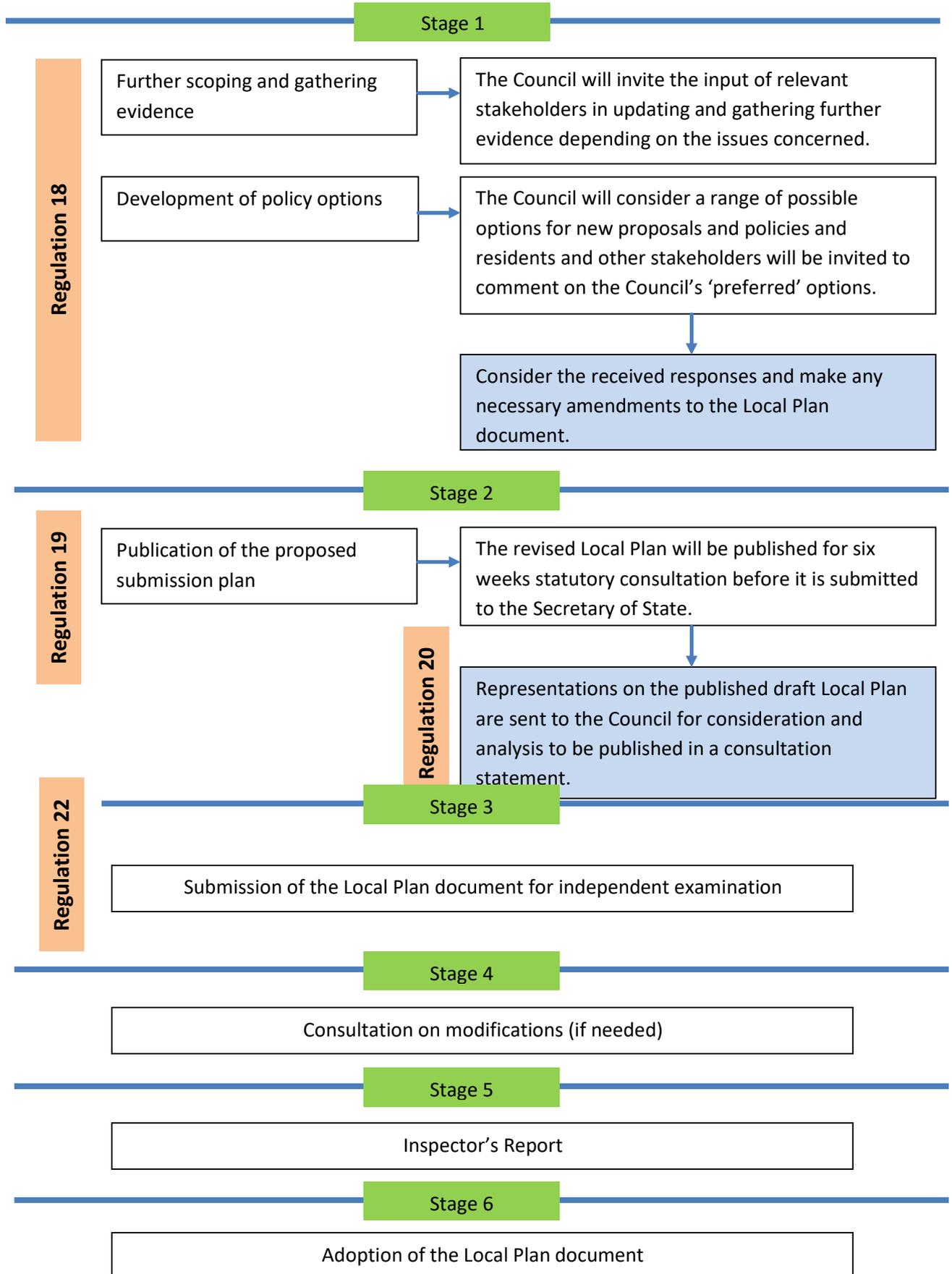
2. Community Involvement in the Local Plan

2.1 As part of the preparation for the now-adopted Local Plan, the Council undertook extensive public consultation. This included touring exhibitions, public meetings, interactive workshop sessions, leaflets being sent to residents' houses, radio advertising, meetings in schools and extensive press coverage. The Council has, over these years, promoted a level of publicity and active engagement far in excess of that required by the government's planning regulations and far more extensive than most local planning authorities in Essex. Despite these efforts, there have been continued accusations from residents that the Council has not done enough to involve them in the process.

2.2 The comments received in response to the last public consultation exercises and the active engagement with community representatives including all of our District Councillors and Town and Parish Councils demonstrate positive community involvement. These comments helped to shape the Council's policies and proposals contained in the adopted Local Plan

2.3 The updated Local Plan will have to include proposals to deliver more homes in the district until the 2041. To meet the objectively assessed need for housing, the Council will need to identify housing sites in locations that may not be popular with all residents, even if they are technically suitable for development and would help to support the economy of the district.

Local Plan preparation process proposed



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Proposed communication techniques for the Local Plan process

2.4 The following tables set out the communication techniques that the Council will employ to both notify and engage residents and other stakeholders in the next stages of the Local Plan process from the initial consultation on preferred options through to the final adoption of the document. More details of these stakeholder groups and these communication techniques are set out in Appendices 1 and 2 respectively.

	Stage 1	Stage 2	Stage 3	Stages 4-6
Stakeholder Group	Consultation on the Local Plan: Preferred Options.	Consultation on the Local Plan: Proposed Submission Draft.	Notifications on the submission of the Local Plan for Examination by a Planning Inspector.	Communications about the process of examination and notification about the adoption of the plan.
Members of the public				
Residents directly affected by new strategic development sites (including communities outside of Tendring)	Media and publicity Neighbour notification and/or site notice* Exhibitions Consultation document (available to view online, at Council offices and at libraries) Representation form Interactive website	Media and publicity E-mails/Letters (to residents that responded to the stage 1 consultation) Final consultation document (available to view online, at Council offices and at libraries) Representation form	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation) Focussed changes document – if needed (available to view online, at Council offices and at libraries)	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation)
Residents in communities affected by new strategic development sites (including communities outside of Tendring)	Media and publicity Leaflets to properties in affected communities. Exhibitions Consultation document (available to view online, at Council offices and at libraries) Interactive website	Media and publicity E-mails/Letters (to residents that responded to the stage 1 consultation) Final consultation document (available to view online, at Council offices and at libraries) Representation form	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation) Focussed changes document – if needed (available to view online, at Council offices and at libraries)	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation)
Hard to reach groups (see Chapter 7)	Media and publicity E-mails/Letter to schools and churches Offer to speak to groups of students Interactive website Letters/e-mails to special interest groups	Media and publicity E-mails/Letters (to residents that responded to the stage 1 consultation) Final consultation document (available to view online, at Council offices and at libraries) Representation form	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation) Focussed changes document – if needed (available to view online, at Council offices and at libraries)	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation)

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	Representation form			
	Stage 1	Stage 2	Stage 3	Stages 4-6
Stakeholder Group	Consultation on the Local Plan: Preferred Options.	Consultation on the Local Plan: Proposed Submission Draft.	Notifications on the submission of the Local Plan for Examination by a Planning Inspector.	Communications about the process of examination and notification about the adoption of the Local Plan.
Other residents	Media and Publicity E-mails/Letters to residents registered on the Council's planning database. Interactive website Representation form	Media and Publicity E-mails/Letters to residents that responded to the stage 1 consultation Representation form	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation) Focussed changes document – if needed (available to view online, at Council offices and at libraries)	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation)
Technical Stakeholders				
Technical Stakeholders (including government agencies, neighbouring authorities and other technical/statutory consultees)	E-mail/Letters Meetings with relevant bodies. Consultation document (to be viewed online or paper copies provided on request) Workshops/discussion groups	E-mail/Letters Final Consultation Document (to be viewed online or paper copies provided on request)	E-mails/Letters Focussed changes document (if needed)	E-mails/Letters
Business, Landowners and Developers				
Business, Landowners & Developers	E-mails/Letters Meetings with relevant bodies. Consultation document (to be viewed online)	E-mails/Letters Consultation document (to be viewed online)	E-mails/Letters Focussed changes document (if needed)	E-mails/Letters
Community Representatives				
District Councillors	Letters Consultation Document Representation Form	Letters Consultation Document Representation Form	E-mails/Letters Focussed changes document (if needed)	E-mails/Letters

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	Stage 1	Stage 2	Stage 3	Stages 4-6
Stakeholder Group	Consultation on the Local Plan: Preferred Options.	Consultation on the Local Plan: Proposed Submission Draft.	Notifications on the submission of the Local Plan for Examination by a Planning Inspector.	Communications about the process of examination and notification about the adoption of the Local Plan.
Town & Parish Councils (including those adjoining Tendring)	Letters Consultation Document Representation Form Meetings with Councils affected by the new strategic allocations. Interactive website Opportunity for Town and Parish Councils to hold their own public meetings or exhibitions with assistance from TDC officers.	Letters Consultation Document Representation Form	Letters Consultation Document Representation Form	E-mails/Letters
Other Community Groups (including voluntary groups, specialist groups, residents' groups and others)	E-mails/Letters to residents registered on the Council's planning database. Interactive website Representation form	E-mails/Letters to residents that responded to the stage 1 consultation Representation form	E-mails/Letters (to residents that responded to the stage 2 consultation) Focussed changes document – if needed (available to view online, at Council offices and at libraries)	E-mails/Letters (to residents that responded to the stage 2 consultation)

*Neighbour notification and/or site notice - This takes place on a non-statutory and discretionary basis. Neighbours are notified on the basis that, in the opinion of the Planning Officer, they are affected to a material extent by the proposed development. Normally such notifications will be limited to properties which share a common boundary with the proposed development site. However for some strategic development sites which have a greater impact on their locality it may, at the Planning Officer's discretion, be appropriate to notify properties on the opposite side of the road or to provide a site notice.

Community Infrastructure Levy (CIL)

2.5 Community Infrastructure (CIL) is a method by which the Council can secure financial contributions from developers toward the infrastructure needed to support growth. The Council intends to prepare and consult upon an Infrastructure Delivery Plan and CIL Charging Schedule document alongside the Local Plan which will explain how the mechanism will work and how much developers will be charged per square metre of development proposed. It is likely that businesses, landowners and developers will be the main stakeholders that wish to comment on this document as it could have financial implications for their proposals.

Sustainability Appraisal, Strategic Environmental Assessment

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2.6 Local Plans and some other planning documents must also be accompanied by a 'Sustainability Appraisal' and 'Strategic Environmental Assessment'. Sustainability Appraisal is a requirement of section 19 of the Planning and Compulsory Purchase Act 2004 and must be undertaken for each stage of the plan-making process to ensure that the plan does everything it can to achieve sustainable development. Many of the requirements for sustainability appraisals happen to overlap with some of the requirements in the Environmental Assessment of Plans and Programmes Regulations 2004, which gives effect to European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. It will therefore be a requirement of both UK and European Law to appraise the sustainability and environmental effects of proposals in the Local Plan and other planning documents. Therefore, when Local Plans and other relevant documents are published for consultation, the Council will also publish a joint Sustainability Appraisal and Strategic Environmental Assessment and will invite comments on that document.

3. Community Involvement in Development Management

3.1 The process of determining planning applications for development is called ‘Development Management’. The government, through the policy contained in the National Planning Policy Framework (NPPF), expects Councils to work positively with applicants for planning permission to look for solutions rather than problems, always seeking to approve proposals for development, where possible. The involvement of residents and other stakeholders in the Development Management process at an early stage enables the Council to work with applicants to address as many issues as possible before a decision is made. This is particularly important for ‘major applications’ involving larger developments which have the potential to affect larger numbers of people.

Pre-application

3.2 The Council encourages prospective applicants for planning permission to enter into ‘pre-application discussions’ with Planning Officers. These discussions are aimed at resolving as many potential issues as possible prior to the submission of a planning application and therefore enable the application to be dealt with more quickly and with a greater level of certainty for the applicant. For a reasonable fee, the Council provides a pre-application service to prospective applicants that includes meetings with Planning Officers, preliminary discussions with relevant stakeholders (such as Essex County Council, Environment Agency, Historic England, and Natural England) and detailed advice, sometimes informed by a site visit.

3.3 The Council also encourages prospective applicants to engage with the community prior to submitting a planning application so that they can take on board residents’ views and, where practical, incorporate their ideas or address their concerns by making changes to the initial draft proposals. Early engagement with communities should therefore help to minimise the number of formal objections the Council receives once the planning application has been submitted.

3.4 Different types of development proposal will require different levels of community engagement. Major developments for example tend to generate greater public interest and there are likely to be a greater range of issues that need to be resolved. The Government sets out the following criteria for what constitutes a ‘major development’:

- Residential developments comprising 10 or more homes;
- A site area of 0.5 hectares or more where the number of homes is unknown;
- Commercial proposals creating more than 1000 square metres of floor space or on sites of 1 hectare or more; or
- A change of use application involving the above.

3.5 For some major development proposals, the Council will expect the prospective applicants to undertake pre-application community engagement and will expect them to provide details of the engagement that has taken place. For other developments, early engagement with the community will be encouraged rather than expected, but depending on the nature of the development proposed, it may be in the applicant’s interest to get some early ‘buy-in’ from the community.

3.6 It is essential that any pre-application community involvement is tailored to the nature and scale of the proposal and that the techniques employed are effective in bringing draft proposals to the attention of the public, the local Town or Parish Council and other affected parties and provide reasonable opportunities for them to make comments.

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3.7 The Council will expect applicants to submit the details and results of their pre-application consultation with an explanation of how residents' views and ideas were taken into account, alongside their planning application, and this information will be referred to as part of the decision making process.

Submission of a planning application

3.8 When the Council receives a planning application there will be a formal consultation period within which residents and other stakeholders will be invited to make comments. The Council will take these comments into account when coming to a decision on whether or not to grant planning permission. If an applicant has carried out effective community engagement at the pre-application stage, the comments received during the formal consultation period should hopefully not raise too many major concerns that have not already been considered and taken into account in developing their proposals.

3.9 The formal consultation period involves notifying and engaging the wider community and individuals likely to be affected by planning applications. However, the need to publicise planning applications and give the community a reasonable opportunity to comment must be balanced by costs and speed of decision making and must be in accordance with legislation provisions. A number of measures are already established for the publicity of and consultation on planning applications. These include consulting Town and Parish Councils on all planning applications and placing all planning applications on the 'Public Access' section of the Council's website unless required to be removed for legal reasons or public safety reasons. In addition the Council carries out neighbour notifications and places site notices when required on application sites.

Revised plans submitted on a planning application

3.10 There is no statutory requirement to publicise or consult the community on revisions to plans submitted as part of a planning application. Where an application is amended through negotiation in a manner which, in the opinion of the case officer, improves the circumstances for neighbours there is generally no need to re-consult them. The exception would be if the changes are sufficiently major that the neighbours might reasonably have expected to be notified, or if the impact on a neighbour has worsened. There are therefore many cases where neighbours are re-notified.

Advertisement Consents

3.11 There is no statutory requirement for publicity and in general the publicity set out in the table overleaf is sufficient. The exceptions are cases which, in the opinion of the case officer, result in a material impact on a residential property. For example, an illuminated sign close to and visible from principal rooms in a residential property.

Design and Access Statements

3.12 Some planning and listed building consent applications, including in Conservation Areas are now required to submit a Design and Access Statement, under section 3 of the Department of Communities and Local Government Circular 01/2006 (Guidance on changes to the Development Control System) as amended. These Statements must demonstrate the public consultation that has

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been undertaken in relation to the planning application. In addition, they need to demonstrate that the proposal is well designed in itself and fits in with its setting.

Communication techniques for the Development Management process

3.13 The following table illustrates what the Council already does by way of publicity and formal consultation and the suggested techniques for extending community involvement on some proposals, to be undertaken by the applicant prior to the submission of an application. The normal period allowed for formal consultation is 21 days.

Nature of development	Pre-application Stage	Application Stage
	Suggested community engagement techniques that could be used by the applicant prior to the submission of an application	Communication techniques that the Council will use to publicise the formal consultation on planning applications
<p>Developments requiring Environmental Statement.</p> <p>Developments that do not accord with the provisions of the Development Plan.</p> <p>Major developments including:</p> <p>(a) the mining, and working of minerals or the use of land for mineral-working deposits;</p> <p>(b) waste development;</p> <p>(c) the provision of dwelling houses where-</p> <p>(i) the number of dwelling houses to be provided is 10 or more; or</p> <p>(ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);</p> <p>(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or</p> <p>(e) development carried out on a site having an area of 1 hectare or more.</p>	<p>Exhibition (minimum of one day with an agreed pre-publicity advertisement);</p> <p>Meetings;</p> <p>Drop in centre with applicant available for questions and answers (minimum of one day with an agreed pre-publicity advertisement);</p> <p>Meetings with Town or Parish Councils;</p> <p>Widespread local publicity (minimum for advertisement in the local newspaper at least one week in advance of exhibition/event); and/or</p> <p>Leaflets or letters to neighbours.</p> <p><u>The chosen method(s) should be agreed with the Council in advance.</u></p>	<p>Newspaper advertisement</p> <p>Site Notice</p> <p>Neighbour notification*</p>
All other developments requiring planning permission.	At applicant's discretion.	<p>Site Notice</p> <p>Neighbour notification*</p>
Developments that affect a right of way	At applicant's discretion.	<p>Newspaper advertisement</p> <p>Site Notice</p> <p>Neighbour notification*</p>

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Nature of development	Pre-application Stage	Application Stage
Lawful Development Certificate, Works to Trees in Conservation Areas or covered by a Tree Preservation Order, Certificates of Appropriate Alternative Development, Hazardous Substances Consent, Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways and County Matters	At applicant's discretion.	None
Prior notifications for telecommunications	At applicant's discretion.	Site Notice and Newspaper advert only if Article 8 applies e.g. affects a public right of way or development exceed 1 hectare
Listed Building Consent Application	At applicant's discretion.	Newspaper advertisement Site Notice (unless works are wholly internal on a Grade II listed building). Neighbour notification*
Development affecting the setting of a listed building Development affecting the character or appearance of a conservation area Conservation Area Consent	At applicant's discretion.	Newspaper advertisement Site Notice Neighbour notification*

*Neighbour notification- This takes place on a non-statutory and discretionary basis. Neighbours are notified on the basis that, in the opinion of the Planning Officer, they are affected to a material extent by the development. Normally such notifications will be limited to properties which share a common boundary with an application site. However for larger scale developments which have a greater impact on their locality it may, at the Planning Officer's discretion, be appropriate to notify properties on the opposite side of the road or to provide a site notice.

3.14 In addition to the publicity for formal consultation outlined above, the Council publishes weekly lists of applications on its website www.tendringdc.gov.uk and provides the list to:

- Amenity societies;
- Local newspapers;
- Local radio; and
- Town and Parish Councils.

Appeals

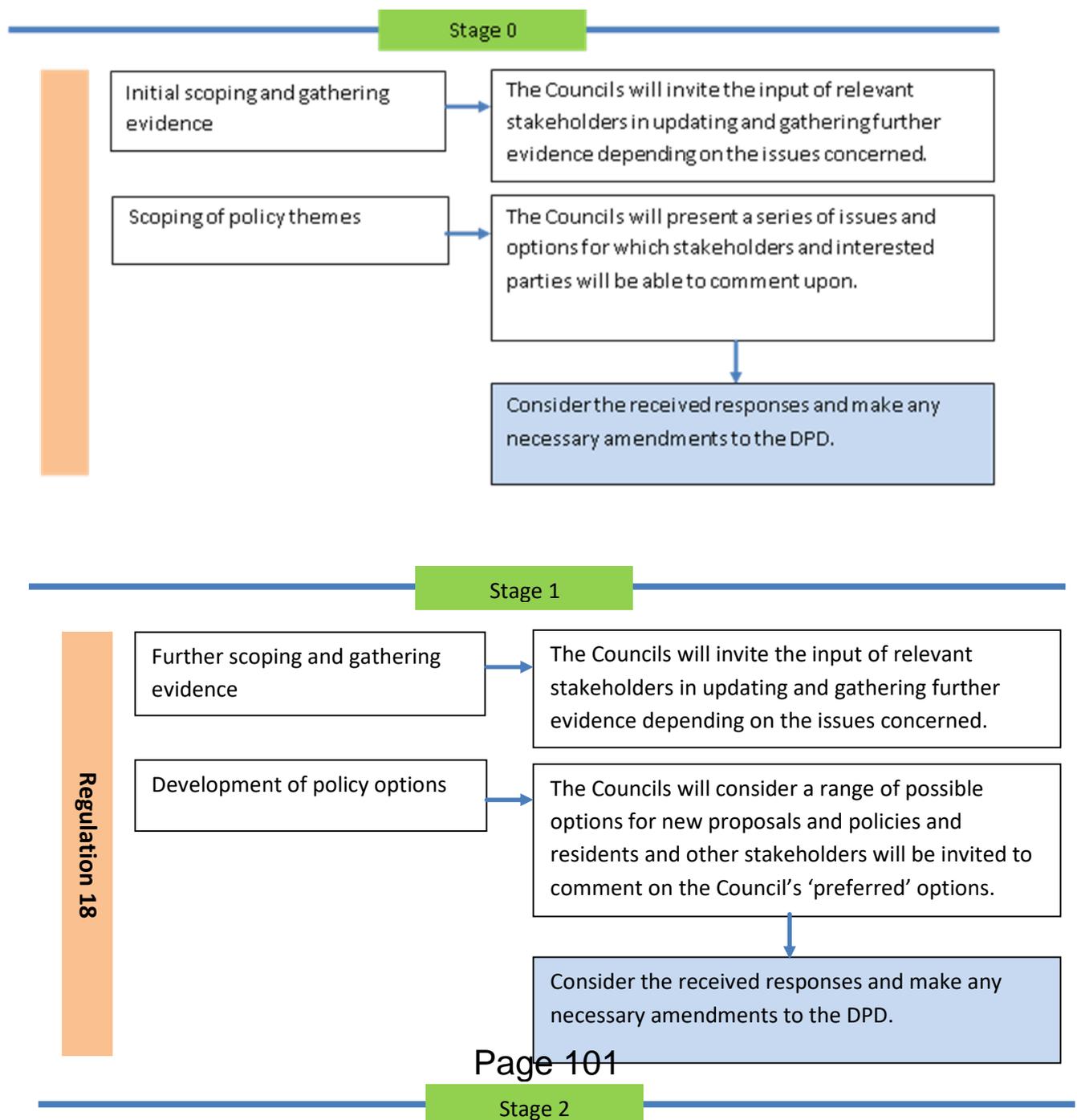
3.15 When an appeal is made against the decision of the Council to refuse an application or apply conditions to a development or the failure of the Council to determine an application within the statutory time period without the applicant's agreement to an extension of time, all previous correspondence is forward on to the Planning Inspectorate. Letters/e-mails are sent to all those people who had previously been consulted or had commented on the application, advising them of the appeal and relevant Town or Parish Councils and District Ward Councillors are also notified.

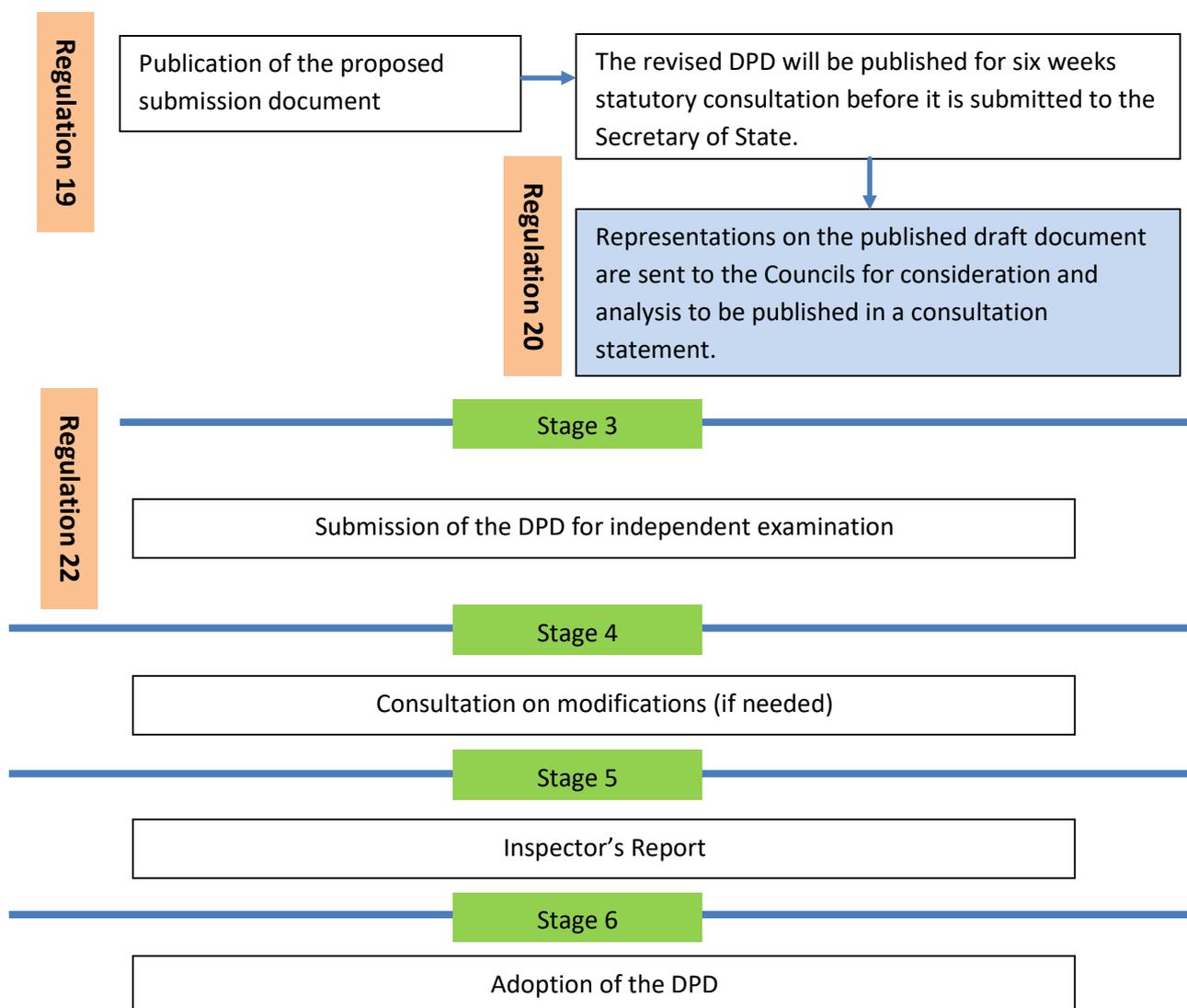
4. Community Involvement in DPDs

4.1 As part of the adopted North Essex Garden Communities Section of the Local Plan, a site specific policy has been drafted. This policy (SP9) 'Tendring/Colchester Borders Garden Community' sets out a strategic policy framework to guide the delivery of this broad area.

4.2 Policy SP9 contains, amongst other things a requirement to prepare a DPD specific to the broad location. The way in which the community and other parties will be consulted through the preparation and adoption process of this DPD is set out below. Moreover, if the Council intends to prepare further DPDs in the future, the below consultation methods will also be used.

Development Plan Document preparation process proposed





Proposed communication techniques for the Development Plan Document process

4.3 The following tables set out the communication techniques that the Council will employ to both notify and engage residents and other stakeholders in the next stages of the DPD process from the initial consultation on preferred options through to the final adoption of the document.

	Stage 0	Stage 1	Stage 2	Stage 3	Stages 4-6
Stakeholder Group	Consultation on the DPD Issues and Options	Consultation on the DPD: Preferred Options.	Consultation on the DPD: Proposed Submission Draft.	Notifications on the submission of the DPD for Examination by a Planning Inspector.	Communications about the process of examination and notification about the adoption of DPDs.
Members of the public					
Residents directly	Media and publicity	Media and publicity	Media and publicity	Media and publicity	Media and publicity

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<p>affected by new strategic development sites</p> <p>(including communities outside of Tendring)</p>	<p>Neighbour notification and/or site notice*</p> <p>Exhibitions</p> <p>Consultation document (available to view online, at Council offices and at libraries)</p> <p>Representation form</p> <p>Interactive website</p>	<p>Neighbour notification and/or site notice*</p> <p>Exhibitions</p> <p>Consultation document (available to view online, at Council offices and at libraries)</p> <p>Representation form</p> <p>Interactive website</p>	<p>E-mails/Letters (to residents that responded to the stage 1 consultation)</p> <p>Final consultation document (available to view online, at Council offices and at libraries)</p> <p>Representation form</p>	<p>E-mails/Letters (to residents that responded to the stage 2 consultation)</p> <p>Focussed changes document – if needed (available to view online, at Council offices and at libraries)</p>	<p>E-mails/Letters (to residents that responded to the stage 2 consultation)</p>
<p>Residents in communities affected by new strategic development sites</p> <p>(including communities outside of Tendring)</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents on the Local Plan database)</p> <p>Exhibitions</p> <p>Consultation document (available to view online, at Council offices and at libraries)</p> <p>Interactive website</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 0 consultation)</p> <p>Exhibitions</p> <p>Consultation document (available to view online, at Council offices and at libraries)</p> <p>Interactive website</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 1 consultation)</p> <p>Final consultation document (available to view online, at Council offices and at libraries)</p> <p>Representation form</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 2 consultation)</p> <p>Focussed changes document – if needed (available to view online, at Council offices and at libraries)</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 2 consultation)</p>
<p>Hard to reach groups (see Chapter 7)</p>	<p>Media and publicity</p> <p>E-mails/Letter to schools and churches</p> <p>Offer to speak to groups of students</p> <p>Interactive website</p> <p>Letters/e-mails to special interest groups</p> <p>Representation form</p>	<p>Media and publicity</p> <p>E-mails/Letter to schools and churches</p> <p>Offer to speak to groups of students</p> <p>Interactive website</p> <p>Letters/e-mails to special interest groups</p> <p>Representation form</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 1 consultation)</p> <p>Final consultation document (available to view online, at Council offices and at libraries)</p> <p>Representation form</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 2 consultation)</p> <p>Focussed changes document – if needed (available to view online, at Council offices and at libraries)</p>	<p>Media and publicity</p> <p>E-mails/Letters (to residents that responded to the stage 2 consultation)</p>

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	Stage 0	Stage 1	Stage 2	Stage 3	Stages 4-6
Stakeholder Group	Consultation on the DPD Issues and Options	Consultation on the DPD: Preferred Options.	Consultation on the DPD: Proposed Submission Draft.	Notifications on the submission of the DPD for Examination by a Planning Inspector.	Communications about the process of examination and notification about the adoption of the DPD.
Other residents	Media and publicity E-mails/Letters (to residents on the Local Plan database Interactive website Representation form	Media and Publicity E-mails/Letters (to residents that responded to the stage 0 consultation Interactive website Representation form	Media and Publicity E-mails/Letters to residents that responded to the stage 1 consultation Representation form	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation) Focused changes document – if needed (available to view online, at Council offices and at libraries)	Media and publicity E-mails/Letters (to residents that responded to the stage 2 consultation)
Technical Stakeholders					
Technical Stakeholders (including government agencies, neighbouring authorities and other technical/statutory consultees)	E-mail/Letters Meetings with relevant bodies. Consultation document (to be viewed online or paper copies provided on request) Workshops/discussion groups	E-mail/Letters Meetings with relevant bodies. Consultation document (to be viewed online or paper copies provided on request) Workshops/discussion groups	E-mail/Letters Final Consultation Document (to be viewed online or paper copies provided on request)	E-mails/Letters Focussed changes document (if needed)	E-mails/Letters
Business, Landowners and Developers					
Business, Landowners & Developers	E-mails/Letters Meetings with relevant bodies. Consultation document (to be viewed online)	E-mails/Letters Meetings with relevant bodies. Consultation document (to be viewed online)	E-mails/Letters Consultation document (to be viewed online)	E-mails/Letters Focussed changes document (if needed)	E-mails/Letters
Community Representatives					
District Councillors	Letters Consultation Document Representation Form	Letters Consultation Document Representation Form	Letters Consultation Document Representation Form	E-mails/Letters Focussed changes document (if needed)	E-mails/Letters

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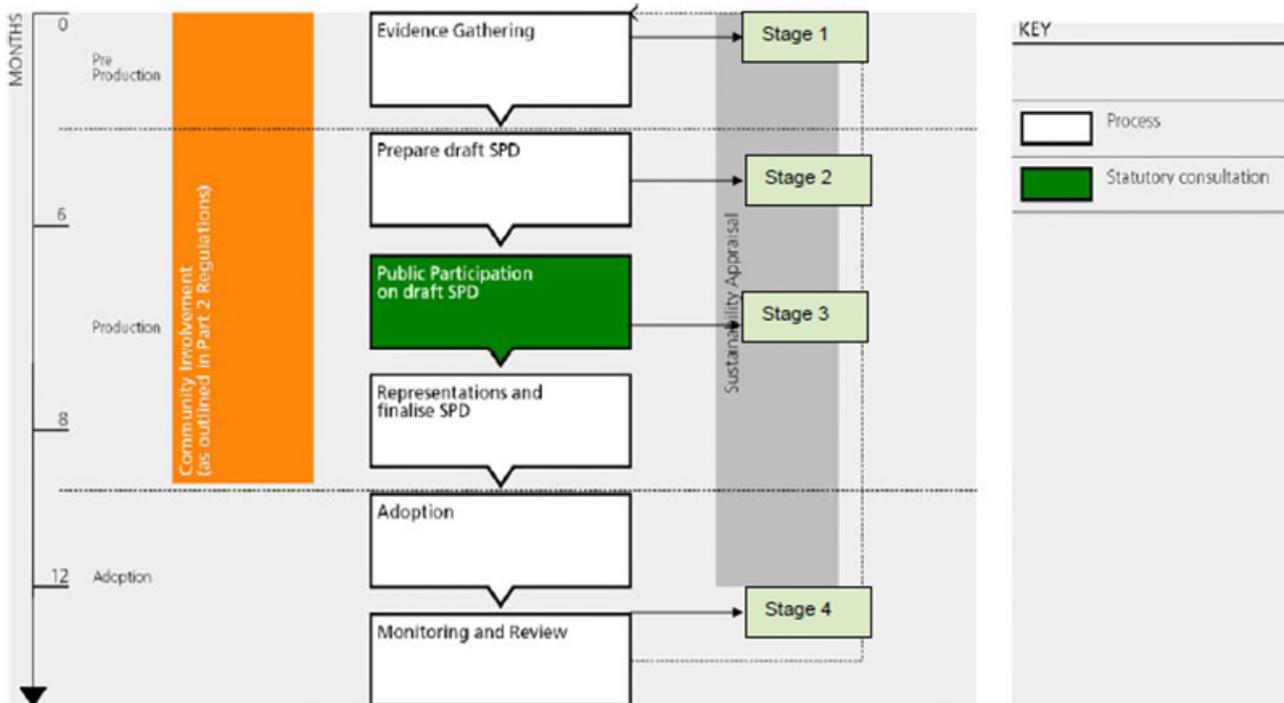
	Stage 0	Stage 1	Stage 2	Stage 3	Stages 4-6
Stakeholder Group	Consultation on the DPD Issues and Options	Consultation on the DPD: Preferred Options.	Consultation on the DPD: Proposed Submission Draft.	Notifications on the submission of the DPD for Examination by a Planning Inspector.	Communications about the process of examination and notification about the adoption of the DPD.
Town & Parish Councils (including those adjoining Tendring)	Letters Consultation Document Representation Form Meetings with Councils affected by the new strategic allocations. Interactive website Opportunity for Town and Parish Councils to hold their own public meetings or exhibitions with assistance from TDC officers.	Letters Consultation Document Representation Form Meetings with Councils affected by the new strategic allocations. Interactive website Opportunity for Town and Parish Councils to hold their own public meetings or exhibitions with assistance from TDC officers.	Letters Consultation Document Representation Form	Letters Consultation Document Representation Form	E-mails/Letters
Other Community Groups (including voluntary groups, specialist groups, residents' groups and others)	E-mails/Letters (to residents on the Local Plan database Interactive website Representation form	E-mails/Letters (to residents that responded to the Stage 0 consultation Interactive website Representation form	E-mails/Letters to residents that responded to the stage 1 consultation Representation form	E-mails/Letters (to residents that responded to the stage 2 consultation) Focused changes document – if needed (available to view online, at Council offices and at libraries)	E-mails/Letters (to residents that responded to the stage 2 consultation)

*Neighbour notification and/or site notice - This takes place on a non-statutory and discretionary basis. Neighbours are notified on the basis that, in the opinion of the Planning Officer, they are affected to a material extent by the proposed development. Normally such notifications will be limited to properties which share a common boundary with the proposed development site. However for some strategic development sites which have a greater impact on their locality it may, at the Planning Officer's discretion, be appropriate to notify properties on the opposite side of the road or to provide a site notice.

5. Community Involvement in SPDs

5.1 Supplementary Planning Documents (SPDs) are designed to explain or provide further detail on the implementation of policies or site allocations in a Local Plan document. They can include design guides, development briefs, master plans and documents providing guidance on particular issues and the Council will refer to them when making decisions on planning applications or dealing with planning appeals.

5.2 The diagram below sets out the process that the Council is required to undertake when preparing an SPD. Sustainability Appraisal is no longer a requirement for all SPDs and will only be carried out when appropriate. The evidence gathering and preparation stages should include up-front engagement with the community where this would be possible and beneficial.



5.3 Unlike the Local Plan, SPDs do not need to be examined by a Planning Inspector but they do need to be subject of community involvement. The comments submitted by residents and other stakeholders will be taken into account when preparing the final version of the SPD for adoption and a report of the comments received will be published on the Council's website alongside the adopted SPD.

5.4 A full description of the various community involvement methods that the Council might use can be found in Appendix 2 to this document.

Consultation on the Statement of Community Involvement

5.5 The Statement of Community Involvement (SCI) (the document you are reading) needs to be the subject of engagement with the community in its own right. This will operate in a similar way to consultations on Supplementary Planning Documents explained above.

6. Community Involvement in Neighbourhood Plans

6.1 The concept of Neighbourhood Plans was introduced through the Localism Act 2011 and allows designated groups of local people (typically a Town or Parish Council) to prepare a development plan for their area against which planning applications will be judged. Neighbourhood Plans need to be in conformity with the policies in the Local Plan for the district or otherwise promote higher levels of development which, for some villages, could help to sustain local shops and services, provide affordable homes for local people or help deliver new community facilities.

6.2 If a community wishes to simplify the process for allowing development, it can also produce a 'Neighbourhood Development Order' (areas where specified development is permitted without the need to apply for planning permission) or a 'Community Right to Build Order' (permission for small scale community-led schemes). These can be instead of, or in conjunction with, a neighbourhood plan and would result in effectively granting planning permission for certain types of development in certain areas, subject to meeting specified criteria. These orders cannot however remove the need for other permissions such as Listed Building or Conservation Area consent.

6.3 Neighbourhood Plan Areas, Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders are not prepared by the District Council, therefore the SCI (this document) cannot prescribe what methods of community consultation Town and Parish Councils or other community groups should follow. The Council will expect these documents to meet the requirements set out in the latest planning legislation and to follow, wherever possible, the general principles and techniques set out in the SCI - these requirements may include consultation with statutory stakeholders. At certain stages throughout the process, the Council will publish these Plans in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended). The Council will also provide technical guidance and support as required by legislation and will offer additional advice where feasible.

7. Hard to Reach Groups

7.1 Some people in the community have less chance than others to get involved in the planning process, so are under-represented. It is important to broaden the opportunities to enable these “hard to reach” groups to be involved, including, for example, young people, the elderly, homeless, people with disabilities, temporary residents and ethnic minorities.

7.2 The Council will design more inclusive participation exercises and, in some cases go out to such groups (e.g. through attending or contacting schools, care homes, supermarkets, post offices and local shops), rather than expect them to “come to us” (e.g. Council Offices or village halls). We will aim to ensure activities are adapted to suit needs.

7.3 The table below illustrates some of the most common barriers and possible solutions for engaging with some of the hard to reach groups in the community. Comments relating to this point in the questionnaire responses have also been reflected in the table. Consideration will be given to directly engaging with key groups in the community with particular needs, such as people with disabilities to ensure that they have adequate opportunities to participate.

Common Barriers to Community Involvement	Possible Solutions
<p>Difficulties with written information Language problems, literacy problems, learning disability</p>	<ul style="list-style-type: none"> • face to face surveys • telephone surveys • alternative formats e.g. large print • avoid jargon or complex language • produce simplified leaflets in layman’s terms
<p>Intimidated by Approach Communication/literacy problems, hostile attitude towards staff, hostility, lack of confidence</p>	<ul style="list-style-type: none"> • face to face surveys • consider using representatives already known and trusted • think carefully about language chosen • explain process and reassure objectives and listen • provide feedback with reasons
<p>Can’t access the meeting venue Transport difficulties, no child care available, timing difficult, physically inaccessible</p>	<ul style="list-style-type: none"> • plan meetings in accessible locations (public transport and adequate parking) • hold meetings at various times to suit range of needs • consider taking event to specific target groups on their premises e.g. care home/ school • consider providing childcare • check venue meets Disability Discrimination Act requirements • consider providing transport and or offer expenses
<p>Lack of Time or resources Working, families, lone parents, inadequate funding if voluntary group</p>	<ul style="list-style-type: none"> • go directly to respondents • keep activities simple and limit time-(People are generally busy)
<p>Information rarely reaches some areas Remote locations, individual care homes, school children, information format inappropriate</p>	<ul style="list-style-type: none"> • make use of contact through parish newsletters and village notice boards • link publicity shots with free newspapers • internet consultation as well as other alternatives • keep information simple and succinct- produce summary leaflet of each document at each stage • join up with local events where appropriate

8. Monitoring and Reviewing the SCI

8.1 The SCI provides flexibility to allow for appropriate changes to be made to the Council's approach to community involvement. Any comments received on the quality or effectiveness of consultation and communication techniques will be considered and used to inform future practice. If significant changes are required to meet new circumstances or changes in legislation, a review of the SCI will be undertaken.

Appendix 1: Stakeholder Groups

Technical Stakeholders

Duty to Co-operate

The Localism Act 2011 places a duty on public bodies to co-operate on any strategic matter relating to Local Plans and other planning documents. A strategic matter is defined as an issue that would have a significant impact on at least two planning areas, or a county matter in a two tier area. Tendring District Council is required to co-operate with appropriate authorities as listed below to ensure the activities related to planning are effective:

The duty to co-operate applies to:

- Environment Agency
- Historic England
- Natural England
- Mayor of London
- Civil Aviation Authority
- Homes and Communities Agency (HCA)
- Primary Care Trusts (or equivalent local NHS health bodies)
- Office of Rail Regulation
- Transport for London
- Integrated Transport Authority
- Highways Authority
- Highways Agency
- Marine Management Organisation (MMO)
- North Essex Economic board (NEEB)
- Essex County Council

The duty to co-operate is most likely to apply to authorities that adjoin the Tendring District, although there may be some strategic matters where co-operation with authorities in the wider area may also be necessary. For Tendring, the adjoining authorities are:

- Babergh District Council
- Colchester Borough Council
- Suffolk County Council

Due to the strategic nature of the Section 1 Local Plan, it is also appropriate to involve the following authorities:

- Braintree District Council
- Uttlesford District Council

Sustainability Appraisal Consultation Organisations

The following organisations should be consulted on Sustainability Appraisals under the Environmental Assessment of Plans and Programmes Regulations 2004:

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Environment Agency
Historic England
Natural England

Specific Consultation Bodies

When preparing Local Plans and other planning documents, the Council is required to consult such of the 'specific consultation bodies' as it considers may have an interest in the subject of the document. The specific consultation bodies are set out in the regulations as:

Environment Agency
Historic England
Marine Management Organisation (MMO)
Natural England
Network Rail
National Highways
Telecommunications operators
Primary Care Trusts (or equivalent local NHS health bodies)
Electricity and gas companies
Sewerage and water companies
Homes England
Coal Authority

General Consultation Bodies

When preparing plans, the Council is required to consult any 'general consultation bodies' it considers appropriate. The general consultation bodies are set out in the regulations as:

- voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;
- bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area;
- bodies which represent the interests of different religious groups in the local planning authority's area;
- bodies which represent the interests of disabled persons in the local planning authority's area;
- bodies which represent the interests of persons carrying out business in the local planning authority's area.

The Council maintains a consultation database that includes all of these types of general consultation body.

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Businesses, Landowners and Developers

Businesses

Businesses already located in the district will often have an interest in the Local Plan and other planning documents and will generally want to ensure that planning policies are sufficiently flexible to enable them to expand, change or relocate in response to changing economic circumstances. Businesses outside of the district may want to locate to Tendring and may have an interest, for example, in the Council's policies on employment land and town centres. The Council keeps a database of businesses that have indicated an interest in the Local Plan process in the past and will consult them as and when new documents are published.

Landowners

In the majority of cases, a landowner's interest in the Local Plan will be financial and to see whether or not their land is or can be allocated for development. Landowners will often, but not always, employ the services of a planning consultant or land agent to make representations on their behalf, either in support or objection to the plan.

For the majority of sites allocated for development in the Local Plan, the Council will have already been in communication with the landowners or their consultant/agent to ascertain whether or not they would be willing to release the land for development and will have worked with them to identify any initial problems or to draw up proposals in more detail. For sites not allocated for development in the Local Plan, the landowners will often make representations in objection.

The Council keeps a database of landowners that have indicated an interest in the Local Plan process in the past and will consult them as and when new documents are published.

Developers

A number of national and local developers operate in the Tendring District. Developers tend to take a keen interest in the proposals in the Local Plan, looking for opportunities to buy land where development will be permitted. They also take an interest in the policies in the Local Plan mainly to ensure that they are based on robust evidence and are sufficiently flexible to take into account issues of economic viability.

The Council keeps a database of developers that have indicated an interest in the Local Plan process in the past and will consult them as and when new documents are published.

Community Representatives

District Councillors

The elected Members of Tendring District Council have an important role in shaping and approving the content of the Local Plan and other planning documents. For Development Management, they play a role in determining some planning applications through the Planning Committee.

They also play an important role in helping to communicate the messages of the Local Plan to residents in their ward and communicating local concerns back to the Council's Planning Officers.

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The Councillors are all provided with copies of the planning documents as they are produced and are consulted individually on the documents, providing an opportunity to express views of local people.

Parish and Town Councils

Tendring has 27 Town and Parish Councils who play a very important role in representing their communities and who play an active role in helping to shape the content of the Local Plan. Over the last few years, the Council has invested considerable time in meeting with Town and Parish Councils to understand some of the planning issues affecting their areas and to talk through some of the possible developments that could take place.

As well as being a key consultee, Town and Parish Councils are very good at communicating the messages of the Local Plan to their residents and communicating back any concerns to Planning Officers. Some have organised specific public meetings and exhibitions for their residents and invited Planning Officers to come along to answer questions. Town and Parish Councils are also recognised as being important in the community consultation process on planning applications.

Tendring's 27 Town and Parish Councils are:

Alresford Parish Council	Little Bromley Parish Council
Ardleigh Parish Council	Little Clacton Parish Council
Beaumont-cum-Moe Parish Council	Little Oakley Parish Council
Bradfield Parish Council	Manningtree Town Council
Brightlingsea Town Council	Mistley Parish Council
Elmstead Parish Council	Ramsey and Parkeston Parish Council
Frating Parish Council	St Osyth Parish Council
Frinton and Walton Town Council	Tendring Parish Council
Great Bentley Parish Council	Thorpe-le-Soken Parish Council
Great Bromley Parish Council	Thorrington Parish Council
Great Oakley Parish Council	Weeley Parish Council
Harwich Town Council	Wix Parish Council
Lawford Parish Council	Wrabness Parish Council
Little Bentley Parish Council	

The recently formed Tendring District Association of Local Councils (TDALC) brings together Member representatives from Tendring's Town and Parish Councils. This group also forms an important consultation recourse.

The following adjoining Town and Parish Councils are also consulted on the Local Plan and other relevant planning proposals:

Dedham Parish Council
Langham Parish Council
Wivenhoe Town Council

Other Community Groups

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There are various other community groups operating in the district including Residents' Associations and local campaign groups. The Council keeps a database of groups that have indicated an interest in the Local Plan process in the past and will consult them as and when new documents are published.

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Members of the Public

Directly affected residents

Residents directly affected by development proposals tend to raise concerns about the potential impacts of development on their property and their neighbourhood. Initially these residents might make very negative comments with a view to stopping the development altogether but with their local knowledge, some of the comments they make can lead to very positive improvements to development proposals either through the Local Plan process or Development Management process.

Where appropriate, directly affected residents will be notified directly either through a 'neighbour notification (a letter to their house) or by putting up a site notice near to the site. Neighbours are notified on the basis that, in the opinion of the Planning Officer, they are affected to a material extent by the proposed development. Normally such notifications will be limited to properties which share a common boundary with the proposed development site. However for some strategic development sites which have a greater impact on their locality it may, at the Planning Officer's discretion, be appropriate to notify properties on the opposite side of the road or to provide a site notice.

Residents of an affected community

In preparing a new version of the Local Plan, the Council will be considering a number of options for strategic development sites. Due to the scale of these developments, they are likely to be of interest to whole communities and not just adjoining neighbours. On confirmation of which options will be included in the Local Plan: Preferred Options draft, Planning Officers will determine which communities will be notified of the proposals, possibly through a leaflet to all homes within those communities.

Hard to reach groups

Some people in the community have less chance than others to get involved in the planning process, so are under-represented. It is important to broaden the opportunities to enable these "hard to reach" groups to be involved, including, for example, young people, the elderly, homeless, people with disabilities, temporary residents and ethnic minorities. See Chapter 7 for more information.

Other residents

Other residents in the district not directly affected by development proposals can obtain information about either the Local Plan or planning applications on the Council's website www.tendringdc.gov.uk and there will be publicity through the media aimed at notifying as many people as possible about the latest developments.

Appendix 2: Communication Techniques

Technique	When suitable	Advantages	Disadvantages	Resources
Letters	<ul style="list-style-type: none"> • all stages to inform and promote • all stakeholders and consultees • obtain information by request • inform proposed activities • provide feedback on responses 	<ul style="list-style-type: none"> • can send letters/etc. with a reply slip • dual purpose e.g. send out consultation documents at same time • can be managed internally easily • existing database allows for speedy process • effective with good administrative back up 	<ul style="list-style-type: none"> • can dominate office resources as often large job diverts from other tasks • ensure database constantly up to date otherwise errors occur 	<ul style="list-style-type: none"> • limited impact- peaks and troughs • officer/ administrative staff time • printing stationery costs
Reply slips leaflets and surveys	<ul style="list-style-type: none"> • all stages to inform and promote • all stakeholders and consultees • obtain information by request • seek views and aspirations • publicity of events and activities 	<ul style="list-style-type: none"> • can send letters/etc with a reply slip • dual purpose e.g. send out consultation documents at same time • can be managed internally easily • existing database allows for speedy process • effective with good administrative back up 	<ul style="list-style-type: none"> • can dominate office resources as often large job diverts from other tasks • ensure database constantly up to date otherwise errors occur • to achieve good return need to pre-pay envelopes/return slips 	<ul style="list-style-type: none"> • limited impact- peaks and troughs • officer/ administrative staff time • printing stationery costs • pre-paid envelopes costs • uncertain of response rate
Leaflets	<ul style="list-style-type: none"> • can be at all stages to provide a summary • can go to all consultees but of most use to general public and local community groups 	<ul style="list-style-type: none"> • summarise/simplify complex issues • appeal to wide audience with non-planning background • can have a wide circulation to reach out to many groups in the community 	<ul style="list-style-type: none"> • important not to over simplify and miss key points • careful not to create information overload 	<ul style="list-style-type: none"> • printing and stationery costs • consider distribution costs (post/e-mail) • wider distribution e.g. through newspapers and local magazines
Consultation Document	<ul style="list-style-type: none"> • will be used for consulting on draft technical documents and to comply with statutory legislation 	<ul style="list-style-type: none"> • give people something to consider and react to • can be produced and distributed in various formats 	<ul style="list-style-type: none"> • can be daunting and difficult to read • may not be suited to all groups in community 	<ul style="list-style-type: none"> • costs of printing and distribution • costs of making documents available in a variety of formats

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Technique	When suitable	Advantages	Disadvantages	Resources
	<ul style="list-style-type: none"> obtain views and reactions to proposals in a more formal context 	<ul style="list-style-type: none"> enable people to make an informed response can be made available in various accessible locations throughout the district 	<ul style="list-style-type: none"> can be over technical and open to mis-interpretation less opportunity for two-way participation as reacting rather than putting forward ideas 	
Media and publicity	<ul style="list-style-type: none"> press releases and newspaper articles and briefings for radio/TV suitable at the key stages to inform and promote activities 	<ul style="list-style-type: none"> quickly reach large and varied audience good way of advertising events usually written in accessible language catering for most readers can use free paper – Tending Matters 	<ul style="list-style-type: none"> do not have full editorial control of articles no control or idea of how many people actually read and consider information groups of community who may not read or buy a paper or listen to other forms of media 	<ul style="list-style-type: none"> newspaper articles can be expensive alternative media events costly
Public exhibitions (unstaffed) could be combined with drop centre / surgeries	<ul style="list-style-type: none"> useful to supplement other forms of consultation inform and explain issues at various stages could include specific staff time for drop in centre or surgery 	<ul style="list-style-type: none"> good publicity in accessible locations inform about other more participative opportunities for involvement visual aids can be a good way to get across complex matters located in places where people are visiting anyway (visitor attraction/libraries schools etc) 	<ul style="list-style-type: none"> not interactive not necessarily representative of community as a whole no direct contact for questions etc would need to be supplemented by other events/activities 	<ul style="list-style-type: none"> good exhibitions costly to produce (although once prepared can be used repeatedly) cost to advertising exhibitions
Public exhibitions (staffed)	<ul style="list-style-type: none"> useful to supplement other forms of consultation inform and explain issues at various stages 	<ul style="list-style-type: none"> good publicity in accessible locations inform about other more participative opportunities for involvement visual aids can be a good way to get across complex matters exhibitions can be held at times and in locations suited to target groups staff on hand to explain and answer questions 	<ul style="list-style-type: none"> not interactive not necessarily representative of community as a whole no direct contact for questions etc, would need to be supplemented by other events/activities can be difficult encouraging people in community to attend particularly some of the hard to 	<ul style="list-style-type: none"> good exhibitions costly to produce (although once prepared can be used repeatedly) cost to advertising exhibitions staff resources significant to effectively cover wide coverage of exhibitions hiring venues costs

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Technique	When suitable	Advantages	Disadvantages	Resources
			reach groups (would need to consider this in planning venues and times)	
Presentations to specific groups	<ul style="list-style-type: none"> early stage participation particularly useful qualitative information can be obtained from key audiences 	<ul style="list-style-type: none"> can be good qualitative participation explains complex issues face to face opportunities for questions and answers useful to inform those with less time to absorb documentation 	<ul style="list-style-type: none"> can be emotive need to ensure not to give any impression of exclusion need to be structured to be clear of aims and objectives 	<ul style="list-style-type: none"> cost of hiring venues advertising and publicity/ invitations
Surveys	<ul style="list-style-type: none"> most useful for evidence gathering at early stages for all documents consider postal telephone and electronic surveys 	<ul style="list-style-type: none"> good quantitative evidence seek opinions and aspirations of wide range of audiences may obtain evidence otherwise not available 	<ul style="list-style-type: none"> time consuming response rate can be poor need to consider all formats to enhance response rates 	<ul style="list-style-type: none"> high staff resources cost could include pre-paid envelopes
Public meetings	<ul style="list-style-type: none"> to address key concerns that may have been raised by public inform and explain issues and process 	<ul style="list-style-type: none"> seen to be listening providing opportunity for people to come together and express opinions well managed meetings can be good source of information and feedback 	<ul style="list-style-type: none"> can be very emotive and difficult to manage often attract only those people who have an axe to grind must be well structured and objective can be intimidating for some people so they are reluctant to speak 	<ul style="list-style-type: none"> low cost other than venue hire advertising and publicity costs material to be prepared to get most out of meeting
Interactive website	<ul style="list-style-type: none"> can be used throughout process for all stages including formal consultation opportunities 	<ul style="list-style-type: none"> quick and effective for many people particularly organisations cover wide geographical areas may reach groups who don't like to respond to other conventional methods, not comfortable with face to face contact or have time limitations less paper work and can help with speed of analysis 	<ul style="list-style-type: none"> large numbers of people still do not have access or understanding of technology web site should not be used as an alternative but as an addition lack of opportunity to build up rapport and develop discussions from feedback (personal contact 	<ul style="list-style-type: none"> cost effective software and programming to set up

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Technique	When suitable	Advantages	Disadvantages	Resources
			removed may also be a disadvantage)	

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