



# PLANNING POLICY AND LOCAL PLAN COMMITTEE

AGENDA

<b>DATE:</b>	<b>Tuesday, 27 February 2024</b>
<b>TIME:</b>	<b>6.00 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**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: Tuesday, 13 February 2024

## 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 - 8)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 20 December 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 9 - 12)**

The Council's Public Speaking Scheme for the Planning Policy & 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 Planning Policy & Local Plan Committee on any specific agenda item to be considered at that public meeting.

### **6 Report of the Director (Planning) - A.1 - Neighbourhood Plans Update (Pages 13 - 20)**

To report to the Planning Policy and Local Plan Committee the progress of the emerging Neighbourhood Plans for Ardleigh and Elmstead.

### **7 Report of the Director (Planning) - A.2 - Local Development Scheme 2024 - 2027 (Pages 21 - 44)**

To seek the Planning Policy & Local Plan Committee's agreement to publish a new 'Local Development Scheme', updating the proposed timetable for preparing Planning documents including the Local Plan Review and the Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community.

### **8 Report of the Director (Planning) - A.3 - Local Plan Review: Vision and Objectives Revisited (Pages 45 - 58)**

To seek the Planning Policy and Local Plan Committee's comments on, and approval for an updated version of the Local Plan's overarching Vision and Objectives for the purpose of the Local Plan review and associated public consultation.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Policy and Local Plan Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Tuesday, 2 April 2024.*

## **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.

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,  
HELD ON WEDNESDAY, 20TH DECEMBER, 2023 AT 6.00 PM  
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Guglielmi (Chairman), Bush (Vice-Chairman), M Cossens, Fairley, Newton, Scott and Skeels
<b>Also Present:</b>	Councillor Baker (Portfolio Holder for Housing & Planning)
<b>In Attendance:</b>	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Paul Woods (Planning Policy Team Leader), Will Fuller (Senior Planning Policy Officer), Keith Durran (Committee Services Officer) and Eleanor Storey (Planning Policy Officer)

**17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Chapman BEM and Fowler. There were no substitutions.

**18. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the last meeting of the Committee, held on Thursday 5 October 2023, be approved as a correct record and be signed by the Chairman.

**19. DECLARATIONS OF INTEREST**

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

**20. 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.

**21. 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 reports of the Director (Planning).

**22. REPORT OF THE DIRECTOR (PLANNING) - A.1 - COMMENCING THE REVIEW OF THE LOCAL PLAN**

The Committee considered a detailed report of the Director (Planning) (A.1) which advised it of the legal and policy requirements to review Local Plans and accordingly sought its approval to commence the first mandatory review of the current Tendring District Local Plan. In doing so, this report provided initial advice on the likely scope and timeframe for the Local Plan review; set out a series of overarching 'guiding principles'

for the Committee's consideration; and sought its agreement to carry out an initial 'call for sites' consultation exercise in early 2024.

Members were reminded that legislation required Councils to review and update Local Plans every five years in order to ensure that they remained up-to-date and effective, complied with the latest national policy and were adjusted accordingly to respond to changing circumstances. Failure to keep a Local Plan up-to-date could, and did, result in Councils losing control of planning decisions, particularly if they had begun to fall behind on housing land supply and the delivery of new homes.

The Committee recalled that the 'Tendring District Local Plan 2013-2033 and Beyond' had been formally adopted by the Council in two sections – Section 1 in January 2021 and Section 2 in January 2022. Therefore, this Council's Local Plan would need to be reviewed and updated by January 2026; i.e. within five-years of adopting the Section 1 Local Plan.

Members were made aware that the Government was proposing significant changes to the system for producing Local Plans through the Levelling Up and Regeneration Act 2023 which were 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 was a 'transition period' within which Councils could still progress a Local Plan review under the current arrangements so long as the updated Plan was submitted to the Secretary of State by June 2025.

The timetable for reviewing the Local Plan under the current system was therefore very tight, however Officers considered it both necessary and prudent to commence the review of the Local Plan under the transitional arrangements in order to avoid a situation by which the Council found itself with an out-of-date Local Plan come 2026. Another advantage of progressing the Local Plan review under the current arrangements was that the Council could 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 had undertaken a preliminary assessment of all the Policies in the current Local Plan in order 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, where developments had been built), or where practical issues had arisen in the application of certain policies in the determination of planning applications. Initial consideration had also been given to the technical and background evidence that might need to be updated and reviewed to ensure the Local Plan continued to be based on robust and proportionate evidence – having regard to the cost and necessity of studies and assessments.

Officers had also developed a set of overarching 'guiding principles' for the Committee's consideration which were designed to provide an initial focus and direction for the Local Plan review, but which could be kept under review in their own right as work progressed.

Members were informed that the indicative timetable for progressing the Local Plan review through the key stages of the plan-making process, as set out in the main body of this report, would be reported back to the Committee in greater detail in early 2024, as part of an updated 'Local Development Scheme (LDS) document'.

The Committee was advised that, in reviewing and rolling forward the timescale of the Local Plan to 2041 or beyond, there would 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 was 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) would contribute to meeting the longer-term requirements, there was likely still to be a residual requirement (yet to be determined) that would 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 had recommended the carrying out of an initial 'call for sites' consultation exercise in early 2024. This would 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.

The Committee also had before it an Update Sheet prepared by Planning Officers and circulated prior to the commencement of the meeting which summarised the key issues and changes made contained within the new version of the National Planning Policy Framework (NPPF) published by the Government on 19 December 2023. This meant that all subsequent work to review and update the Local Plan would need to be undertaken in accordance with the most recent NPPF. References to NPPF paragraph numbers in the report appendices could now be out-of-date and would be reviewed by Officers in due course.

The Director (Planning) (Gary Guiver) gave a comprehensive oral presentation of the report and its appendices with a particular focus on the newly published NPPF and the guiding principles for the review of the Local Plan, as set out in Appendix 1 to report A.1. Mr Guiver then responded to Members' questions thereon.

At the invitation of the Chairman, the Housing & Planning Portfolio Holder (Councillor Baker) commented on the contents of the report A.1.

Having duly taken all of the above information into account and having discussed the matter:-

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

**RESOLVED** 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 report A.1;
- b) authorises 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) having considered the overarching 'guiding principles' set out in report A.1, agrees that these should underpin the focus and approach for the Local Plan review, but that these principles shall themselves be kept under review as work progresses;
- d) notes that an updated Local Development Scheme, setting out more detail of the proposed timetable for the Local Plan review and the associated evidence base, will be brought 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.

**23. REPORT OF THE DIRECTOR (PLANNING) - A.2 - MONITORING REPORT AND UPDATED HOUSING SUPPLY POSITION**

The Committee considered a detailed report of the Director (Planning) (A.2) which reported to it:-

- (1) the findings of the most recently updated Strategic Housing Land Availability Assessment (SHLAA) including:
  - (i) the number of new homes built in Tendring during the 2022/23 financial year and the up-dated year-by-year 'trajectory' for future housebuilding; and
  - (ii) the current housing land supply position (the 'five-year' supply).
- (2) the findings of the Authority's Monitoring Report (AMR), which monitored the key indicators set out in the adopted Local Plan.

Housing Supply Position

Housing Requirement

The Committee was aware that Section 1 of the Local Plan set out the 'objectively assessed housing need' (OAN) for Tendring of 550 homes a year, and that the housing requirement for the period of the Local Plan 2013-2033 was therefore 11,000 homes. With approximately 5,850 homes already built between 2013 and 2023, the remaining requirement between now and 2033 stood at approximately 5,150 and the historic shortfall in housing delivery had now been addressed. Officers felt that there was sufficient land allocated for housing development in the adopted Local Plan, along with sites that already had 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 would however, as part of the mandatory five-year Local Plan review, revisit the housing requirement in order to comply with the latest national planning policies and to meet longer-term needs over the rolled-forward plan period.

Housing Completions and Future Trajectory

It was reported that in the period 1 April 2022 to 31 March 2023, a total of 810 (net) new homes had been completed within the District. This meant that the housebuilding target of 550 homes a year had now been achieved for a seventh year in succession.

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

#### Five Year Housing Supply and Decision Making

Members were aware that the Government required Councils to demonstrate an ongoing 'five year supply' of deliverable housing sites in order to ensure that they were well placed to meet their future housing needs.

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

#### Authority's Monitoring Report

The Committee was informed that, following the first full financial year since the adoption of the Local Plan, Officers had prepared the Authority's Monitoring Report (AMR) which presented high level information in relation to the key indicators set out in the monitoring chapter of the Local Plan.

The AMR included chapters relating to the Local Development Scheme, Housing Delivery, and Employment, Commercial and Retail development. There was 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 would enable an annual update that would be beneficial to the process of reviewing and updating the Local Plan.

The Planning Policy Team Leader (Paul Woods) gave a detailed oral presentation that highlighted the salient points of the information contained within report A.2 on the SHLAA and the AMR. He drew the Committee's attention to typing errors in three places within that report that referred to the financial year 2021/22. However, the data being reported was in fact for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2023 (i.e. the financial year 2022/23).

Mr. Woods also referred to the fact that, under the newly released NPPF, Local Planning Authorities (such as Tendring District Council) with an up-to-date Local Plan (i.e. less than five years from adoption) were no longer required to demonstrate annually that they could identify a five year housing land supply for decision-making purposes, if their adopted Local Plan had identified at least a five year supply of specific, deliverable sites at the time that its examination had been concluded. However, he felt that the SHLAA was a useful document to have so Officers intended to continue to make that annual calculation.

Mr. Woods then responded to Members' questions in relation to the above.

At the invitation of the Chairman, the Housing & Planning Portfolio Holder (Councillor Baker) commented on the contents of report A.2.

Having duly discussed this matter:-

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

**RESOLVED** that the Planning Policy and Local Plan Committee -

- (a) endorses the contents of report A.2;
- (b) notes that the new Strategic Housing Land Availability Assessment demonstrates an up-to-date housing land supply position for the purposes of determining planning applications and contesting planning appeals; and
- (c) notes that the Authority Monitoring Report 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.

**24. REPORT OF THE DIRECTOR (PLANNING) - A.3 - UPDATED STATEMENT OF COMMUNITY INVOLVEMENT**

The Committee considered a detailed report of the Director (Planning) (A.3) which sought its approval of the updated Statement of Community Involvement (SCI). The SCI detailed the way in which the public would be consulted on all planning matters. Therefore, there was an expectation that SCIs would be reviewed regularly, in order to ensure that they remained up-to-date and contained appropriate measures for engaging with the community.

Members recalled that the SCI had been updated in 2017 in order to allow for the preparation of the Garden Community Development Plan Document (DPD) and again in 2020 in order to incorporate the amended consultation requirements which the Government had introduced as part of their broader legislative package in response to the Coronavirus pandemic.

It was reported that Officers had now reviewed the Council's adopted SCI in advance of the Local Plan review commencing and they had proposed only minor changes to ensure that it was consistent with the most recent guidance and good practice. The updated SCI itself was required to be the subject of public consultation, and it was proposed that this would take place early in 2024 in order to enable the updated document to be adopted before the statutory consultation began on the Local Plan review.

The Senior Planning Policy Officer (Will Fuller) introduced this item and responded to Members' questions thereon.

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

**RESOLVED** 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 report A.3) to reflect the specific requirements arising from national guidance, and
- (b) authorises the Director (Planning) to publish the updated SCI on the Council's website for public consultation for a period of six weeks.

The meeting was declared closed at 7.58 pm

**Chairman**

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# *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](mailto:democraticservices@tendringdc.gov.uk), by midday on Monday 24 February 2024.**

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](mailto: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](http://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](mailto: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](mailto: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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27 FEBRUARY 2024

### REPORT OF THE DIRECTOR (PLANNING)

#### A.1 NEIGHBOURHOOD PLANS UPDATE

(Report prepared by Will Fuller)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To report to the Planning Policy and Local Plan Committee the progress of the emerging Neighbourhood Plans.

##### EXECUTIVE SUMMARY

Key Points:

- The Council currently has two Neighbourhood Plans and one Neighbourhood Development Order which, after their respective public consultations, are now at examination stage. The two Plans are at slightly different stages within the examination process.
- **Ardleigh Neighbourhood Plan** is slightly ahead, and a six-week ‘focused consultation’ is now underway.
- **Elmstead’s Neighbourhood Plan and Neighbourhood Development Order** are progressing through the examination process with a Public Hearing set for early February.

Both Neighbourhood Plans and the Neighbourhood Development Order were considered by the Committee and the decision was made for each to be the subject of a six-week public consultation, which took place in May 2023 (for Ardleigh) and September 2023 (for Elmstead).

Since that time, Independent Examiners have been appointed for each of the Plans and the Examination of each Plan was formally opened.

##### Ardleigh

After a number of procedural matters were addressed by the District and Parish Councils, the Examiner proposed a number of ‘Significant Modifications’ to the Plan. Questions around Habitats Regulation Assessment for the Plan and what impact the newly published National Planning Policy framework might have on the Neighbourhood Plan were also raised by the Examiner. These three issues prompted the District Council to undertake a ‘Focused Consultation’ which will run from late January to early March.

## Elmstead

After clarification was provided by the Councils on a number of issues, the Examiner determined that a Public Hearing would be necessary. This was held at Elmstead Community Centre in early February.

## Next Steps

Once the examinations have concluded, the Examiners will each prepare a report setting out their findings regarding the Neighbourhood Plan. This report may make recommendations of modifications that should be made to the Plan in order that it can meet the basic conditions (be found sound). The Plan must proceed to referendum as soon as possible after the publication of the Examiner's report, and must receive at least 51% of votes in favour in order to progress to adoption. Following the referendum, Cabinet take the formal decision to adopt the Neighbourhood Plan.

## **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee notes:**

- a) the progress of the Ardleigh Neighbourhood Plan; and of**
- b) the Elmstead Neighbourhood Plan and Neighbourhood Development Order.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

Neighbourhood Plans will support the Corporate Plan 2024-28 (Our Vision) through delivery of interventions aimed at:

- Pride in our area and services to residents,
- Raising aspirations and creating opportunities,
- Championing our local environment,
- Working with partners to improve quality of life, and
- Promoting our heritage offer.

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

### **RESOURCES AND RISK**

Both of these Neighbourhood Plans and the Neighbourhood Development Order have been prepared by the respective Parish Councils with assistance from planning consultancies. The responsibilities for resourcing these projects have, to date, sat principally with the Parish Councils as the 'qualifying bodies'. However, the District Council has statutory duties in regard to the preparation of the Local

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

## LEGAL

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

## OTHER IMPLICATIONS

**Area or Ward affected:** Ardleigh and Elmstead Parish areas.

**Consultation/Public Engagement:** Both Neighbourhood Plans and the Neighbourhood Development Order have been the subject of extensive public engagement by the respective Parish Councils. The District Council has also hosted a six-week public consultation on each of the Plans. We are also hosting a 'focused consultation' on some specific matters in relation to the Ardleigh Neighbourhood Plan.

## PROGRESS OF NEIGHBOURHOOD PLANS

The Council currently has two Neighbourhood Plans and an associated Neighbourhood Development Order (NDO) at Examination stage.

### Ardleigh Neighbourhood Plan

The Foreword to the Ardleigh Neighbourhood Plan provides a succinct vision for the area when it states:

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

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

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

The Neighbourhood Plan contains six planning policies, which are:

- Policy GDP - General Approach to Development
- Policy CFP - Community Facilities
- Policy HP – Housing
- Policy EP - Natural, Built & Historic Environment
- Policy LGP - Local Green Spaces
- Policy TP - Transport & Parking

### Progress to Date

Members will recall resolving to allow the Neighbourhood Plan to be subject to six-week public consultation. The 'Regulation 16 consultation' for the Ardleigh Neighbourhood Plan ran from 15<sup>th</sup> May to 26<sup>th</sup> June 2023.

On the 14<sup>th</sup> June Mrs Ann Skippers MRTPI was appointed as the Examiner for the Ardleigh Neighbourhood Plan. The Examination for the Plan formally opened on Wednesday 12<sup>th</sup> July 2023. On the 18<sup>th</sup> of August, the Examiner sent the Council an 'Interim Note of Findings which' detailed a number of questions and matters of clarification. On the 18<sup>th</sup> of September the Council, in collaboration with the Parish Council submitted its response to the Examiner's Interim Note. These responses can be found on the Council's website.

The Examiner responded to the Councils on the 6<sup>th</sup> November, indicating that the Council needed to do further work in regard to the Habitats Regulation Assessment. A Habitats Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening Report was prepared by Essex County Council Place Services on behalf of the District Council in support of the Neighbourhood Plan. The three statutory consultation bodies (Natural England, Historic England and the Environment Agency) were not formally consulted on the Screening Report and no formal decision by the District Council was made on the Screening Report.

A consultation was subsequently held between 16<sup>th</sup> November and the 18<sup>th</sup> December 2023 where comments from Natural England and Historic England were received. The District Council was therefore able to publish a formal decision as Competent Authority stating that the Screening Report now meets the requirements of the Regulations.

The Examiner's significant modifications document and details of the Habitat Regulations Assessment decision can be found in the background documents.

This decision, as well as the Examiner's proposed significant modifications to the Plan and the implications of the newly published NPPF all must all be the subject of their own public consultation.

A 'Focused Consultation' on these three issues has therefore been undertaken, which runs from 22<sup>nd</sup> January until the 4<sup>th</sup> March.

### Next steps for Ardleigh

Once the current consultation is closed, the Parish Council have a further two weeks to make comments on any representations received. The Examiner will then submit her final report to the Council at which point we will organise a referendum in the Parish for residents to vote on the Plan.

### Elmstead Neighbourhood Plan

Within the Elmstead Neighbourhood Plan there is a succinct vision for the area when it states:

*Elmstead will have grown successfully as a community through the completions of approved housing developments and sustainable infill within the existing fabric of the village settlement. The village core provides a centre bringing the old and new communities together. Although change in the wider parish has been significant, it has provided the opportunity for access to new community facilities and services and improved connectivity of the wider green infrastructure network from the village into the countryside.*

This vision is supported by four key objectives, these are:

1. *To manage incremental growth of the village through sensitive infill and to protect the surrounding countryside from harmful development.*
2. *To conserve the special heritage character of the village and its landscape setting*
3. *To protect and improve the ecological value and connectivity of the green infrastructure assets of the village and wider parish.*
4. *To sustain community facilities and services that are essential to community life.*

The Elmstead Neighbourhood Plan contains eighteen Planning Policies, these are:

- Policy ELM1: Settlement Development Boundaries
- Policy ELM2: Protecting The Setting Of Elmstead Market
- Policy ELM3: Gaps Between Settlements
- Policy ELM4: The Former Elmstead Community Centre
- Policy ELM5: Affordable Housing
- Policy ELM6: First Homes.
- Policy ELM7: Housing Mix
- Policy ELM8: Zero Carbon Buildings
- Policy ELM9: Design Codes
- Policy ELM10: Important Views
- Policy ELM11: The Village Core
- Policy ELM12: Movement And Connectivity
- Policy ELM13: Managing Traffic
- Policy ELM14: Local Green Spaces

- Policy ELM15: Green Ring
- Policy ELM16: Nature Recovery
- Policy ELM17: Health And Wellbeing Service Provision
- Policy ELM18: Local Community Uses

### Progress to Date

The Elmstead Neighbourhood Plan and Neighbourhood Development Order (NDO) was also the subject of a six-week public consultation. This consultation ran from 18th September to the 30th November 2023.

An Independent Examiner: Mr John Slater BA(Hons) DMS MRTPI FRGS was appointed by Tendring District Council to examine both the Neighbourhood Plan and NDO on the 22<sup>nd</sup> September 2023. The Independent Examination of the Neighbourhood Plan and NDO started on the 9th November and the Examiner visited the Parish on the 23rd November. The Examiner submitted his initial comments on the Neighbourhood Plan and NDO to the District and Parish Councils on the 27<sup>th</sup> November. These comments comprised fact finding and procedural matters, and the Councils were given until the 15<sup>th</sup> December to respond.

On the 2<sup>nd</sup> of January 2024 the Examiner made the decision that a public hearing was required to address those matters raised by the Parish and District Councils in their response to the Examiner's Initial Comments. A public hearing has therefore been arranged for 10:00am on Thursday 8<sup>th</sup> February 2024 at The Community Centre, School Road, Elmstead Market, CO7 7ET.

The hearing was open to the public to attend; however, the conduct of a Neighbourhood Plan hearing is set out in Schedule 4B to the Town and Country Planning Act 1990 which specifies which parties can participate. The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Elmstead Parish Council and the Local Planning Authority, Tendring District Council.

Further details, including who was invited to attend the hearing, and the draft agenda can be found within the examiner's 'Notice of Public Hearing' background document.

### Next steps for Elmstead

Once the Public Hearing has taken place, it is anticipated that the Examiner will either propose modifications to the Plan and NDO or submit his final report.

## **APPENDICES**

None.

## BACKGROUND DOCUMENTS

[Ardleigh Proposed Significant changes document](#)

[HRA and SEA Decision material](#)

[Elmstead Public Hearing Notice](#)

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## PLANNING POLICY AND LOCAL PLAN COMMITTEE

27 FEBRUARY 2024

### REPORT OF THE DIRECTOR (PLANNING)

#### A.2 LOCAL DEVELOPMENT SCHEME 2024-2027

(Report prepared by Paul Woods)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To seek the Planning Policy & Local Plan Committee's agreement to publish a new 'Local Development Scheme' (LDS), updating the proposed timetable for preparing Planning documents including the Local Plan Review and the Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community (TCBGC).

##### EXECUTIVE SUMMARY

The purpose of the Local Development Scheme (LDS) is to set out an indicative timetable for preparing key Planning documents. It is particularly useful for members of 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 covers the review of the Local Plan, the preparation and adoption of Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD), and the production of other key planning documents. It includes the anticipated timetable of consultation periods, examinations and expected dates of adoption. Publishing the LDS ensures that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate are kept aware of the timetable the Council is working to, and can therefore forward plan and organise their time and resources accordingly.

The Planning Policy & Local Plan Committee agreed to commence the mandatory five-year review of the Local Plan at its meeting of 20<sup>th</sup> December 2023. The timetable for this work, which is set out in the LDS, takes into account the Government's proposals to reform the Plan-making system and the deadline of June 2025 for the submission of a Local Plan prepared under the current system.

The indicative timetable for the Garden Community DPD has also been updated to reflect the most recent stages of work that have been completed and the anticipated timeframes for the Examination in Public – with adoption of the DPD anticipated in the winter of 2024.

##### RECOMMENDATION

That the Planning Policy and Local Plan Committee approves the updated Local Development Scheme (LDS) 2024-2027 (attached as Appendix 1) for publication on the

**Council's website and for submission to the Secretary of State in accordance with the Written Ministerial Statement published on 19<sup>th</sup> December 2023.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

Priorities within the Corporate Plan 2024-2028 (Our Vision) include promoting pride in our area and services to residents, raising aspirations and creating opportunities, championing our local environment, working with partners to improve quality of life, promoting our heritage offer, and financial sustainability and openness. Having an up-to-date framework of Planning policies, other Planning documents and supplementary guidance in place is critical to achieving such priorities and the LDS is a requirement of Local Authorities to set out the timescales and resources required to achieve that.

### **RESOURCES AND RISK**

The Local Development Scheme (LDS) has been prepared by the Council's Officers in the Planning Policy Team within the agreed Local Plan Budget. The LDS itself identifies the resources required to progress the Local Plan Review and the Garden Community DPD. Without an up to date LDS containing a realistic timetable for reviewing the Local Plan and preparing other Planning documents, it will be difficult to ensure the Council makes the most efficient use of its resources.

The LDS itself contains an assessment that identifies the possible risks to delivering the Local Plan Review and other Planning documents on time and the likelihood and potential impact of these risks which include public opposition, the loss or turnover of Planning staff, a financial shortfall, changing political priorities and legal challenges.

### **LEGAL**

Every Local Planning Authority must prepare and maintain a Local Development Scheme (LDS) in accordance with section 15 of Planning and Compulsory Purchase Act 2004 (as amended). The LDS is the Council's rolling project plan (often covering a period of three years) for producing its Local Development Documents and sets out a timetable for their delivery.

The LDS must specify (among other matters) the development plan documents (such as Local Plans) which, when prepared, will comprise part of the Development Plan for the area. Local Planning Authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans. The Local Development Scheme must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.

### **OTHER IMPLICATIONS**

**Area or Ward affected:** All wards.

**Consultation/Public Engagement:** The Local Development Scheme (LDS) sets out the anticipated timetable for public consultation on the Local Plan Update and other planning documents.

### **PART 3 – SUPPORTING INFORMATION**

#### **Background**

The Local Development Scheme (LDS) is designed to set out the process for preparing key Planning documents. It includes the anticipated timetable of consultation periods, examinations and expected dates of adoption for the Local Plan Review and the Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD). Publishing the LDS ensures that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate are kept aware of the timetable the Council is working to and can organise their time and resources accordingly. The LDS is usually updated to cover three-year cycles of Plan preparation.

In his Written Ministerial Statement, made on 19<sup>th</sup> December 2023 ([link](#)), the Secretary of State for Levelling Up, Housing and Communities instructed Local Planning Authorities to make sure they have an up-to-date plan timetable in place within 12 weeks of the publication of the new NPPF, and to provide a copy to his department. The timetable referred to is included within the LDS, and it is therefore proposed to submit this document to the Department for Levelling Up, Housing and Communities (DLUHC) at the same time as it is published on the Council's website.

Following the adoption of Section 1 of the Local Plan in January 2021 and Section 2 in January 2022, the main focus of the LDS is now the mandatory five-year review of the Local Plan as well as the TCBGC DPD.

The review of the Local Plan will follow the same statutory process as the preparation of the Local Plan itself. A the provision timetable which covers the period 2024-2026 is proposed, enabling the updated Local Plan to be submitted to the Secretary of State by June 2025, and examined by a Planning Inspector and adopted before January 2026.

The timetable for the Garden Community DPD has also been updated, reflecting the stages that have now been completed to date and the revised timescale for the next steps, include the Examination of the DPD in the Spring of 2024. Adoption of the DPD is anticipated in the winter of 2024.

The LDS includes broad timescales for the following Supplementary Planning Documents, Neighbourhood Plans and other guidance.

- Hartley Gardens SPD
- Elmstead Neighbourhood Plan and Neighbourhood Development Order
- Ardleigh Neighbourhood Plan
- Brightlingsea Neighbourhood Plan
- Community Infrastructure Levy (CIL) Charging Schedule

## **APPENDICES**

### **Appendix 1 – Local Development Scheme (LDS) 2024-2027.**

**A.2 APPENDIX**

***Tendring***  
***District Council***



**Local Development Scheme  
(LDS) 2024-2027**

February 2024

# Table of Contents

- 1 Introduction ..... 3
- 2 Background..... 5
- 3 Documents to be Prepared ..... 6
- 4 Programme for Preparing Local Plan Documents ..... 8
- 5 Local Plan Evidence Base and Methodology ..... 11
- 6 Resources and Risk Assessment..... 18
- 7 Decision Making ..... 20

# 1 Introduction

- 1.1 A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) ([link](#)). This must specify (among other matters) the Development Plan Documents (i.e. Local Plans) which, once adopted, comprise part of the Development Plan for the area. Local Planning Authorities are encouraged to include details of other important documents that form (or will form) part of the Development Plan such as Neighbourhood Plans.
- 1.2 The Development Plan for an area comprises the combination of 'Strategic and Non-strategic Policies'. The NPPF requires that the Development Plan include strategic policies to address each Local Planning Authority's priorities for the development and use of land in its area.
- 1.3 Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period (in line with the presumption in favour of sustainable development). This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or nonstrategic policies).
- 1.4 These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
  - a. joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
  - b. a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred (London).
- 1.5 Non-strategic policies should be used by Local Planning Authorities and communities to set out more detailed policies for specific areas, neighbourhoods, or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving, and enhancing the natural and historic environment and setting out other development management policies.
- 1.6 The *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1* is a joint strategic plan, which has now been adopted by Tendring District Council, Colchester City Council, and Braintree District Council (2021). The *Tendring District Local Plan 2013-2033 and Beyond: Section 2* contains Tendring specific policies and was adopted by the Council in January 2022. Together, these two sections make up the Local Plan for the Tendring District. The Local Plan must be reviewed and updated where necessary within a 5-year timeframe. The Council is also working with Colchester City Council and Essex County Council to prepare a Development Plan Document (DPD) for the Tendring Colchester Border Garden Community.

- 1.7** Local Planning Authorities must publicise and keep up to date their timetable for producing and updating their Local Plan. This information is contained within a Local Development Scheme. Local Development Schemes must also be produced in compliance with any data standard published by the Department for Levelling Up, Housing and Communities (DLUHC). A Local Development Scheme is expected to be reviewed and updated regularly to reflect if there are any significant changes in the timescales or the plans being prepared.
- 1.8** The Local Development Scheme (LDS) for Tendring sets out the Council's process and timetable for producing Planning documents. It sets out the anticipated timetable for consultation periods, examination (where applicable) and adoption of the various documents. Publication of the LDS ensures that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate are kept aware of the indicative timetable the Council is working to, as this information can help them to organise their time and resources accordingly.
- 1.9** Section 38(6) of the Planning and Compulsory Purchase Act requires Local Planning Authorities such as Tendring District Council to make decisions on Planning applications in accordance with the 'Development Plan'. Councils have a duty to ensure their Local Plan is kept up to date, is prepared in accordance with the government's National Planning Policy Framework (NPPF) and positively promotes 'sustainable development' by identifying sufficient land for new homes and employment opportunities.

## 2 Background

### Progress to Date and Future Programme Stages

#### Shared Section 1 Local Plan Progress to Date

- 2.1** In accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* was adopted by decision at the meeting of Full Council on Tuesday, 26 January 2021.

#### Section 2 Local Plan Progress to Date

- 2.2** *Tendring District Local Plan 2013-2033 and Beyond: Section 2* was unanimously agreed by Full Council for formal adoption on Tuesday, 25th January 2022.

#### TCBGC DPD Progress to Date

- 2.3** Following the regulation 19 consultation in the spring of 2023, The Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD) was submitted for examination in September 2023, and examination hearings are expected to take place in the Spring of 2024.

#### Monitoring and Review

- 2.4** The Council will implement the Local Plan and monitor its effectiveness. The Local Plan will be reviewed and updated where necessary within a 5 year time frame, depending on any changes to national planning policy or the national planning system.

### 3 Documents to be Prepared

3.1 For the period 2024 to 2027, the following planning documents will be prepared or initiated:

#### **Review of the Tendring District Council Local Plan**

3.2 The Local Plan is the main Planning document for Tendring – setting out the strategy for growth for the period to 2033 and beyond, identifying specific sites for development, and including the policies that will be used in the determination of Planning applications.

3.3 The National Planning Policy Framework states that ‘Policies in Local Plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of a plan and should consider changing circumstances affecting the area, or any relevant changes in national policy.’ As such, a review of the Local Plan needs to be undertaken and may involve updating a targeted set of policies following the same procedural process as the production of the Local Plan.

#### **Tendring Colchester Border Garden Community DPD**

3.4 The preparation of the TCBGC DPD has followed the same process as a Local Plan. However, this document contains only non-strategic policies - building upon the strategic policies in the Shared Section 1 Local Plan. The DPD is meant to provide significantly more implementation detail to Section 1 policies to further assist in facilitating the planning application process for the Garden Community.

3.5 Section 1 of the Publication Draft of the Local Plan, Policy SP8, states that no planning consent for development forming part of the Garden Community will be granted until the TCB DPD has been adopted and that the DPD will set out the nature, form, and boundary of the new community. The DPD has been produced in consultation with stakeholders and includes a concept masterplan showing the disposition and quantity of future land-uses.. It was produced alongside the master planning process and provides the framework for the subsequent development of more detailed masterplans and other design and planning guidance for the Tendring Colchester Borders Garden Community.

3.6 The DPD has now been submitted for examination, and the next stages of the process are in the hands of the Planning Inspector. Adoption is anticipated in late 2024.

#### **CIL Charging Schedule**

3.7 The proposals for development in the new Local Plan will need to be supported by investment in the necessary infrastructure. An Infrastructure Delivery Plan has already been prepared alongside the Local Plan and another is being prepared for the Garden

Community DPD. Infrastructure Delivery Plans identify each piece of infrastructure that is needed and set out the mechanism for delivering these items.

- 3.8** One source of funding infrastructure could be the Community Infrastructure Levy (CIL), which requires the adoption of a 'Charging Schedule' setting out how much money developers will be expected to contribute toward infrastructure provision from developments in using a formula based on £ per sqm of floorspace.
- 3.9** CIL is optional and not currently utilised by the Council in favour of bespoke Section 106 Agreements with developers. CIL could however be an alternative option, which the Council may consider. As such, it is included in the LDS programme with indicative timescales.

### **Tending Neighbourhood Plans**

- 3.10** The Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum (Town and Country Planning Act 1990 (as amended)).
- 3.11** For further information on Neighbourhood Planning and process refer to the online guidance at <https://www.gov.uk/guidance/neighbourhood-planning--2>.

### **Authority Monitoring Report (AMR)**

- 3.12** The Authority Monitoring Report (AMR) will be published annually to demonstrate how the Council's planning policies have performed over a 12-month period against a range of indicators contained within the Local Plan.

## 4 Programme for Preparing Local Plan Documents

<b>Review of the Tendring District Local Plan</b>	
<b>Subject and scope</b>	This document updates the Council's Local Plan to cover an extended period to 2041 and beyond, enabling the strategy for growth, planning policies and site allocations to be reviewed as necessary.
<b>Geographical area</b>	All of the Tendring District.  The strategic policies for Tendring Colchester Garden Community are contained in the Shared Section 1 Plan and have been prepared in collaboration with Colchester and Essex Councils. These policies will be supported by a separate DPD, which will inform the planning applications process.
<b>Chain of conformity</b>	The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF)
<b>Indicative timetable for Future Review of Local Plan</b>	
<b>Issues and Options Consultation</b>	Spring 2024
<b>Consultation on Preferred Options draft Local Plan</b>	Autumn 2024
<b>Publication of Submission draft Local Plan</b>	Spring 2025
<b>Submission</b>	Summer 2025
<b>Examination and main modifications</b>	Autumn 2025
<b>Adoption</b>	Early 2026

<b>Tendring Colchester Garden Community Development Plan Document (DPD)</b>	
<b>Subject and scope</b>	This document will contain more detailed non-strategic policies to guide development within the new Garden Community proposed at the Tendring/Colchester border. This DPD will be produced jointly with Colchester City Council and Essex County Council.
<b>Geographical area</b>	The Strategic Policies and broad location for the Garden Community is identified in the Section 1 Local Plan. The precise boundaries will be designated in the TCB DPD.
<b>Chain of conformity</b>	Tendring and Colchester Local Plans The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF).
<b>Indicative Timetable for TCB DPD Production</b>	
<b>Studies &amp; Document Preparation</b>	Winter 2020/21 – Winter 2021/22 (Completed)
<b>Member approval of draft DPD</b>	Spring 2022 (Completed)
<b>Draft DPD Reg 18 Consultation</b>	Spring 2022 (Completed)
<b>Reg 19 Document Preparation</b>	Summer 2022 - Winter 2022/23 (Completed)
<b>Member approval of submission Draft DPD</b>	Spring 2023 (Completed)

<b>Submission DPD Reg 19 Consultation</b>	Summer 2023 (Completed)
<b>Submission of Reg 19 DPD and Summary of Comments Received to Secretary of State</b>	Summer 2023 (Completed)
<b>Examination in Public (EiP)</b>	Spring 2024
<b>Inspector's Report / Consultation on Modifications</b>	Summer 2024
<b>Adoption (Full Council)</b>	Winter 2024
<b>Timetable for review</b>	This will be reviewed and updated as necessary.

<b>Infrastructure Delivery Plan and CIL Charging Schedule (Optional)</b>	
<b>Subject and Scope</b>	If needed this document would set out the Council's approach to using legal agreements and securing development contributions to deliver infrastructure, affordable housing, and other local benefits from development. The document could include the Council's Community Infrastructure Levy (CIL) charging schedule.
<b>Geographical Area</b>	All the Tendring District. Some areas of Tendring may be established as CIL exempt
<b>Chain of Conformity</b>	Relevant Planning Acts and CIL Regulations Emerging Local Plan National Planning Policy Framework (NPPF)
<b>Indicative timetable for production</b>	
<b>Preparation of document</b>	Spring 2024
<b>Member approval for initial consultation</b>	Summer 2024
<b>Publication of document for consultation</b>	Autumn 2024
<b>Member approval for final consultation and submit the document for examination</b>	Winter 2024
<b>Submit documents and information to Secretary of State</b>	Spring 2025
<b>Independent examination</b>	Summer 2025
<b>Inspector's report</b>	Autumn 2025
<b>Adoption (Council)</b>	Winter 2025
<b>Timetable for review</b>	The document will be reviewed regularly to determine whether or not any changes to the CIL timetable are necessary

<b>Authorities Monitoring Report (AMR)</b>	
<b>Subject and Scope</b>	This document will provide a high-level analysis of how the Council's planning policies are performing against a range of indicators.
<b>Geographical Area</b>	All the Tendring District.
<b>Chain of Conformity</b>	The content of the document should correspond with policies in the Local Plan.
<b>Timetable for production – same process followed each year</b>	
<b>Preparation of document</b>	Annually
<b>Publication of the AMR</b>	Summer following the end of each financial year.

<b>Timetable for review</b>	The Authority Monitoring Report is produced annually.
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<b>Timetable for Emerging Neighbourhood Plans</b>		
<b>Elmstead Neighbourhood Plan and NDO</b>	To guide new development in the Parish of Elmstead and to create a Development Order for the old village hall site.	Examination underway. Potential referendum Summer 2024.
<b>Ardleigh Neighbourhood Plan</b>	To guide new development in Ardleigh Parish.	Examination underway. Potential referendum Spring/Summer 2024.
<b>Brightlingsea Neighbourhood Plan</b>	To guide new development in the Brightlingsea Parish area.	Neighbourhood area designated. Regulation 14 consultation possible during 2024.

<b>Supplementary Planning Documents (SPD)</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Hartley Gardens SPD</b>	To produce a comprehensive Development Framework and delivery strategy for the development of around 1,700 homes and associated development north of Clacton.	Potential adoption autumn 2024.
<b>Jaywick Sands Design Guide SPD</b>	To provide design guidance for replacement and new dwellings within the existing built-up area of Jaywick Sands.	Adopted February 2023.

## 5 Local Plan Evidence Base and Methodology

- 5.1** To comply with the relevant Planning Acts, Regulations and national policy contained within the NPPF, it is essential that the policies and proposals in Local Plans and the charging schedule in CIL are based on objective evidence. This can include surveys, technical studies, and consultants' reports. The Council has already compiled and prepared a significant amount of evidence, with updates undertaken where relevant to inform the Local Plan Examination. Further updates will be required to several areas to inform the review of the Local Plan.

<b>Subject Area: Housing</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Demographic and Household Projections</b>	To inform the preparation of a Strategic Housing Market Assessment and inform decisions on the 'objectively assessed need for housing'.	The last projections were produced in September 2016. Further expert advice may be required to inform the review of the Local Plan.
<b>Strategic Housing Market Assessment (SHMA) / Local Housing Needs Assessment</b>	To calculate the 'objectively assessed need' for housing and inform the approach to the size, type and tenure of housing needed.	This was undertaken in two parts: the objectively assessed housing needs study by Peter Brett Associates (November 2016) and the SHMA undertaken by HDH Planning and Development (December 2015).  These will need to be updated as part of the Local Plan review.
<b>Strategic Housing and Land Availability Assessment (SHLAA)</b>	To assess the suitability, availability and deliverability of potential housing sites and inform the allocation of land for housing.	Undertaken by Council Officers. The SHLAA is updated annually in line with the financial year, and the last update was published in November 2023.  Proposals submitted as part of the 'call for sites' consultation will be incorporated into the SHLAA.
<b>Gypsy and Traveller Accommodation Assessment (GTAA)</b>	To calculate the 'objectively assessed need' for sites and pitches for Travellers – as required by the government's Planning Policy for Traveller Sites (March 2012).	Undertaken by consultants ORS for all Essex authorities and completed in May 2017. An update was completed in 2018.  A further review is currently under way.

<b>Jaywick Sands Place Plan</b>	To establish a framework for development aimed at regenerating Jaywick Sands	Work currently being undertaken by Council Officers and HAT Projects Limited. Further consultation was undertaken in 2023, with completion of the Place Plan anticipated in 2024.
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<b>Subject Area: Business</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Economic Development Strategy</b>	To inform the overarching approach to economic development and job creation in the district.	Updated and approved by Cabinet July 2020. Consideration being given to a review in 2024 to be carried out alongside Employment Land Review.
<b>Employment Land Review</b>	To inform the allocation and protection of land for business and industrial use in terms of amount and location.	Completed 2019. An update will be required as part of the Local Plan review – with a focus on employment land needs to support job creation following Freeport designation.
<b>Retail &amp; Town Centre Study</b>	To identify the need for additional retail units to meet residents' demands for goods and services and thus inform the allocation and protection of town centres and potential development sites.	Reviewed and updated in 2020 by Lambert Smith Hampton. A focussed update may be necessary to inform the review of the Local Plan.
<b>Holiday Park Sector Review</b>	To inform the allocation and protection of holiday parks in the district and advise on how they might need to develop in the future to reflect changing trends and demands.	The study was completed by Frontline Consultants in 2020. A partial review may be necessary for the Local Plan review.

<b>Subject Area: Infrastructure</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Infrastructure Study</b>	To assess the capacity of Tendring's infrastructure, including transport, health, education and utilities to inform decisions on where to locate future growth and provide the baseline evidence for use in seeking funding for improvements, including	Reviewed and updated 2021. Further evidence will be required as part of the Local Plan review.

	through Community Infrastructure Levy (CIL).	
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<b>Subject Area: Minerals</b>
Essex County Council is the planning authority for minerals and it prepares the evidence needed to inform the content of the Minerals Local Plan. ECC are in the process of reviewing and updating the Minerals Local Plan, extending it to cover the period to 2040 – and a number of sites across the county have been assessed by independent consultants. An Issues and Options consultation is planned for February 2024, which will seek views on the sites and the way they have been assessed. No sites have been identified as preferred or non-preferred site allocations at this stage. Tendring District Council is a key consultee in the preparation of the Minerals Local Plan, and will continue to engage with ECC as the Plan emerges.

<b>Subject Area: Defence, security, counter-terrorism &amp; resilience</b>
There is no need for any specific evidence to be prepared, but the Council will consult relevant bodies to ensure that plans for development do not impact upon the operations of any defence or security installations.

<b>Subject Area: Environment</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Flood Risk Assessment (SFRA)</b>	To identify areas at risk of flooding, measure the potential risks within different parts of the flood zone and inform the 'sequential approach' to locating development away from flood risk areas.	Completed March 2009. Local Plan allocations will generally avoid sites in Flood Zones 2 and 3. Review required ahead of next Local Plan review.
<b>Landscape Character Assessment</b>	To define the different characteristics of the district's landscape and help inform Planning decisions.	Completed 2001. Review within 15-20 years. Consider review.
<b>Local Wildlife Site Review</b>	To assess the wildlife value of all parts of the district and inform the identification of 'Local Wildlife Sites' (LoWS) deemed worthy of protection through the Local Plan.	Undertaken by Essex Ecological Services (EECOS) and completed in September 2009. Specific survey of land off Crestwood Meadow, Alresford undertaken in 2013 in response to requests from residents. A review of the District's LoWS may be undertaken as part of a broader ecological study to inform the Local Plan review.
<b>Habitat Regulation Assessment</b>	To assess the impact of proposals and policies in the Local Plan on habitats of international importance and advise the Council on how to avoid, minimise or mitigate any impacts.	Two reports were completed by consultants LUC in May 2017 for Shared Strategic Section 1 and in October 2018 for Publication Draft Section 2 of the Plan. An update considering the Main

		<p>Modifications of Section 2 of the Local Plan was published in June 2021.</p> <p>The Local Plan review will require an updated HRA.</p>
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**Subject Area: Historic Environment**

<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Heritage Impact Assessment</b>	To assess in a structured process that the significance of historic assets are taken into account when developing and designing proposals for change.	HIA for TCBGC completed in 2022. An HIA will be required for the updated Local Plan.
<b>Conservation Area Appraisals</b>	To help inform decisions relating to development in Conservation Areas and to review their boundaries.	Conservation Area Appraisals are currently being reviewed, with public consultation events taking place in the affected areas. Anticipate adoption of the updated appraisals through 2024.

**Subject Area: Health and well-being**

<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Open Space, Sport and Recreation Strategy</b>	To establish quantitative and qualitative standards for open space, sport and recreation provision to inform policies in the Local Plan and the use of s106 or CIL money.	Reports were completed by consultants KKP in April 2017. A review of this document was undertaken in 2023.

**Subject Area: Public safety from major accidents**

There is no need for any specific evidence to be prepared, but the Council will consult relevant bodies, including the Highways Authority and Highways Agency, to ensure that plans for development do not create new or exacerbate existing accident black-spots, seeking, wherever possible, to address them.

**Subject Area: Ensuring viability and deliverability**

<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Viability Testing</b>	To assess the economic viability of Local Plan policies to ensure that development is viable and therefore realistically achievable. Also to inform decisions on setting CIL tariffs.	Reviewed and updated in 2019. Will need updating when Local Plan is reviewed.

## Existing Evidence

**5.2** The following documents remain part of the Council's Evidence Base, but will not need to be updated as part the Local Plan Review:

<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Housing Sizes in the Urban Areas of the Tendring District</b>	A survey of house sizes in different parts of the district to inform the Council's policies in minimum space standards.	Undertaken by Council Officers and completed in August 2013.
<b>Hotel and Guesthouse Retention Study</b>	To inform the policies on protecting hotels and guesthouses in the district and advise on how they might need to develop in the future to reflect changing trends and demands	
<b>Walton-on-the-Naze Regeneration Framework</b>	To advise the Council on ways to regenerate the economy of Walton-on-the-Naze and inform relevant policies in the Local Plan.	Undertaken by consultants BNP Paribas and completed in January 2010.
<b>Dovercourt Rediscovered</b>	To advise the Council on ways to regenerate the economy of Dovercourt Town Centre and inform relevant policies in the Local Plan.	Reviewed and updated in 2019.
<b>Haven Gateway Watercycle Study</b>	To provide evidence to Haven Gateway authorities and utility companies about sewage treatment capacity to support plans for growth in the area.	Stage 1 report completed May 2008 and Stage 2 report completed November 2009. These reports will inform the Infrastructure Study.
<b>Essex and South Suffolk Shoreline Management Plan</b>	To set out a strategy for protecting different sections of the Essex and South Suffolk coast from flooding and coastal erosion to be implemented by the Environment Agency, working with its partners.	Completed in 2012. Review already being undertaken by the Environment Agency working with its partners.
<b>Harwich Strategic Flood Risk Assessment (SFRA)</b>	SFRA carried out specifically for Harwich in support of the Council's policies to promote regeneration in that area.	Level 1 report completed April 2008. Level 2 report completed August 2008.
<b>Jaywick Strategic Flood Risk Study</b>	SFRA carried out specifically for Jaywick Sands in support of the Council's policies to promote regeneration in that area.	Completed May 2008. The SFRA specifically for Jaywick Sands was updated in April 2015.

<b>Landscape Impact Assessment</b>	To test the potential landscape impact of development on a range of urban-edge greenfield sites and thus inform the allocation of sites for housing and other forms of development.	Stage 1 report completed April 2009. Stage 2 report completed March 2010. NPPF now attaches less weight to landscape impact issues and therefore no review is needed.
<b>Strategic Green Gap Study</b>	To review the Green Gap designations within the Local Plan.	Completed by LUC in 2020.
<b>Historic Environment Characterisation Project</b>	To define the different characteristics of the district's historic character and help inform decisions on local plan designations and planning applications.	Completed December 2008 by Essex County Council. Review within 15-20 years.
<b>Geodiversity Characterisation Report</b>	To assess the geo-diversity of the Tendring District – i.e. the composition of minerals below the ground.	Completed May 2009 by Essex County Council. Review within 15-20 years.

### **Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment**

- 5.3** As well as having to be based on robust but proportional technical evidence, Local Plans and some other planning documents must also be accompanied by a 'Sustainability Appraisal' incorporating a 'Strategic Environmental Assessment' and, where they are likely to affect sites of international importance for nature conservation, a 'Habitats Regulation Assessment'.
- 5.4** Sustainability Appraisal is a requirement under 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. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social, and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
- 5.5** It is 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, at key stages of the plan making process i.e. draft plan consultation and submission stages, the Council will also publish a Sustainability Appraisal incorporating the Strategic Environmental Assessment.

**5.6** A Habitat Regulation Assessment, or 'Appropriate Assessment' as it is often called, is a requirement from the European Habitat Directive (92/43/EEC) and, for Tending, will be necessary to assess the impact of any updated policies in the Local Plan.

## 6 Resources and Risk Assessment

- 6.1** In undertaking major projects such as the preparation of a Local Plan review, DPD or CIL Charging Schedule it is important to understand the resources needed and the potential risks along with the impact they could have on the process of plan preparation, consultation and examination.

### Professional Officer Input

- 6.2** The preparation and review of the Local Plan and other planning documents will be led by the Council's Planning Policy Team. This team will work with and draw upon the knowledge, help and experience of other officers in the Council to ensure Planning Policy documents comply with and help to deliver corporate objectives. Through the legal Duty to Cooperate, there will also be strong input from officers from partner organisations such as Essex County Council, the Environment Agency, Highways England and the NHS. On the Tendring Colchester Borders Garden Community in particular, the Council are working jointly with Colchester City Council and Essex County Council in a partnership approach.

### Financial Resources

- 6.3** The Council has allocated a budget for the review of the Local Plan, the production of SPD's and the Tendring Colchester Borders DPD in recognition of how important these documents are to the future of the district. The most significant costs are expected to be the commissioning and updating of technical studies in relation to the above projects and the cost of the Examinations in Public. The latter requires the Council to pay fees to the Planning Inspectorate, employ a 'Programme Officer' to administrate the examination process and employ, a number of specialist Planning consultants and/or lawyers to deal with the more specialised areas and issues of technical or legal complexity.
- 6.4** Any shared strategic elements across authorities will be paid for jointly by the relevant authorities.

### Risk Assessment

Issue and level of Risk	Comment and proposed mitigation measures
<p><b>Significant public opposition to the new Planning documents</b></p> <p>High Risk / Medium Impact</p>	<p>The preparation of the Tendring Colchester Garden Community DPD and the review of the Local Plan will be of considerable public interest. Through the Statement of Community Involvement (SCI), the Council has set out a programme of consultation and the Garden Community project is the subject of its own engagement strategy. This approach should mitigate the amount of misinformation and reduce objections to substantive issues. Proposals will also be based on a sound evidence base so that decisions can be justified in the examination of the plans.</p>

<p><b>Loss/turnover of staff</b></p> <p>Low Risk / High Impact</p>	<p>The Council has mechanisms to enable new staff to be employed either on a permanent or temporary basis in order to fill any vacancies. Additionally any strategic work with other authorities will enable shared resources and funding on mutually beneficial outputs.</p>
<p><b>Financial shortfall</b></p> <p>Low Risk / High Impact</p>	<p>The Council has allocated a budget to the preparation and review of planning documents in recognition of how important the Local Plan, the Garden Community DPD and supplementary planning documents will be to the future of the district. There is a risk that, due to general pressures on public finances, the funds available could be reduced or withdrawn, but the Council's commitment and its corporate objectives around the Local Plan and the Garden Community should ensure that the programme is properly resourced. Maintaining an up-to-date planning framework enables opportunities to attract external funding, generate economic growth and increase the revenue base of the district.</p>
<p><b>Changing political priorities</b></p> <p>High Risk / High Impact</p>	<p>The Planning Policy and Local Plan Committee oversees the preparation of the Local Plan and other relevant documents, with Councillors from all political groups, enabling the plan to proceed smoothly to the advanced stages of the process. A separate joint committee, with members from all three partner councils, has been established to offer similar stability to the process of preparing the Garden Community DPD.</p>
<p><b>Legal challenge</b></p> <p>Medium Risk / High Impact</p>	<p>There is a possibility of legal challenge to any planning document once a Council has reached a decision to adopt. By ensuring that all of the correct legal procedures are followed, including the duty to cooperate, the need for a Sustainability Appraisal and the need to undertake consultation in line with the planning regulations, the Council will aim to minimise the grounds upon which a legal challenge could be based.</p>

## 7 Decision Making

**7.1** The Local Plan is one of the Council's most important documents; it therefore requires endorsement by the majority of the Council's democratically elected Members. In March 2014, the Council agreed to set up a dedicated 'Local Plan Committee' made up of 15 elected Councillors to oversee the preparation of the new Local Plan and other planning documents. In 2019 the committee was replaced by the Planning Policy and Local Plan Committee. The table below sets out the different decision-making powers at different levels of the organisation that relate to the Local Plan and other planning documents.

Decision maker	Type of decision
<p>Full Council  Comprising all TDC Members</p>	<p>Approving the content and submission of the Local Plan, DPDs, and CIL Charging Schedule to the Secretary of State for examination by a government Planning Inspector.</p> <p>Formally 'adopting' the Local Plan, DPDs, and CIL Charging Schedule following confirmation, from the Planning Inspector, that they are legally compliant and sound.</p>
<p>Planning Policy and Local Plan Committee</p>	<p>Considering and approving the content of the Local Plan, DPDs, and CIL Charging Schedule at different stages as they emerge through the process including making recommendations to Full Council.</p>
<p>Cabinet</p>	<p>Commenting on the content of the Local Plan before recommendations are made to Full Council.</p> <p>Approving 'Supplementary Planning Documents' (SPD) and Neighbourhood Plans for public consultation and formal adoption.</p>
<p>Director of Planning in liaison with the Chairman of the Planning Policy and Local Plan Committee</p>	<p>Delegation by the Planning Policy and Local Plan Committee, as and when required, e.g. for changes to any planning documents aimed at improving consistency and correcting minor errors that do not in any way constitute a change in the thrust, meaning or interpretation of any policy or proposal and e.g. collaboration on evidence base for Local Plan preparation.</p>

## PLANNING POLICY AND LOCAL PLAN COMMITTEE

27 FEBRUARY 2024

### REPORT OF THE DIRECTOR (PLANNING)

#### A.3 LOCAL PLAN REVIEW: VISION AND OBJECTIVES REVISITED

(Report prepared by Paul Woods and Gary Guiver)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To seek the Planning Policy and Local Plan Committee's comments on, and approval for an updated version of the Local Plan's overarching Vision and Objectives for the purpose of the Local Plan review and associated public consultation.

##### EXECUTIVE SUMMARY

###### Background

Chapter 2 of the Council's adopted Local Plan (Section 2) sets out an overarching vision and associated set of objectives to guide the planning of the District up to 2033. The vision and objectives underpin many of the policies and proposals in the Local Plan that the Council, working with partners, are seeking to implement over the Plan's time-frame.

In reviewing the Local Plan and extending its timeframe to 2041, it will be appropriate to revisit the vision and objectives – albeit in line with the overarching principles agreed by the Committee at its last meeting on 20 December 2023 which included: *“The vision and objectives within Section 2 of the current Local Plan adopted in 2022 will be carried forward, broadly unchanged, into the adopted 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.”*

Because the vision and objectives in the current Local Plan were already designed to cover the period to 2033 (some nine years away from now) and were only adopted by the Council as recently as 2022, it would be reasonable not to expect the update to bring about any fundamental change in the overall approach and direction – assuming that a positive vision for the District in 2033 can sensibly form the basis of a positive vision for the extended period to 2041. However, the Local Plan review naturally provides an opportunity to check that the vision and objectives are accurate and reflect the most up-to-date position – including, as suggested above, the opportunities arising from Freeport East; but also on the priorities in Council's latest Corporate Plan (Our Vision) and progress on the Levelling-Up projects in the District and the Jaywick Sands Place Plan.

Another overarching principle agreed by the Committee in December 2023 was that: *“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.”* Officers therefore recommend that the way in which the vision and objectives are currently presented in the Local Plan be carried forward, broadly unchanged.

### Local Plan Review Process

The process for reviewing the Local Plan will follow key stages that involve public consultation – the first of which will be the ‘Issues and Options’ stage where the Council will invite public comments on the broad direction of the Local Plan. Comments received at Issues and Options stage will then be taken into account when producing the first detailed draft of the updated Plan. Officers suggest that given the high-level and strategic nature of the Local Plan’s overarching vision and objectives, it would be useful to consult the public on an updated version of these at the initial ‘Issues and Options’ stage – accepting that these might need to be amended further when it comes to the later ‘Preferred Options’ and ‘Submission’ stages, once the Council has had the opportunity to consider the public’s comments, and as the detail of the Local Plan (including the longer-term need and associated strategy for growth) becomes clearer.

### Vision

Appendix 1 of this report contains an updated version of the Local Plan’s overarching vision presented in the form of ‘tracked changes’ to highlight, for ease of reference, changes from the current Local Plan – as suggested by Officers. These suggested changes to the vision notably seek:

- To give stronger and clearer commentary around Harwich and the A120 corridor – particularly in terms of economic and housing growth likely to be generated in response to Freeport status and progress of development at Bathside Bay; as well as the Levelling-Up scheme for Dovercourt Town Centre. Implied within this is the likelihood that when it comes to generating options for the long-term housing and employment growth over the extended period to 2041, Officers will be looking closely at land in and around Harwich and the A120 corridor, alongside other reasonable options.
- To comment more positively on the potential for economic growth in the Clacton area reflecting the significant private investment in seaside attractions, the Levelling Up schemes for the library and civic area of the town centre and greater reference to the role of the business sector and the modernisation of business premises. The vision for the Clacton area might be the subject of ongoing refinement to reflect work on a long-term strategic plan for the area, as required by government as part of the Levelling-Up Partnership.

- To comment specifically on the Sunspot Workspace scheme and Jaywick Sands Place Plan, which have progressed significantly since the Local Plan was adopted in 2022.
- To update the section on the Tendring Colchester Borders Garden Community to reflect elements of the vision within Section 1 of the Local Plan which would otherwise be lost once Section 1 and Section 2 are both superseded by a single Local Plan; to emphasise the economic opportunities around the Garden Community; and to reflect the progress on the planning of the Garden Community – particularly the advancement of the Development Plan Document, the link road and rapid transit system and positive collaborative work with partner Councils and the Lead Developer.
- To reflect, where necessary, priorities in the Council’s new Corporate Plan 2024-2028 (Our Vision) and to give greater reference to health and energy efficiency as themes where the vision statement could better reflect the priority given to these within the Local Plan itself.
- To better reflect the new requirements around biodiversity net gain and habitat creation.
- To make grammatic and other consequential wording improvements as necessary.

As it stands, Officers are recommending only subtle amendments to the section of the vision that talks about Tendring’s rural heartland in the interest of accuracy – acknowledging that a significant amount of new housing development has taken place, or is still under-construction or has planning permission in and around Manningtree, Lawford and Mistley; and certain rural villages including (but not limited to) Alresford, Elmstead Market, Great Bentley and Thorpe le Soken – with many of these developments having been granted planning permission on appeal and against local wishes. The Council might, or might not, need to review the wording of this section again following consultation on Issues and Options if, having determined how much new housing is required to meet any residual requirement for long-term growth, there needs to be a particular focus for any further growth, of a strategic nature, in the District’s rural areas. This can only be determined once the growth requirements have been clarified and reasonable options have been assessed.

### Objectives

Appendix 2 to this report contains a related tracked-changes version of the Local Plan’s objectives that relate to the following topics:

- Objective 1: Housing Delivery;
- Objective 2: Employment/Commercial;
- Objective 3: Retail Development;
- Objective 4: Infrastructure Provision;
- Objective 5: Education and Health;
- Objective 6: Sustainability;
- Objective 7: The Historic Environment;

- Objective 8: Biodiversity;
- Objective 9: Water and Climate Change; and
- Objective 10: Tourism Promotion.

At this point in time, Officers consider that these ten objectives, as currently written in the adopted Local Plan, remain appropriate and could reasonably be carried forward into an updated Local Plan with an extended time-frame to 2041, with only limited necessary changes. An additional objective specifically around Climate Change is also proposed. Through public consultation at Issues and Options stage and subsequent stages, the Council can invite suggestions for any changes that can be considered as the Plan emerges in more detail; but as it stands, Officers are not suggesting any significant revisions.

### **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee:**

- a) notes the content of this report;**
- b) considers and comments on the Local Plan Vision and Objectives and Officers' suggested updates shown, with tracked changes, in Appendices 1 and 2 to this report;**
- c) agrees for the updated Vision and Objectives, with any additional amendments discussed and agreed by the Committee, to be included for public consultation in due course as part of the 'Issues and Options' stage of the Local Plan review process; and**
- d) invites the Cabinet to comment on and amend, as necessary, the Vision and Objectives as agreed under c) above before they are published as part of the aforementioned Issues and Options consultation – to ensure and confirm alignment with the Council's corporate vision.**

## **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 and the review of the Local Plan is identified as a priority within the Corporate Plan 2024-2028. On 20 December 2023, the Planning Policy and Local Plan Committee agreed a set of overarching principles that will guide the review of the Local Plan. The policies and proposals in the Council's current Local Plan is underpinned by an overarching vision statement and a related set of strategic objectives that were examined and found to be sound by the government-appointed Planning Inspector before the Local Plan was adopted. The vision and objectives will be revisited as part of the Local Plan review.

### **RESOURCES AND RISK**

The overall 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 – as set out in the report to the Planning Policy and Local Plan Committee on 20 December 2023. The update to the Vision and Objectives has been undertaken in-house as a discrete exercise by Officers without the need to engage any external support, drawing upon the content of the existing adopted Local Plan and other relevant information and knowledge available.

In putting a revised version of the Vision and Objectives out to public consultation as part of the Issues and Options and subsequent consultation stages of the review process, the Council will be inviting feedback which could include suggested changes. These would be given due consideration by the Council as part of the Local Plan review – but in line with the overarching principles agreed by the Committee in December 2023, a fundamental change in approach

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 National Planning Policy Framework (last updated in December 2023) 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 positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

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 – but it is recommended that the outcome be reported to the Cabinet for comment, to ensure the proposed vision and objectives for the Local Plan align with the corporate priorities.

## **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. It is recommended that the updated Vision and Objectives be published for public consultation as part of the Issues and Options stage and are revised as necessary for the subsequent 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.

## **APPENDICES**

**Appendix 1 – Suggested Changes to the Local Plan’s Vision**  
**Appendix 2 – Suggest Changes to the Local Plan’s Objectives**

## **BACKGROUND PAPERS**

None.

## APPENDIX 1: SUGGESTED CHANGES TO THE LOCAL PLAN'S VISION

Additions shown as underlined and deletions shown as ~~struck through~~.

### VISION

*In ~~2033~~ 2041, ~~the Tendring District will be a vibrant, healthy and attractive place to live, work and visit. It will have a thriving, resilient and prosperous economy that promotes sustainable economic growth, making sustainable use of its natural and historic environments, maritime connections and popularity as a visitor destination.~~*

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

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

### Seaside Towns

Clacton-on-Sea will have established itself as the place everyone wants to live and the economy will have seen a significant resurgence with new job opportunities; particularly in the business, retail, leisure, hospitality and health sectors. ~~With~~ This growth will have been driven, in part, by the rejuvenation of the town's attractive and safe beaches and multi-million-pound private investment in its seafront attractions (including the coastal protection scheme between Holland Haven and Clacton); alongside public investment of Levelling Up funding in redeveloping the town centre's library and civic area. The town will have seen the emergence of high-quality a variety of attractive shops, restaurants and cafes and leisure facilities in the town centre, as well as the creation of new country parks, the modernisation of premises across its business and industrial parks and the construction of hundreds of new high-quality, energy efficient, accessible and spacious and much sought-after houses, bungalows and retirement complexes. ~~, the economy will have seen a significant resurgence with new job opportunities in the retail, leisure, hospitality and health sectors. The people of Clacton and the wider area will have access to a modern health facilities including the Diagnostic Centre at Clacton Hospital.~~

Clacton will have preserved and enhanced its heritage features and ~~still~~ maintained its tourism roots, building a thriving local tourism industry. ~~But~~ as well as attracting holiday makers, the town will provide a range of activities and attractions that our older residents can enjoy with their children

and grandchildren at the weekends and during the school holidays, and a strong evening economy where people from the town and surrounding areas will come for a fun and relaxing evening with their friends and colleagues in some of the town's new and trendy restaurants, nightclubs and entertainment venues.

In Jaywick Sands, regeneration projects will continue to raise the standard of living in this part of Clacton – building on the success of the Sunspot Workspace Scheme, renewed sea defences, improved housing conditions and the delivery of other projects the Jaywick Sands Place Plan. The people of Jaywick Sands will have seen, through the provision of a deliverable development framework, be able to enjoy a sustainable community with associated economic, community and employment opportunities.

~~The town will also have new training facilities with a centre of excellence for health and assisted living.~~

Frinton-on-Sea and Walton-on-the-Naze will enjoy year-round prosperity whilst retaining their very distinctive individual characteristics. Walton will have seen the biggest change with following an injection of new housing, holiday accommodation, shops and leisure attractions bringing vitality to the town centre and core visitor areas, with ~~new~~ improved medical facilities serving the resident population. Frinton will have also seen some new homes and improvements to public spaces whilst continuing to offer a unique and non-commercialised shopping and leisure experience to its residents and its visitors. Both settlements will have succeeded in preserving and enhancing their special historic character.

#### Harwich, Freeport East and the A120 Corridor

The Harwich area will have experienced an economic resurgence ~~with more jobs and a number of major employers operating in the area with developments including Stanton Europark, Harwich Valley and Carless making the most of the A120 following the designation of Harwich Port and other sites along the A120 corridor as part of 'Freeport East' (alongside Felixstowe Port and Gateway 14 in Suffolk). The tax, customs and other business incentives offered by Freeport status will have resulted in considerable private investment and new jobs for local people in industrial activities, logistics and emerging green energy sectors with new developments at Bathside Bay, Horsley Cross and other sites with good access to the A120 and the local population. Bathside Bay will be playing a critical role in the medium term, servicing the expansion, construction and maintenance of off-shore wind farms with more jobs to come in the long-term through the construction and completion of a new container port and associated small boat harbour.~~

~~As a result~~ The increase in work opportunities will have generated a significant demand for training facilities and new homes in the Harwich and Dovercourt area particularly for working people and families both in the local area and moving in from elsewhere. This boost in demand in the housing market will have picked up and resulted in a number of high-quality housing developments ~~will have taken place~~. The Old Town of Harwich will offer new leisure activities and ~~a number of~~ visitor attractions associated with its maritime history, ~~including the Mayflower~~. Dovercourt Town Centre and seafront will have also improved its offer of a year-round shopping and leisure experience following significant public investment through the Levelling-Up Fund in its public spaces and improved connections. These benefits will have taken place whilst continuing to preserve and enhance the town's maritime heritage through careful consideration of its associated buildings, structures and coastal landscapes.

## Tendring Colchester Borders Garden Community

The Neighbouring City of Colchester will have been the focus for significant growth in jobs and housing and will have continued to develop a thriving economy that will benefit Tendring District's residents, many of whom commute into the town each day for work. A new Garden eCommunity will be developed to the east of Colchester, developed in accordance with a detailed Development Plan Document (DPD) on garden community principles, and positive collaborative working with Colchester City Council, Essex County Council and the lead developers, which takes advantage of its strategic position in relation to Colchester and its proximity to the university to maximise the economic benefits to current and future residents of Tendring. The Garden Community will provide with necessary infrastructure and facilities provided and a high-quality of built and urban design. With major investment in rapid transit services to the town centre, pedestrian and cycle connections and a new link road between the A120 and A133, the management of traffic congestion will have improved, and along with provision of upgraded broadband infrastructure and services.

The University of Essex will be one of the leading research and development facilities in the country and, as a result, businesses will have moved to the area to benefit from its expertise and improved transport links. The new garden suburb Garden Community crossing the Colchester Borough City and Tendring District boundary will be a much sought-after place to live. It will provide the right balance of jobs, housing and infrastructure in the right locations and will attract residents and businesses who value innovation, community cohesion and a high-quality environment, and who will be provided with opportunities to take an active role in managing the community to ensure its continuing success.

Residents will live in high-quality and innovatively designed homes, which accommodate a variety of needs and aspirations and are located in well-designed neighbourhoods where they can meet their day-to-day needs. There will be a network of tree-lined streets and green spaces, incorporating and enhancing existing landscape features and also accommodating safe and attractive routes and space for sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden community.

Suitable models for the long-term stewardship of community assets will be established and funded to provide long term management and governance of assets. All Garden City principles as specified in the North Essex Garden Communities Charter will be positively embraced including where appropriate, new approaches to delivery and partnership working for the benefit of the new community. Central to this will be the comprehensive planning and development of the garden community, and the aligned delivery of homes and supporting infrastructure.

## Rural Heartland

In the District's substantial rural heartland, the smaller towns of Manningtree, Lawford, Mistley and Brightlingsea, along with some of the larger villages, will have seen some modest varying levels of new housing and employment development to support that have helped to support local shops and services, address local issues, provide for local needs and facilitate investment by local businesses in job opportunities. In some of the District's more remote villages, hamlets and other rural communities a flexible approach to small-scale housing development has helped keep those communities vibrant. Improvements to the telecommunications network and internet broadband services have given these areas a new lease of life with more people able to work, shop and learn from the comfort of their own home.

An increasing number of communities will be developing their own Neighbourhood Plans and promoting community-led development as a means of bringing about positive changes and meeting specific needs and aspirations of local people and businesses.

Throughout the District's countryside and farming communities, a diverse variety of employment and leisure opportunities will grown up in support of the rural economy along with significant investment in the long-term sustainability and stewardship of the environment including habitat creation to support the requirements for bio-diversity net gain.

Any new development will need to obtain the following outcomes:

1. Creating the right balance of jobs, housing and infrastructure;
2. Ensuring that development is sustainable in terms of location, use and form;
3. Balancing the development needs of the District with the protection and enhancement of the natural, historic and built environment;
4. Excellent services and facilities easily accessed by local communities and businesses;
5. More walkable places and an excellent choice of ways to travel;
6. Vibrant, well connected town and productive countryside;
7. Avoid, then mitigate and, as a last resort, compensate for adverse impacts of development on the built, historic and natural environment to achieve a net gain in biodiversity and while capitalising on these features;
8. Stronger, more self-reliant town and countryside with thriving centres;
9. Enhanced quality of life for all residents;
10. Working with partners and residents to develop a place where people really matter;
11. All new developments should ~~account for~~ reduce the causes of, adapt to and mitigate against climate change.

## APPENDIX 2: SUGGESTED CHANGES TO THE LOCAL PLAN'S OBJECTIVES

Additions shown as underlined and deletions shown as ~~struck through~~.

### Objective 1: Housing Delivery

- To provide new dwellings within Tendring District up to ~~2033~~ 2041 of sufficient variety in terms of location of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population in full.
- To deliver high quality sustainable new communities.

### Objective 2: Employment/Commercial

- To create the conditions for economic growth and employment opportunities across a range of economic sectors including established business sectors and those sectors projected to grow in the future such as renewable energy and care and assisted living.
- To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth ~~up to the period of 2033~~ in the period up to 2041.

### Objective 3: Retail Town Centre Development

- To promote the vitality and viability of the town centres through the promotion of retail and other related uses, exploiting the benefit of enhanced growth of the towns whilst retaining the best and valued aspects of their existing character, as well as responding appropriately to changes in the way people enjoy shopping and other leisure activities, and competition for trade arising from other centres, both within and outside of the district.

### Objective 4: Infrastructure Provision

- To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided as necessary in connection with new development.

- To enable provision of upgraded broadband infrastructure and services.
- To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities.
- To ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change.
- To ensure there is adequate capacity in the foul water sewerage infrastructure.

### **Objective 5: Education and Health**

- To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of sustainable community strategy. This includes practical vocational training and apprenticeships.
- To work with partners in the National Health Service, local health organisations, Essex County Council and local community groups to ensure adequate provision of healthcare and multi-use facilities to support growing communities.
- To work with Public Health to promote and encourage healthy lifestyles through developments and planning to ensure that the people of Tendring have opportunities to be as healthy as possible.

### **Objective 6: Sustainability**

- To locate development within Tendring District where it will provide the opportunity for people to satisfy their needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of the car.

### **Objective 7: The Historic Environment**

- To conserve and enhance Tendring District's historic environment, including: heritage; respecting historic buildings and their settings; heritage assets; landscapes; links; and views.

### **Objective 8: Biodiversity**

- To provide a network of interconnected multi-functional natural green and blue spaces which secures a net gain in biodiversity and geodiversity; promotes healthy lifestyles; and enhances the quality of the natural and built environment.

### **Objective 9: Water and ~~Climate Change~~ Flood Risk**

- To reduce the risk of all types of flooding (~~all types~~) by securing the appropriate location and design of new development (~~including incorporating SuDs where appropriate~~), having regard to the likely impact of climate change.

### **Objective 10: Tourism Promotion**

- To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services.

### **Objective 11: Climate Change**

- To provide developments that reduce carbon emissions and are ready to adapt to and mitigate the effects of climate change.

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