



## CABINET

<b>DATE:</b>	<b>Monday, 21 October 2024</b>
<b>TIME:</b>	<b>10.30 am</b>
<b>VENUE:</b>	<b>Town Hall, Station Road, Clacton-on-Sea, CO15 1SE (Committee Room)</b>

<b>MEMBERSHIP:</b>	
Councillor M Stephenson	- Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor I Henderson	- Deputy Leader; Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor A Baker	- Portfolio Holder for Housing & Planning
Councillor M Barry	- Portfolio Holder for Leisure & Public Realm
Councillor P Kotz	- Portfolio Holder for Assets
Councillor G Placey	- Portfolio Holder for Partnerships
Councillor G Scott	- Portfolio Holder for Arts, Culture & Heritage
Councillor A Smith	- Portfolio Holder for Environment

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**DATE OF PUBLICATION: FRIDAY, 11 OCTOBER 2024**

## AGENDA

### **1 Apologies for Absence**

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

### **2 Minutes of the Last Meeting (Pages 7 - 22)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 20 September 2024.

### **3 Declarations of Interest**

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

### **4 Announcements by the Leader of the Council**

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

### **5 Announcements by Cabinet Members**

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

### **6 Matters Referred to the Cabinet by the Council**

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

### **7 Matters Referred to the Cabinet by a Committee**

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

### **8 Leader of the Council's Items - A.1 - Highlight Priority Actions 2024/25 towards Corporate Plan Themes - Monitoring Report at the Half Year Point and Reference under Section 5A of the Local Government and Housing Act 1989 (Pages 23 - 58)**

To provide the Cabinet with an update on the positive progress with Highlight Priority Actions adopted for 2024/25 towards the Council's Corporate Plan Themes for 2024/28.

To inform Members of a breach of the Council's Policy Framework and legal decision making requirements with regards to the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).

### **9 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.2 - Financial Performance Report 2024/25 - General Update as at the end of July 2024 (Pages 59 - 108)**

To provide a general update and overview of the Council's financial position against the 2024/25 budget as at the end of July 2024 and looking ahead to 2025/26 and beyond.

**10 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.3 - Tendring District Council's Interim Policy on Biodiversity Net Gain (BNG) (Pages 109 - 130)**

To seek the Cabinet's agreement to adopt a policy statement on 'Biodiversity Net Gain' (BNG) which will serve as the Council's interim corporate position on the subject, pending detailed consideration as part of the forthcoming Local Plan review. Having an interim policy will enable the Council to respond positively and constructively in its consideration of BNG as part of the planning process; and in the consideration of proposals to set up 'Habitat Banks' by Tendring landowners and, potentially, on Council-owned land.

**11 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.4 - Making (Adoption) of the Ardleigh Neighbourhood Plan (Pages 131 - 244)**

To agree to 'make' (adopt) the Ardleigh Neighbourhood Plan as part of the Council's statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This follows a local referendum in which a clear majority of residents that turned out were in favour of the plan.

**12 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.5 - Making (Adoption) of the Elmstead Neighbourhood Plan (Pages 245 - 428)**

To agree to 'make' (adopt) the Elmstead Neighbourhood Plan as part of the Council's statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This follows a local referendum in which a clear majority of residents that turned out were in favour of the plan.

**13 Management Team Items**

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

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

*The next scheduled meeting of the Cabinet is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 15 November 2024.*

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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 20TH SEPTEMBER, 2024 AT 10.30 AM  
TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

**Present:** Councillors M E Stephenson (Leader of the Council & Portfolio Holder for Corporate Finance and Governance) (Chairman), I J Henderson (Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism), Baker (Portfolio Holder for Housing and Planning), Barry (Portfolio Holder for Leisure & Public Realm), Kotz (Portfolio Holder for Assets), Placey (Portfolio Holder for Partnerships), Scott (Portfolio Holder for Arts, Culture & Heritage) and Smith (Portfolio Holder for the Environment)

**Group Leaders Present by Invitation:** Councillor Chapman BEM (Leader of the Independents Group) (except item 54)

**In Attendance:** Ian Davidson (Chief Executive), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Karen Hayes (Executive Projects Manager (Governance)), Ian Ford (Committee Services Manager), Keith Durrant (Committee Services Officer) and James Dwan (Communications Officer)

**40. APOLOGIES FOR ABSENCE**

Prior to the commencement of the meeting the Leader of the Conservative Group (Councillor P B Honeywood) had submitted apologies for his non-attendance at this meeting.

**41. MINUTES OF THE LAST MEETING**

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

**RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 26 July 2024, be approved as a correct record and be signed by the Chairman.

**42. DECLARATIONS OF INTEREST**

In relation to agenda item 15, report A.8 (Housing Ombudsman Findings and other Incidental and Related Matters), Councillor Chapman BEM declared an interest insofar as she had had contact with the individual concerned in 'Complaint 1' (202302247). Having received the advice of the Monitoring Officer, Councillor Chapman indicated that she would withdraw from the meeting at the appropriate juncture.

**43. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

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

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**44. ANNOUNCEMENTS BY CABINET MEMBERS****Tendring4Growth Events**

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) reported that a host of exciting guest speakers would be sharing their knowledge and expertise with local businesses at next month's Tendring4Growth Business Fortnight. The fortnight would feature expert speakers covering topics on digital marketing and women in business, as well as specific industries such as tourism, business in town centres, and creative and cultural arts. The initiative would include events across Tendring from Monday, 23 September to Wednesday, 2 October, and would include the following:-

- Regenerating Tendring at Clacton Leisure Centre on Monday, 23 September;
- Tendring Tourism' at the Kingscliff Hotel in Holland-on-Sea on Tuesday, 24 September;
- 'Boost Your Digital Presence' event takes place on Wednesday, 25 September, at the Lifehouse Spa and Hotel in Thorpe-le-Soken;
- Jobs and Skills Fair at Clacton Town Hall on Thursday, 26 September;
- Women in Business networking event on Monday, 30 September, at The Waterfront in Dovercourt;
- 'Coastal Creativity and Entrepreneurship' event on Tuesday, 1 October, at The Electric Palace in Harwich; and
- High Street Heroes event at The Nose bookshop in Walton-on-the-Naze on Wednesday, 2 October.

**SNEE EXPO Event**

The Portfolio Holder for Partnerships (Councillor Placey) and the Leader of the Council (Councillor M E Stephenson) informed Cabinet about this event held on Friday 13 September 2024 at the Colchester Rugby Club. The Leader was delighted to report that the Chief Executive had been awarded the 'Inspirational Leader Award' at the ICS 'Can Do' Health and Care Awards 2024.

**45. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

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

**46. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.1 - SCRUTINY OF THE SPENDELLS PROJECT**

Cabinet was aware that the Resources and Services Overview and Scrutiny Committee ("the Committee") had undertaken scrutiny of the Spendells Project at its meeting held on 22 July 2024 (minute 50 referred). The Committee had considered this project due to an unauthorised expenditure of several hundreds of thousands of pounds. That had resulted in a report to the Cabinet on 24 May 2024 (minute 13 referred) under section 5A of the Local Government and Housing Act, 1989. That report had been provided to the Committee for their enquiry along with the comments of the Council's Assistant Director (Finance and IT) (the Council's Statutory 151 Officer) provided in the form of a supplementary report to that Cabinet meeting.



As part of its enquiry, at its meeting on 22 July 2024 (referenced above), the Committee had met with the Leader of the Council, the Portfolio Holder for Housing and Planning, the Chief Executive, the Corporate Director (Operations and Delivery), the Section 151 Officer and the Monitoring Officer, when an extensive set of questions had been put before them. The complete list of questions, and their accompanying answers were attached as Appendix A to this reference report (A.1).

During the Committee's meeting, various aspects of project management, internal review, decision-making, and capacity issues within the Council, had been discussed. The importance of quality and detail in writing up project specifications had been emphasised. Those specifications had been prepared and managed internally by the Council's own Officers.

The Committee heard that the Portfolio Holder for Housing and Planning met with the Corporate Director (Operations and Delivery) once a week to discuss various matters, including specific projects.

The Chief Executive had also addressed a specific issue related to fire safety standards. He explained that it had been determined that the existing fire doors were not up to current standards and had needed to be replaced. The Chief Executive had approved an additional £60,000 for this purpose in order to avoid potential safety risks. This decision had been made in the interest of residents' safety and to keep the cost to a minimum. The Chief Executive had taken this decision promptly to avoid any further delays and cost increases.

In addition to project management and safety standards, Members had also heard about the challenges of managing services like homelessness, where the numbers were uncontrollable, and there was a legal requirement to continue providing the service. This had been a significant challenge for District Councils and the public sector.

The Leader of the Council had acknowledged that whilst the Council strove for transparency and good governance, things could go wrong, as in the case of this project. However, he had also highlighted other, successful projects and had expressed satisfaction with the governance around their processes. He had also mentioned the Chief Executive's internal review that would help understand why this project had gone awry and how to prevent such issues re-occurring in the future.

The Committee had RESOLVED to RECOMMEND to Cabinet:-

- a. that, once the Chief Executive's formal review (on how the issue of unauthorised expenditure arose and developed in respect of the Spendells project) has been completed, the Cabinet reports on its lessons learnt;*
- b. that the report referred to in (1) above should articulate a robust response and action plan for going forward;*
- c. that a more detailed financial breakdown of the seven items not included in the specification for the Spendells project be reported to Cabinet; and*
- d. that Portfolio Holders review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and*

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*report their findings to the Leader of the Council by the end of September 2024 (and that this also then be submitted to this Committee at its next programmed meeting)."*

The Committee had further RESOLVED:

- e. to note the actions of the three Statutory Officers in respect of the then unauthorised expenditure on the Spendells project;
- f. to record that the Committee looks forward to reviewing the Cabinet's formal response to its recommendations as part of its recommendation monitoring process; and
- g. to note that the Audit Committee is undertaking its own enquiry into the unauthorised expenditure on this project and that this may generate scope for a combined exercise with this Committee going forward."

Cabinet had before it the following response thereto from the Portfolio Holder for Housing and Planning:-

*"I would like to begin by thanking the Committee for its consideration and recommendations.*

*As I have said on more than one occasion that the reasons for undertaking the Spendells project are never more valid. It will provide temporary accommodation for up to 30 families with children, a better place for them to be accommodated, than a hotel room, reducing the impact on both the children's education and the family's overall health.*

*This Council continues to face, as does the rest of the country, homelessness issues along with the provision of temporary accommodation, together with ongoing, and increasing, financial costs.*

*This project, even at an increased cost, remains the right thing to do.*

*An internal review is currently ongoing and we will understand in due course, fully, what has happened and what lessons there are to be learned.*

*Without seeking to deny the particular issues in relation to this project, particularly the unauthorised expenditure, it must be understood that all construction and major projects, such as this one, all carry inherent risks.*

*It is unfortunate that this project has had particular difficulties, but in line with the Committee's recommendations I am content to recommend to Cabinet that:*

- a) *the Chief Executive's formal review, when completed, be reported to the Cabinet including:*
  - i) *a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;*
  - ii) *the lessons learnt;*
  - iii) *articulating a robust response and action plan for going forward;*

- b) *Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response.*"

Having duly considered the recommendations made by the Resources and Services Overview & Scrutiny Committee together with the response of the Portfolio Holder for Housing and Planning thereto:-

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

**RESOLVED** that –

- (a) the Chief Executive's formal review, when completed, be reported to the Cabinet including:
- i) a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;
  - ii) the lessons learnt;
  - iii) articulating a robust response and action plan for going forward;
- (b) Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response.

**47. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.2 - ADOPTION OF A FILM CLASSIFICATION POLICY**

Cabinet considered a reference report (A.2) which enabled it to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Film Classification Policy.

It was reported that, under the Licensing Act 2003, the exhibition of a film to the public (with certain exclusions and exemptions) was defined as regulated entertainment. Regulated entertainment under the 2003 Act required an authorisation from the licensing authority, which, in the District of Tendring was this Council. The 2003 Act provided that where an authorisation permitted the exhibition of film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (BBFC), or by the licensing authority itself. A Film Classification Policy set out how a licensing authority would approach its responsibilities in this regard within the 2003 Act.

In undertaking its responsibility under the Licensing Act 2003, the Council must seek to promote the four licensing objectives set out in that Act. Those objectives were:

- *Prevention of crime and disorder*
- *Prevention of public nuisance*

- *Public safety*
- *Protection of children from harm*

Members were informed that a draft Film Classification Policy had been considered by the Licensing and Registration Committee (“the Committee”) at its meeting held on 25 March 2024. The Committee at that time had authorised consultation on the draft policy for a period of 8 weeks from 1 April 2024 to 26 May 2024. That consultation had been duly undertaken and had specifically included invitations to comment being sent to the licensees for the Electric Palace, Harwich; and the Picturedome Clacton Century. In addition, Responsible Authorities under the Licensing Act 2003, and representatives of premises licence holders had been approached to submit comments on the draft Policy. The draft Policy had also been made available to view, download and comment on through the Council’s website. Only the licensee for the Electric Palace had responded to the consultation and their submission was that the draft Policy: *“was extremely helpful and looked as expected. We are grateful for you sharing this with us”*. No other views on the draft Policy had been received.

Cabinet was made aware that the draft Policy sought to set out how this Council (as the licensing authority) would deal with the classification of otherwise unclassified films, together with appeals by distributors against the BBFC decisions as to the classification of a film or to reclassify films. The Council had previously made determinations on those matters. However, it did not have the benefit of a Policy to aid with consistency in those determinations.

This Council’s Licensing and Registration Committee (“the Committee”), at its meeting held on 24 July 2024 (Minute 7 referred), considered the matter again (including the responses received during the consultation). Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

***“RESOLVED*** that, having considered the outcome of the public consultation on a draft Film Classification Policy, it formally recommends to Cabinet that the policy attached to the Officer report (Appendix A) be adopted.”

The Policy referred to in the above decision of the Licensing and Registration Committee was set out at Appendix 1 to the reference report.

Cabinet had before it the following formal response submitted by the Housing and Planning Portfolio Holder. Under the Leader of the Council’s approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council’s Constitution, the Portfolio Holder for Housing and Planning was the designated Executive Member for overseeing licensing policy matters.

*“I am grateful for the work of the Licensing and Registration Committee in overseeing the development of the Film Classification Policy now presented to Cabinet for approval. I am happy to endorse the recommendation from the Committee that the Policy be approved.*

*This Policy compliments the Statement of Licensing Policy which, among other things, concerns itself with the regulation of the exhibition of films in the District. The Film Classification Policy provides a good framework for those wishing to show unrated films, as well as safeguarding children (by applying a set of rules around the rating to be applied to those otherwise unrated films).*

*I am also happy to propose a second recommendation to Cabinet as follows:*

*“That Officers be authorised, following consultation with the Portfolio Holder with responsibility for Licensing, to make minor amendments to the adopted Film Classification Policy in the event of legislative, statutory guidance under Section 182 of the Licensing Act 2003 or the framework adopted by the British Board of Film Classification changes impacting on that Policy.”*

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters):-

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

**RESOLVED** that –

- (a) the Film Classification Policy, as set out at Appendix 1 to the reference report (A.2), be adopted; and
- (b) Officers be authorised, following consultation with the Portfolio Holder with responsibility for Licensing, to make minor amendments to the adopted Film Classification Policy in the event of legislative, statutory guidance under Section 182 of the Licensing Act 2003 or the framework adopted by the British Board of Film Classification changes impacting on that Policy.

**48. LEADER OF THE COUNCIL'S ITEMS**

There were no matters referred to the Cabinet by the Leader of the Council on this occasion.

**49. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT PORTFOLIO HOLDER - A.3 - ADOPTION OF THE WASTE STRATEGY FOR ESSEX 2024-2054**

Cabinet considered a detailed report of the Environment Portfolio Holder (A.3) which, following consultation undertaken by Essex County Council, sought the agreement of Cabinet to endorse the adoption of the Waste Strategy for Essex 2024-2054.

Members were informed that the Waste and Emissions Trading (WET) Act 2003, (section 32) obliged authorities in 'two-tier' areas to have a Joint Strategy at all times, for the management of waste from households and other waste similar to household waste. The strategy policies must be kept under review and consulted on as appropriate. Essex County Council (ECC) as the waste disposal authority and the 12 waste collection authorities were therefore jointly obliged to maintain a Joint Strategy setting out how household and similar wastes were to be managed. The Joint Strategy currently in place was not fit for purpose and might not be in conformity with the requirements set out by the WET Act 2003.

It was reported that the 13 councils had worked together through Officer groups of the Essex Waste Partnership and also at Member groups, attended by the Leader of the Council and the Portfolio Holder for the Environment on behalf of the District of Tendring

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at the Essex Waste Partnership (EWP), to jointly develop a new Waste Strategy for Essex to comply with this duty.

Cabinet was made aware that the strategy provided a 30-year framework for how Essex councils would manage the waste collected by local authorities from homes, businesses and street cleansing. The focus of the strategy was to protect the environment whilst delivering high quality, value for money services that aligned fully with national policy and met local needs. The strategy identified the key areas of work to deliver the aims and ambitions of the partnership, shared targets and approaches for the management of waste. Following strategy adoption decisions, work would be undertaken to develop the required countywide and local action plans to deliver the aims and aspirations of the strategy.

It was detailed that a draft Waste Strategy for Essex had been developed and endorsed by the EWP for public consultation in June 2023. The consultation methodology had been designed in line with the HM Government's code of practice and the 'Gunning' principles. The design and delivery of the Waste Strategy for Essex consultation had been externally validated by The Consultation Institute (TCI) as best practice and the public consultation had commenced on 13 September 2023.

Members were advised that the 10-week public consultation had been facilitated by ECC on behalf of the EWP. Its purpose had been to provide residents, businesses and communities with an opportunity to have their say on the priorities and approaches proposed in the draft strategy. Respondents had also been able to provide feedback on the Strategic Environmental Assessment published alongside the draft strategy. Over the consultation period 4,545 consultation questionnaire responses had been received from across the County. The findings of the consultation exercise had then been independently analysed and used by the EWP to develop a final strategy.

It was felt that the Waste Strategy for Essex set a clear ambition and commitment to reduce the impact on the environment from dealing with the things people threw away. It was a 30-year strategy for the county of Essex that had been jointly developed by the Essex Waste Partnership, comprising the Borough, City and District Councils and Essex County Council.

It was considered to provide a framework for waste management informing the future design of waste services and a joined-up approach to waste treatment and disposal.

The final strategy had been submitted to each partner council for a decision on adoption and a copy of the Waste Strategy for Essex was attached at Appendix 1 to the Report of the Environment Portfolio Holder (A.3).

Given that the Portfolio Holder's recommendations would ensure that the Council continued to progress the future of this important statutory service whilst complying with the Waste and Emissions Trading Act 2003, (section 32) which obliged authorities in 'two-tier' areas to have a Joint Strategy at all times, for the management of waste from households and other waste similar to household waste:-

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

**RESOLVED** that Cabinet –

- (a) approves and formally adopts the Waste Strategy for Essex 2024-2054 in the form appended to the Environment Portfolio Holder's report (Appendix 1 to report A.3); and
- (b) notes that other Councils in the Essex Waste Partnership will be taking individual decisions on the adoption of the Waste Strategy for Essex 2024-2054 during 2024.

**50. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.4 - ADOPTION OF THE JAYWICK SANDS PLACE PLAN**

Cabinet considered a detailed report of the Housing and Planning Portfolio Holder (A.4), which provided it with the outcome of the public consultation and presented the Jaywick Sands Place Plan, as amended, for adoption.

Members recalled that Jaywick Sands had been designated as a Priority Area for Regeneration within the Tendring Local Plan. The Place Plan, prepared on behalf of the Council by specialists HAT Projects, had been developed to provide a comprehensive strategy for the area's revitalisation, focusing on the following key objectives:-

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

Strategic Interventions:

To realise those objectives, the Place Plan identified several strategic interventions that, subject to funding and resources, could be delivered either by the Council in partnership with other bodies or through other organisations or parties. Those interventions included:-

- *Upgrading flood defences and enhancing the seafront's public realm;*
- *Residential area enhancements, including the provision of replacement housing;*
- *Development of spaces dedicated to business, tourism, and local services;*
- *Refurbishment of public open spaces;*
- *Boosting accessibility and connectivity;*
- *Upgrading drainage infrastructure; and*
- *Continuous community engagement and stewardship.*

It was reported that the collective aim of those measures was to lift Jaywick Sands from its current position at the lower end of the English Index of Multiple Deprivation and bring about a positive and sustainable long-term future for the community; with a strong emphasis on working with the community to achieve that. The full implementation of the strategic interventions, as set out in the Place Plan, was projected to span 20 years, with phased improvements being the most feasible approach.

Cabinet was informed that public consultation on the draft Place Plan had been conducted from 20 November 2023 to 6 January 2024; which followed on from previous community engagement exercises. The feedback received had been overwhelmingly positive, indicating broad support for the strategic interventions. Notably, there were no formal objections from statutory consultees. The Consultation Report attached as an

Appendix to the Portfolio Holder's report offered an in-depth analysis of the feedback received.

Members were made aware that the strategic interventions set out in the Place Plan were together costed at more than £120 million for which, at present, there was no allocated funding. However, having this Place Plan would, for the first time, enable the Council and its partners to explore different avenues for funding and delivery, and have serious discussions with the Government and other potential investors that were based on a programme of tangible, properly costed and publicly supported proposals.

In order to support the continued ambition to bring about economic regeneration, improve the quality of life and tackle deprivation in Jaywick Sands through having a specific Place Plan that progressed the objectives for regeneration identified in the Council's Local Plan and as identified as one of Council's Corporate Priorities:-

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

**RESOLVED** that Cabinet -

- a) notes the contents of the Portfolio Holder's report (A.4) and takes into account the outcomes of the 2023/24 consultation exercise, as set out in the Consultation Report (attached as an Appendix to report A.4); and
- b) approves and formally adopts Tendring District Council's Jaywick Sands Place Plan (as attached as an Appendix to report A.4), as its overarching strategy for working with partners and the community to regenerate Jaywick Sands over a long-term period.

**51. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.5 - CONSIDERATION AND ADOPTION OF A HOUSING DOMESTIC ABUSE POLICY, NEIGHBOURHOOD MANAGEMENT POLICY AND RENT SETTING AND COLLECTION POLICY**

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.5), which present to it the following housing policies for approval and adoption:-

- Domestic Abuse Policy;
- Neighbourhood Management Policy; and
- Rent Setting and Collection Policy.

It was reported that these policies formalised the work that was already undertaken in the Housing and Environmental directorate.

The Domestic Abuse Policy acknowledged the devastating impact that domestic abuse had on victims, their families and the wider community and that this could happen to anyone, in any type of relationship. The Policy set out how this Council would work to identify domestic abuse early and to provide support to victims which would help to prevent homelessness and improve the safety and wellbeing of residents.



The Neighbourhood Management Policy recognised that keeping neighbourhoods safe and clean was an important part of providing a better quality of life for residents and could act as a deterrent to anti-social behaviour, neighbour nuisance and crime. The policy set out how this Council would maintain neighbourhoods by working with residents and partner agencies to keep neighbourhoods safe and clean.

The Rent Setting and Collection Policy outlined the method of calculating fair and affordable Council Housing rents and recognised that it was in the interests of both the Council and tenants to ensure that rent was paid promptly. However, when debts did occur, this Council would consider individual needs and work with partners to offer appropriate support aimed to sustain tenancies and minimise rent arrears. The rent collected enabled the Council to maintain and improve its homes and to provide effective landlord services.

Cabinet was informed that these policies complied with the Regulator of Social Housing's revised Consumer Standards that had come into effect from 1 April 2024.

In order to ensure that the policies were appropriately adopted, in accordance with the Council's Constitution and to evidence compliance with the regulatory standards:-

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

**RESOLVED** that Cabinet –

- (a) approves and formally adopts the Housing Domestic Abuse Policy, the Neighbourhood Management Policy and the Rent Setting and Collection Policy;
- (b) authorises their direct and immediate implementation, subject to the call in process; and
- (c) authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder responsible for Housing, to make future updates or amendments to these policies.

**52. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE AND PUBLIC REALM PORTFOLIO HOLDER - A.6 - SPORT AND ACTIVITY STRATEGY FOR TENDRING**

Cabinet considered a report of the Leisure and Public Realm Portfolio Holder (A.6), which presented a five-year Sport and Activity Strategy for its adoption, taking into account stakeholder comments, and following a public consultation process.

Cabinet recalled that, at its meeting held on 12 March 2024, it had considered a draft Sport and Activity Strategy and had agreed to initiate a consultation process on the document. Following that six-week consultation, Cabinet was now presented with a final version of an evidence-based Sport and Activity Strategy, to support delivery of the Council's priorities as set out in the newly adopted Corporate Plan. This strategy would set the direction for the Council's focus on supporting residents to become more physically active and working with partners to improve quality of life for local people.

Members were reminded that research by the Department of Health had demonstrated that increasing activity levels would contribute to the prevention and management of over 20 health conditions and diseases. Adoption of this strategy and the

accompanying action plan could support increased participation in physical activity levels in the District, from a historically low base, to improve health outcomes and all-round quality of life for local people.

Following conclusions drawn from the evidence base of the strategy and the consultation submissions, the following strategic objectives were considered to be key in delivering quality outcomes for local people:-

1. *Support improvement to Tendring wide health outcomes*
2. *Improve quality of life for all local people*
3. *Long term sustainability & quality of Sports Facilities and wider community offer*
4. *Ensure every resident is included in sport and active wellbeing*

It was noted that the strategy had been presented with a detailed action plan, to impact on all of objectives set out above. At their March 2024 meeting, Cabinet had allocated a one off sum of £122,530 from the budget for the former Joint Use Facilities towards the action plan. Although it would not be possible for the Council to fund all the actions listed, adopting an action plan would allow the Council to proactively identify external funding opportunities and link projects to future developer contributions/Section 106 monies. It was further recommended through the Portfolio Holder's report that a balance of £24,490 from a grant funding pot previously agreed by Cabinet to support users of the former Joint Use Facilities at Harwich and Brightlingsea Sport Centres, be allocated to support delivery of the action plan, bringing the total allocated to date to the delivery of actions within the delivery plan to £147,020.

Members were informed that a key focus of this work was to ensure that all residents felt represented by the strategy and were afforded increased opportunities to become 'active where they live.' This could be achieved by a much wider focus on community activity in all areas of the District, through supporting and facilitating local clubs, organisations and partners to continue and extend their important work. Building on the success of the Sport England Local Delivery Pilot Scheme (LDP), the Council had a role in supporting more active lifestyles in all areas of the District.

In order to facilitate, support and influence the Tendring sport and activity community to deliver the District wide focus of the strategy, at their March 2024 meeting, Cabinet had also endorsed the appointment of a two-year fixed term Community Sport and Activity Manager. This post would lead on promoting more sport and activity around the District through support for partners, clubs, organisations and sourcing additional funding for approved projects. This position could be part funded by vacant posts in the Sports Facility establishment and the budget allocated to support delivery of the final strategy.

It was felt that the strategy also set out clear aspirations to work with health partners in creating a new state of the art Active Wellbeing Centre in Tendring. This centre would include health and leisure facilities together in one place and act as a central hub linked to others across the District. Progress would be subject to funding agreements with partners, but this exciting proposition would align with national strategies and presented an opportunity for significant transformation and to create a national standard in this approach. At their March 2024 meeting, Cabinet had commissioned a feasibility study to explore the options and implications for developing a new Active Wellbeing Centre in the District; and this work was due to commence in September 2024. In addition to this, there was a commitment to review the current Sport Facilities in light of this development, to put the whole leisure estate on a sustainable financial footing. In order

to inform this aspiration to develop such a facility, it was recommended that a feasibility study be commissioned to ensure all appropriate implications were considered in any future decision making.

Cabinet was advised that, during the consultation period, the Council had considered comments on the strategy from local organisations, clubs, partners, education professionals, national governing bodies for sport (NGBs) and residents. Following an engagement process, the final strategy had been refreshed following due consideration of the feedback, both through online questionnaires and the stakeholder sessions which had been organised. A summary of feedback was included in the consultation section of the Portfolio Holder's report (A.6) and the outcome of the online resident's survey was included as Appendix B to that report.

In order to adopt a strategic approach towards sport and physical activity and to support local people and local communities to increase participation around the District:-

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

**RESOLVED** that –

- (a) the Sport and Activity Strategy 2024 – 2028, as set out at Appendix A to the Leisure and Public Realm Portfolio Holder's report (A.6), be approved and formally adopted;
- (b) in addition to the £122,530 assigned by Cabinet to the Sport and Activity Strategy at their meeting held on 12 March 2024, a further sum of £24,490, being the remaining balance from previously agreed Joint Use Sports Centre grant funding, be hereby allocated to support the delivery of the action plan; and
- (c) the Portfolio Holder for Leisure and Public Realm be authorised to prioritise the key actions from the Sport and Activity Strategy and the subsequent allocation of the approved Sport and Activity Strategy budget.

**53. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - EXTERNAL FUNDING REVIEW**

Cabinet considered a report of the Partnerships Portfolio Holder (A.7), which proposed a revised approach and process for the Authority to make decisions in respect of External Funding for allocating grant funding and/or other financial assistance / support in the future, in line with the Council's Corporate Vision and Priorities.

It was reported that the revised approach set out the parameters for allocating funding to ensure a consistent approach was followed and supported by Portfolio Holder decisions. Although a high level framework and checklist approach was recommended for approval through this Portfolio Holder report, further to this decision, an External Funding Policy would be developed and submitted to the Audit Committee in order to support the governance around the allocation of External Funding.

Cabinet was informed that the External Funding Policy would be approved by the Leader of the Council, acting in his capacity as Portfolio Holder for Corporate Finance and Governance, as to be adhered to and applying across the Council for all areas, not just within specific portfolio responsibilities. However, in the interim the high level

framework would apply with immediate effect to all external funding and should be followed prior to the expiry of any existing arrangements.

Having considered existing provision across the organisation, the Council's Corporate Plan and Priorities, legislative requirements, and how external funding can be accepted and/or allocated in the future:-

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

**RESOLVED** that Cabinet –

- a) approves the External Funding High Level Framework, as set out in Appendix 1 to the Partnerships Portfolio Holder's report (A.7), which provides a process for the acceptance of external funding provision, a process for the provision of financial assistance to external bodies and other allocation of funding, with immediate effect;
- b) agrees that an External Funding Policy be developed for approval by the Leader of the Council, in his capacity as the Portfolio Holder for Corporate Finance and Governance, to complement the External Funding High Level Framework, and that it be presented to a future meeting of the Audit Committee for their support and assurance on the governance processes; and
- c) requests that external and internal communication on the Council's new arrangements for External Funding be undertaken ensuring the Council complies with its obligations under its Best Value Duty and statutory guidance.

**54. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.8 - HOUSING OMBUDSMAN FINDINGS AND OTHER INCIDENTAL AND RELATED MATTERS**

Earlier on in the meeting, as detailed under Minute 42 above, Councillor Chapman BEM had declared an interest in this item insofar as she had had contact with the individual concerned in 'Complaint 1' (202302247). Councillor Chapman therefore withdrew from the meeting at this time.

Members were reminded that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission had given rise to maladministration. This Monitoring Officer report (A.8) concerned actions that the Housing Ombudsman had determined were maladministration/service failings. The report set out two findings by the Housing Ombudsman since the last meeting of Cabinet.

Cabinet was advised that this report was also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Housing Ombudsman.

It was reported that the Housing Ombudsman had recently determined two complaints received by it and had found that there had been maladministration in those two cases. Summaries of the two cases were set out in the Monitoring Officer's report. Through this report, the Monitoring Officer was bringing the matters to the attention of the Cabinet as the matters concerned executive functions of the Council. Cabinet was particularly requested to note the findings/orders/recommendations from the Housing

Ombudsman, the compliance with those matters by the Council and the wider learning points set out.

In addition, within the 'Background' section of the Monitoring Officer's report there were other incidental and related matters concerning the Council's compliance with the Ombudsman's Code, complaints performance and service improvement and an intention to report to the Audit Committee (on 26 September 2024) in relation to the Local Government and Social Care Ombudsman's Annual Letter for 2023/24 in respect of complaints submitted to that Ombudsman Service.

Having duly considered the information provided in the Monitoring Officer's report and to comply with the Constitution:-

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

**RESOLVED** that Cabinet notes the Monitoring Officer's report (A.8) and, in particular:-

- (a) the findings/orders/recommendations from the Housing Ombudsman in the two cases covered by this report, the compliance with those matters by the Council and the wider learning points set out; and
- (b) the incidental and related matters concerning the Council's compliance with the Ombudsman's Code, complaints performance and service improvement and the intention to report to the Audit Committee (on 26 September 2024) in relation to the Local Government and Social Care Ombudsman's Annual Letter for 2023/24 in respect of complaints submitted to that Ombudsman Service.

The Meeting was declared closed at 11.18 am

**Chairman**

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## CABINET

21 OCTOBER 2024

### JOINT REPORT OF THE LEADER OF THE COUNCIL & THE MONITORING OFFICER

#### **A.1 HIGHLIGHT PRIORITY ACTIONS 2024/25 TOWARDS THE CORPORATE PLAN THEMES – MONITORING REPORT AT THE HALF YEAR POINT AND REFERENCE UNDER SECTION 5 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989**

##### **PART 1 – KEY INFORMATION**

###### **PURPOSE OF THE REPORT**

To provide the Cabinet with an update on the positive progress with Highlight Priority Actions adopted for 2024/25 towards the Council's Corporate Plan Themes 2024/28.

To inform Members of a breach of the Council's Policy Framework and legal decision making requirements with regards to the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).

###### **EXECUTIVE SUMMARY**

The Corporate Plan 2024/28, adopted by Council, sets out the strategic direction and policy objectives for the Council over that period. Taking the Corporate Plan Themes, Cabinet on 12 March 2024 adopted a series of highlight priority actions for 2024/25. This was followed, on 14 June 2024 with individual milestones for each of those actions being determined by the Leader. This meeting of Cabinet provides an opportunity to report on the six month position on each of those highlight priority actions and the specified milestones.

Circumstances generally, and with progressing individual key priority actions may impact on the individual milestones associated with those actions. This report invites Cabinet to realign those milestones as set out in the Appendix to this report.

In addition to the highlight priority actions, Cabinet also approved a performance reporting arrangement for those actions and the milestones associated with those priority actions. In accordance with that arrangement, the detail of performance at the end of Quarter 1 (for April to June) was placed on the Council's website in the Transparency data section. All Councillors were advised by email of the data being placed there. The arrangement envisaged reporting on the six month position to this meeting of Cabinet. The Q3 position on the key priority actions for 2024/25 is to be reported to Cabinet on 31 January 2025 when it is intended it will finalise its proposals for highlight priority actions for 2025/26. This meeting will also recommend the Council's budget for 2025/26. The final position at the end of 2024/25 in respect of the highlight priority actions for that year will also be reported in 2025/26 and it is hoped to align this with the budget outturn position.

In considering this report, it is also worth reflecting on the range of significant matters that the Council has delivered in these six months. It has been a busy six months and a range of the bids, and deliverables in that period are set out in the Background section of this report.

The Monitoring Officer is a co-author of the Report, only in so far referencing the Section 5A of the Local Government and Housing Act 1989 obligations. It has recently come to the

Monitoring Officer's attention that the Council has not approved and adopted the priorities presented to the Crime and Safety Partnership, which is an omission. Further information is contained within the Legal Requirements and Monitoring Officer comments sections of the Report below.

### **RECOMMENDATION(S)**

**It is recommended that Cabinet:**

- (a) notes the contents of the report together with the highlighted realignment of particular milestones for particular highlight priority actions, as set out in Appendix A;**
- (b) receives and considers the Monitoring Officer's report in respect of the position in relation to the formulation and implementation of a Crime and Disorder Strategy for the Council as required under Sections 5 and 6 of the Crime and Disorder Act 1998; and**
- (c) subject to (b) in response, requests an update from the Portfolio Holder for Partnerships on the proposed form of action to resolve the historical omission at the next meeting of Cabinet complete with timescales.**

### **REASON(S) FOR THE RECOMMENDATION(S)**

Through this report, the progress with the approved specific highlight priorities to deliver against the Corporate Plan 2024-28 Themes are set out for the public record. Accordingly, the report provides the opportunity to review progress with a number of initiatives and projects specifically identified for 2024/25 towards the ambitions in the 2024/28 Corporate Plan.

In order to formally receive the Section 5 report from the Council's Monitoring Officer and to consider its contents and Cabinet's response thereto.

### **ALTERNATIVE OPTIONS CONSIDERED**

Consideration was given to not submitting this report. However, that would be contrary to the approach adopted by the Council for monitoring and reporting on performance against the milestones for the highlight priorities for the year. This information rightly should be in the public domain.

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

### **DELIVERING PRIORITIES**

The Council approved a Corporate Plan for 2024/28 and this established its strategic direction for those four years. That strategic direction itself seeks to reflect the issues that matter most to the local people, the national requirements from Government and the challenges that face the District over that time period. The Corporate Plan was adopted unanimously at the Council meeting on 28 November 2023 (Minute 76 refers).

The themes of the 2024/28 Corporate Plan are:

- Championing Our Local Environment
- Pride in Our Area and Services to Residents



- Working with Partners to Improve Quality of Life
- Raising Aspirations and Creating Opportunities
- Promoting Our Heritage Offer, Attracting Visitors and Encouraging Them to Stay Longer
- Financial Sustainability and Openness

The Corporate Plan shapes and directs the Council's work and an extensive range of actions have been, are being and will be undertaken across the 2024-28 life of the Plan to deliver against its themes and priorities.

The Highlight Priority Actions adopted by Cabinet on 12 March 2024 seek to take forward the Corporate Plan. This meeting of Cabinet provides the opportunity to review progress with the Highlight Priority Actions adopted and realign the milestones for certain of those Highlight Priority Actions in view of the circumstances that now require this. This detail is set out at Appendix A to this report.

Within Appendix A, the opportunity has been taken to update Cabinet as a whole on delivery of five highlight priorities for which there was no specific milestone for Q2. These highlight priorities are:

- A3(b) - Progress the review of the Local Plan to support sustainable development of quality housing for a range of tenures.
- B4 - Take the opportunities afforded by Freeport East and the development of Bathside Bay.
- D1 - To support projects to reduce Health inequalities e.g. around Fuel Poverty and access to the jobs market.
- D2 - To expand the Pupil Encounters' Project, to provide all school children with additional encounters with businesses and employers throughout their Education.
- D5 - Establishing the feasibility for a new wellbeing hub in the District
- F2 - Review its communication strategy.

In all of the above cases, the progress shown in Q2 demonstrates the delivery of the priorities is progressing as envisaged with the intended outputs/outcomes.

In respect of the position set out in Appendix A, all highlight priorities are at low risk of not being delivered. As such, the overall rating for each of the highlight priorities is 'Green'. The Appendix then sets out the position for performance in Quarter 1 (Q1 – April to June) and Quarter 2 (Q2 – July to September) of 2024/25 against the approved milestones for each of those highlight priorities. The Q1 position was discussed with Portfolio Holders and then published in the summer following the end of that Quarter.

The Q2 position is now presented to Cabinet and represents performance to the half year point. Appendix A shows that against eight of the milestones scheduled for Q2, they have either been completed fully or substantially within the quarter (and are therefore shown as Green). A further four milestones have seen good progress within the quarter and are shown as Amber with one highlight priority Q2 milestones showing as 'Red' as progress has not been achieved as originally envisaged.

The one 'Red' milestone concerns the safer streets funded project to improve lighting and extend CCTV coverage in Clacton on Sea's Town Centre. The commentary in Appendix A against that highlight shows the position that has been achieved with a view, and a

commitment, to deliver the scheme (albeit it to a different timeline than was originally envisaged).

**OUTCOME OF CONSULTATION AND ENGAGEMENT** (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The Portfolio Holders concerned have been consulted by the relevant lead officers in respect of the relevant highlight priorities before finalisation of the detail set out in this report and its Appendix.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> <del>Significant effect on two or more wards</del> <input type="checkbox"/> <del>Involves £100,000 expenditure/income</del> <input type="checkbox"/> <del>Is otherwise significant for the service budget</del>
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	Not applicable.

The legal implications of individual actions are assessed when they are brought forward for formal decisions to be made. A number of these decisions will be designated 'Key' Decisions. Consideration of legal implications can then require additional steps to be undertaken which could impact on approved milestones and require them to be realigned.

**Section 6 Crime and Disorder Act 1998 - formulation and implementation of strategies**

(1) The responsible authorities for a local government area shall, in accordance with section 5 [with subsection (1A)] and with regulations (\*) made under subsection

(2), formulate and implement—

- (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
- (c) a strategy for the reduction of re-offending in the area; and
- (d) a strategy for—
  - (i) preventing people from becoming involved in serious violence in the area, and
  - (ii) reducing instances of serious violence in the area.

(\*) The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007, Regulation 3.— Functions in respect of the formulation and implementation of a strategy -

(1) For each area there shall be a strategy group whose functions shall be to

- (a) prepare strategic assessments; and
- (b) prepare and implement a partnership plan, for that area on behalf of the responsible authorities.

Regulation 5.—

- (1) During each year the strategy group shall prepare a strategic assessment on behalf of the responsible authorities.
- (2) The purpose of the strategic assessment is to assist the strategy group in revising the partnership plan.

The approval of the Strategy/Partnership Plan is a function which must go to Full Council for approval, and whilst this is set out in our Constitution, as part of the Council's Policy Framework, this is because it's a statutory requirement under Regulation 4(1) and Schedule 3 (Functions not to be the Sole Responsibility of an Authorities Executive) under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000). Schedule 3 specifically refers to the Crime and Disorder Reduction Strategy under Sections 5 and 6 of the Crime and Disorder Act 1988 and remains current law and in force.

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

I have made enquiries with the relevant department in respect of the current position with regards to the Crime and Disorder Reduction Strategy required un the Crime and Disorder Act 1998 and to date have been informed the Council does not have an up to date approved Strategy or Partnership Plan approved. Reference has been made to the Crime and Safety Partnerships Strategic Assessment however, as the legislation as set out above confirms, the purpose of this assessment is to assist the strategy group in revising the partnership plan. Further information is required to determine how this omission will be resolved.

The Crime and Disorder Act 1998 imposed a duty on certain key public sector organisations to work together to make places safer. The Act created Crime and Disorder Reduction Partnerships (now known as Community Safety Partnerships or CSPs), which brought together the police, local authority, fire and rescue services, health, and probation to formulate strategies for the reduction of crime & disorder. Tendring has a CSP and may have produced a strategy or priorities setting out an overarching framework for the Tendring CSP to reduce crime & disorder in the coming years, however this must be approved and adopted by the Council, following a recommendation from Cabinet. Upon approval of the strategy, an annual Strategic Assessment would inform the Partnership action plan and overseen by the partnership to drive focussed action and resource deployment for the coming year.

This is a report issued under Section 5 of the Local Government and Housing Act 1989 to inform Members that Tendring District Council, has omitted to comply with the legal requirement to approve and adopt a Crime and Disorder Reduction Strategy. The Council is required by law to consider this report and decide what action (if any) to take in response.

The Chief Executive and the Assistant Director (Finance & IT) & Section 151 Officer have both been consulted on this report, as required by the legislation.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

The Highlight Actions set out at Appendix A includes the delivery of the financial savings target within the Medium Term Financial Strategy. In considering all matters, it is vital that the balance of resources can be accommodated by this Council and that it does not place further strain on the Council being able to balance its budget each year.

✓	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Although there are no significant comments over and above those set out elsewhere in the report it is worth repeating the point above relating to how essential it is to balance resources. This can be done through careful planning and prioritising resources to meet competing issues such as funding existing services / business as usual functions, 'spend to save' initiatives along with delivering the Council's objectives.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The development of the annual highlight priorities alongside the preparation of the budget for the following financial year provides for both processes to take account of each other and support good resource allocation.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The identification of key milestones associated with the highlight priorities ensures that the Council is able to check, reconsider and respond to situations that arise in the implementation of the annual priorities. It further assists in keeping the focus of the Council on its multi-year Corporate Plan objectives.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The identification of highlight priorities each year is intended to specifically assist the Council to concentrate on those priorities and provides a rationale for resource allocation towards delivery. The golden thread from the Corporate Plan, to the Highlight priorities, through to their milestones for delivery and the reporting on progress is designed to support good performance management in resource allocation.

**MILESTONES AND DELIVERY**

This report is programmed for the first meeting of Cabinet following the end of Q2. As such, by collating and presenting this report, Cabinet is supported to receive timely information on all of the highlight priorities for 2024/25.

**ASSOCIATED RISKS AND MITIGATION**

Through this report Cabinet is able to review performance and project management of key highlighted priorities across the various Portfolio Holder responsibilities. As such, it can consider risk associated with those highlight priorities and determine appropriate action.

**EQUALITY IMPLICATIONS**

Due consideration has been given to the public sector equalities duty in the preparation of this report. Decisions on individual priorities will be subject to equalities assessments.

**SOCIAL VALUE CONSIDERATIONS**

The content of this report does not, of itself, involve social value considerations. The

development of a social value policy by the Council is underway and will guide procurement decisions going forward.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
The report has also had regard to the Climate Change Strategy and Action Plan as adopted by the Council. A key action proposed in Appendix A is to take forward the delivery of the actions under that Strategy/Action Plan and thereby achieve its objectives as approved by Council.	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	In preparing this report, due regard has been given to the likely effect of the exercise of the Council's functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
<b>Health Inequalities</b>	Through the Appendix some specific steps the Cabinet has highlighted to address health inequalities are set out.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)</b>	Not applicable to this report.
<b>Area or Ward affected</b>	All Wards

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

<b>BACKGROUND</b>
<p>The Highlight Priority Actions for 2024/25 (and the performance monitoring arrangements for these) were proposed in draft form by Cabinet at its 15 December 2023 meeting and, with the agreement of the Chairmen on the two Overview and Scrutiny Committees, the Overview and Scrutiny Committees considered the proposals and submitted comments on them. The outcome of the consultation was then submitted to the 12 March 2024 meeting of Cabinet when the finalised Highlight Priority Actions were approved for 2024/25 (and the performance reporting arrangements).</p> <p>The half year position on the delivery of the Highlight Priority Actions for 2024/25, and the related milestones are set out at Appendix A to this report.</p> <p>In considering this report, Cabinet is also reminded that this first half year of 2024/25 has seen the following significant matters:</p> <p><b>High Street Animated with Transformation and Fun Event</b> – a free Easter event was held in Dovercourt with around 3,000 people that attended. It included a climbing wall, trampolines, teacups ride and fairground stalls hosted on Orwell Place – the former derelict Starlings site that was transformed by Tendring District Council (TDC) into a car park and used for public events. The Easter event was a chance to demonstrate a fragment of the work delivered so far through the government's national High Street Accelerator Pilot Programme.</p>

**Advice and Information on Applying for Grant Opportunities Available at Event** - Details on a wide-range of grants – and how to apply for them – were given alongside top tips at a Tendring4Growth event on 15 April 2024. The free open call event launched numerous grant schemes funded from Tendring District Council's (TDC) UK Shared Prosperity Fund and Rural England Prosperity Fund allocations from the government.

**Find a New Role of Career at Jobs and Skills Fair in Jaywick Sands** – A jobs and skills fairs was held at the Sunspot in Jaywick Sands on 14 May 2024 and featured a variety of employers, training providers and organisations from across Tendring. The event was been organised by the Department for Work and Pensions (Jobcentre Plus) in partnership with Tendring District Council (TDC).

**Essex Sunshine Coast picks up three prestigious Blue Flag Awards** - Seven beaches in Tendring have been handed prestigious awards by Keep Britain Tidy – including three Blue Flags. Beaches along the Essex Sunshine Coast have today (Wednesday, 15 May) been awarded the prestigious Blue Flag for 2024, including Frinton, Brightlingsea and Dovercourt Bay. In addition, Harwich, Walton-on-the-Naze's Albion and Naze beaches, and Martello Bay in Clacton, have all been given Seaside Awards in recognition of their quality.

**Mental Health Hub in Clacton gets £28k boost** - A unique mental health hub in Clacton has been given a £28,000 boost thanks to Tendring District Council (TDC). The Mental Health Hub, run by Citizen's Advice Tendring, is a one-stop shop to provide assessment and intervention for vulnerable residents with poor mental health. The hub, in High Street, provides a broad range of support, including an opportunity for volunteering which may help to lead to employment. The hub, which was set up nine years ago, is funded by TDC, Essex County Council, the Police, Fire and Crime Commissioner and the NHS Suffolk and North East Essex Integrated Care Board. TDC's Cabinet on Friday, 24 May allocated £28,000 to the hub after hearing that without the funding provided by the council it may not be able to continue.

**Essex Textiles Service Rolled Out In Tendring** - Tendring District Council (TDC), in partnership with Essex Textiles, introduced a new service, which runs separately to the regular waste and recycling collection. It means households will be able to put out unwanted textiles, such as clothing and shoes. At no cost and self-funded, the Essex Textiles service also rolled out in other neighbouring areas such as Colchester.

**Princes Theatre Named Among Top Ten Percent Of Attractions Worldwide** - Clacton's historic Princes Theatre was handed a prestigious Travellers' Choice award by Tripadvisor for the ninth year running. It was the theatres ninth consecutive Travellers' Choice award.

**Four Parks And Garden In Tendring Recognised As Some Of The Best In The Country** - Clacton Seafront Gardens, Weeley Crematorium and Gardens, Cliff Park in Dovercourt and Crescent Gardens in Frinton were awarded the accolade - the international quality mark for parks and green spaces. Awarded by Keep Britain Tidy, the Green Flag scheme assessed the visual aspects of each site, such as its beauty, horticulture and cleanliness, and community involvement, access and management.

**Beachgoer And Beach Patrol Praised After Women Rescued From The Sea In Clacton** - A beachgoer and members of Beach Patrol were praised after a woman was rescued from the sea after getting into difficulty. The Beach Patrol Team was alerted to the incident

following a report to Dover Coastguard on Monday, 29 July, at about 2.05pm. The Beach Patrol team was quickly on the scene, close to St Paul's Road, alongside paramedics from the East of England Ambulance Service.

**Car parks across Tendring handed top safety awards** - A total of 15 Tendring District Council (TDC) facilities have been awarded The Safer Parking Award Scheme Park Mark from the British Parking Association this summer. Each car park has passed an assessment relating to the quality of lighting, cleanliness, security measures and quality management.

**Sea defence works begin at Walton's Naze** - Sea defence works have got underway at the Naze in Walton as part of a scheme to protect the natural environment from long-term damage. The Tamarisk clay sea wall – the result of previous sea defence works – is being extended to provide protection for Hamford Water, a Site of Special Scientific Interest. In addition a new access ramp will be installed – serving both these works, and any future sea defences or maintenance needed in the area. This scheme, drawn up in partnership with the Environment Agency and Natural England, aims to protect Cormorant Creek from being overwhelmed by the sea and wiping out significant natural habitat – which would also put homes and businesses around Hamford Water at risk.

**Leisure Centre Income** - The income from leisure centres continues to remain buoyant with increased demand / users. This is reflected in the financial update report elsewhere on the agenda for this meeting of Cabinet. As that report sets out, the leisure centre income adjustment reflects the estimated annual position for 2024/25 which will be subject to review as part of developing the long- term forecast in terms of the on-going impact and investment opportunities such as those set out within the Sports and Activity Strategy.

**Treasury Income** - Although the base budget was increased by £975k in 2024/25, cash balances and interest rates remain more favourable than originally expected at the end of July 2024. This item is also reflected in the Savings Plan reported elsewhere on the agenda for this meeting of Cabinet.

**Council Tax** - the collection performance at the end of Q1 2024 is 29.37%, an increase compared with the 27.78% reported at the end of the same period last year.

**Increasing attendance at the Princes Theatre** – At the end of Q2 2024 the number of attendees at the theatre was 20,638, an increase of 760 compared to the figure of 19,878 at the end of the same period last year.

#### **PREVIOUS RELEVANT DECISIONS**

Cabinet of 12 March 2024 (Minute 101 refers).

Leader of the Council on 14 June 2024 (Highlight Priorities for 2024/25 Quarterly Milestones)

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

#### **APPENDICES**

**A – Q2 Position for Council's Highlight Priorities**

<b>REPORT CONTACT OFFICER(S)</b>	
<b>Name</b>	<b>Keith Simmons</b> <b>Hattie Dawson-Dragisic</b>
<b>Job Title</b>	<b>Head of Democratic Service &amp; Elections</b> <b>Performance and Leadership Support Officer</b>
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# A.1 APPENDIX

**TENDRING DISTRICT COUNCIL MONITORING REPORT FOR THE HIGHLIGHT PRIORITY ACTIONS FOR 2024/25**  
(Please refer to the Highlight Priority Actions Report for Full Details of the actions, budget and intended outcomes)

**REPORT FOR THE PERIOD JULY TO SEPTEMBER 2024 (Q2)**

OVERALL HIGHLIGHT PRIORITY ACTION RAG STATUS	The Quarterly Milestones RAG Status uses the following:
Green – There is a LOW risk the Highlight Priority Action will not be delivered Amber – There is a MEDIUM risk the Highlight Priority Action will not be delivered Red - There is a HIGH risk the Highlight Priority Action will not be delivered	Green – 66% or higher Amber – 33% - 65% Red – 32% or less

*Note: Where Milestone dates preceded the start of the financial year they have been included in Q1 for reporting purposes.  
Likewise, milestones after the end of the financial year have been added into Q4.*

*Where circumstances now require realignment of milestones these are shown highlighted yellow in both the Milestones and the Commentary columns. Where the original milestone is to be deleted it is shown as 'struck through' and where it is inserted in its new realigned position it includes the word REALIGNED.*

Relevant Corporate Plan Priority Theme	Relevant Corporate Plan Priority	Portfolio Holder	Highlight Actions to support the Corporate Plan Priority in 2024/25	Overall key Actions RAG Status	Quarter	Milestones	Quarterly Milestones RAG Status	Commentary
Pride in our area and services to residents	A1 Getting the basics right.	Cllr Mark Stephenson	Extend a 'You said, we did' approach to all major services to the public across the Council	Green	Q1	<p><del>Identify ten Council services to implement "You Said, we did". Then approve and implement this approach in those service areas.</del></p> <p>The mechanism for "You Said, we did" to be determined by the relevant Portfolio Holder subject to approval by the Leader (including mechanisms for customer feedback, timetable for consideration and communication of response).</p>	Amber	<p>There is a need to realign the two A1 milestones to Q2 due to the Police Fire and Crime Commissioner Election that took place in May and the UK Parliamentary General Election that took place in July. However, the following actions have been taken in support of a "You Said, we did" approach.</p> <p>The areas we have implemented "You Said, we Did":</p> <ul style="list-style-type: none"> <li>You said, what has happened to the Tour de Tendring cycle race after the pandemic? We worked with the event organisers to bring the Tour de Tendring back in May 2024</li> <li>You said, derelict sites in Dovercourt need to be cleared up and regenerated We bought the sites and changed the capital regeneration programme to put new homes on them</li> <li>You said that Dovercourt Town Centre was looking tired We have cleaned the shop fronts and made visual improvements to the empty shop windows and added hanging baskets in the town through the High Streets Accelerator programme.</li> </ul>

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					<p>Q1</p>		<ul style="list-style-type: none"> <li>You said, the flume unavailable for duration of swim session at Walton- on-the-Naze Lifestyles.</li> </ul> <p>Now have a clearly defined opening timetable for the flume during Fun Float Splash &amp; Swim for All sessions.</p> <ul style="list-style-type: none"> <li>You have said that the classes are oversubscribed, and people are joining that have not booked.</li> </ul> <p>We have introduced class registers to stop people joining the class who either haven't booked or people just walking in and being over attended.</p> <ul style="list-style-type: none"> <li>You have said that there was not enough changing room space at Clacton Leisure Centre since the closure of the gym changing rooms.</li> </ul> <p>We took the step of reopening the upstairs changing rooms for changing only.</p> <ul style="list-style-type: none"> <li>You said that the wet side changing room floor condition is poor at Dovercourt Bay Lifestyles and in Jun 2023.</li> </ul> <p>We replaced the flooring along with new panelling in shower area and accessible change.</p> <ul style="list-style-type: none"> <li>You said that the waiting time in Essex Hall was too long during Theatre performance intervals.</li> <li>A kiosk was opened in the main foyer selling soft drinks, ice creams and snacks, which reduced the number of people in the bar area.</li> </ul>
					<p>Q2</p> <ul style="list-style-type: none"> <li><del>REALIGNED - Identify ten Council services to implement "You Said, we did". Then approve and implement this approach in those service areas.</del></li> <li><del>REALIGNED - The mechanism for "You Said, we did" to be determined by the relevant Portfolio Holder subject to approval by the Leader (including mechanisms for customer feedback, timetable for consideration and communication of response).</del></li> </ul>	<p>Amber</p>	<p>As set out in Q1 and later in this Q2 commentary, the Council continues to listen to its customers and the wider public and respond positively to suggestions it receives. The need for the current milestones in the form in which they are written does not reflect that existing good work.</p> <p>As such, it is proposed that the milestones going forward seek to identify the opportunities for 'You said, we did' across the Council, review and support existing schemes for feedback (and extend those schemes) and pilot further areas for 'You said we did'.</p> <p>Examples from Q2 of You said, we did:</p>

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- **NEW - Identify the opportunities for 'You said, we did' across the Council, review and support existing schemes for feedback (and extend those schemes) and pilot further areas for 'You said we did'.**

- We received requests around specifically consulting with older residents about the Dovercourt town centre regeneration schemes. In response to this, we are going to connect with U3A about proposals for developing Milton Road Car Park.
- Requests were made for us to provide grant application advice to business and community groups.' In response, a workshop under the Tendring 4 Growth banner was held which supported local businesses and organisations to complete grant funding applications.
- Improvements to disabled access to the swimming pool at Walton on the Naze Lifestyles were requested. In response, we have purchased a new pool hoist to further improve access to customers with disabilities'
- The Planning Agents Forum provided an opportunity for feedback on service delivery and capture experiences from agents.
- The Pre Application Service in Planning continues to evolve to assist those investigating development opportunities.
- In relation the Tendring-Colchester Borders Garden Community there is a Community Liaison Group (which has been utilised as a sounding board as the proposals and planning policies have been developed.
- The Council, as landlord, has been gathering a range of data around Tenant Satisfaction and this is informing delivery of services to tenants. Residents have told us they sometimes struggle to organise their finances to keep up with rental payments. Our tenancy management team have introduced a new role dedicated to providing advice and support to our tenants.
- The development and implementation of the Dog Public Spaces Protection Order (PSPO) - residents have said they want more enforcement in respect of dog fouling. The PSPO has been implemented to address this request.

Reviews are to be programmed to pilot feedback mechanisms for IT's internal customers and for Revenues and Benefits public customers.

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							Likewise, Licensing will be looking to implement feedback arrangements for licensees/applicants.	
					Q3	<ul style="list-style-type: none"> <li>Review implementation of "You said, we did" schemes and refine as necessary.</li> <li>NEW - Identify the opportunities for 'You said, we did' across the Council, review and support existing schemes for feedback (and extend those schemes) and pilot further areas for 'You said we did'.</li> </ul>		
					Q4	<ul style="list-style-type: none"> <li>Consideration of the schemes in the 10 Council services and proposal to extend the approach across the Council 2025/26.</li> <li>NEW – review the experience across 2024/25 and determine the approach to 'You said, we did' for 2025/26</li> </ul>		
Pride in our area and services to residents Page 36	A2, A3(a), A3(b) Supporting decent housing for residents	Cllr Andy Baker	<p>A2 In the Council's own housing stock – driving improvement with expanded estate management and well-informed enhancements around kitchens and bathrooms etc. Enhanced tenancy engagement.</p> <p>A3(a) More widely, develop a revised Housing Strategy to address the needs of the District and its residents.</p>	Green	Q1	<p>A2:</p> <ul style="list-style-type: none"> <li>Receive the stock condition survey of the first 300 Council properties and evaluate the necessary implications on the Housing Investment Programme (HIP).</li> </ul>	Green	A2: Initial sample of surveys was received (representing 290 properties). The surveys highlighted a small number of urgent repairs which were ordered promptly. The survey results informed a minor refocussing of the HIP programme towards energy efficiency and anti-condensation measures which were adopted by the Portfolio Holder in setting the programme allocations.

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			<p>A3(b) Progress the review of the Local Plan to support sustainable development of quality housing for a range of tenures.</p>		<p>A3(b):  <b>Issues and Options consultation for 'Local Plan' – Spring 2024</b></p>	<p>Amber</p>	<p>A3(b): Due to the General election and the consequential implications on the Council during the pre-election period, there is now a need to realign all the A3(b) milestones:</p> <ul style="list-style-type: none"> <li>- Q1: Issues and Options consultation for 'Local Plan' – Spring 2024 to be realigned to Q4.</li> <li>- Q3: Preferred Options Consultation for 'Local Plan' – Autumn 2024 to be realigned to Q4.</li> <li>- Q4: Submit Draft Consultation for Local Plan' – Spring 2025 to be realigned to Q1 2025/26</li> <li>- Q4: Seek Full Council approval of Local Plan to be realigned to Q3 2025/26</li> </ul> <p>There is a need to amend the wording for the milestone A3(b) to reference the Local Plan as opposed to the Local Development Scheme (LDS) this is due to the LDS being a document that includes the timetable and programme for producing the Local Plan and other planning documents and this milestone is specifically for the Local Plan.</p>
				<p>Q2</p>	<p>A2:</p> <ul style="list-style-type: none"> <li>- Deploy four tenant engagement officers, following recruitment and training.</li> <li>- Completion of Spendells refurbishment for temporary accommodation.</li> <li>-</li> </ul>	<p>Green</p>	<p>A2: The recruitment of four tenant engagement officers has been completed with the most recent appointed in July 2024. One of the appointed tenant engagement officers has been supporting tenants with financial debt, providing them with advice and support and helping them to maximise their benefit income thereby reducing their chances of falling into rent arrears. Three of the officers are focussing on more general tenant engagement with a rolling programme aiming to visit, in person, all of the Council's tenants over a rolling 3 – 4 year period.</p> <p>In relation to the Spendells House refurbishment, the current position is to achieve hand over on 1 November although this is dependent upon the building contractor completing in time. Some rooms / wings are likely to become available for final set up with furniture sooner than that. All of the furniture for Spendells House is on order for delivery. Commencing use is dependent on the establishment of key IT related connections, installation of furniture and a short period of staff familiarisation; all of which is being undertaken in overlap with the building contractor where safe and feasible.</p>

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					<p><b>A3(a):</b> Housing Strategy review complete.</p>	<p><b>Green</b></p>	<p><b>A3(a):</b> Work has commenced on the writing of a new housing strategy that has four core areas. This process will include a review of the current strategy with that review built into the report accompanying the new strategy. Some strands from the current strategy will be carried across into the new one.</p> <p>Substantial progress has been taken on this milestone and whilst it is not complete it will be completed in good time to meet the other targets throughout the year.</p> <p>The Housing Strategy will reflect the known direction of the new Government and also set out the Council's approach to housing need in the District, ongoing homelessness and temporary accommodation pressures, Council housing stock management and maintenance</p>
					<p><b>A3(b) – No specific milestone for Q2.</b></p>	<p><b>Green</b></p>	<p><b>A3(b):</b> The Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government wrote to Leaders and Chief Executives on 30 July 2024 in respect of Government intentions for building homes, housing targets and the proposed changes to the National Planning Policy Framework (NPPF). A briefing on the implications and options for this Council and the District was provided at the All Member Briefing on 4 September 2024.</p>
				<p><b>Q3</b></p>	<p>A3(a):</p> <ul style="list-style-type: none"> <li>- Draft Housing Strategy to Cabinet.</li> </ul> <p>A3(b):</p> <ul style="list-style-type: none"> <li>- Preferred Options Consultation for 'Local Plan' – Autumn 2024</li> </ul>		
				<p><b>Q4</b></p>	<p>A2:</p> <ul style="list-style-type: none"> <li>- Completion of replacement kitchens as identified in Q1.</li> </ul> <p>A3(a):</p> <ul style="list-style-type: none"> <li>- Public consultation on draft Housing Strategy.</li> <li>- [Note: The intention is for the Housing Strategy to be submitted to Cabinet for</li> </ul>		

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					approval in 2025/26]				
					A3(b): <ul style="list-style-type: none"> <li>- <del>Submit Draft Consultation for Local Plan' – Spring 2025</del></li> <li>- <del>Seek Full Council approval of Local Plan</del></li> <li>- REALIGNED - Issues and Options consultation for 'Local Plan' – Spring 2024</li> <li>- REALIGNED - Preferred Options Consultation for 'Local Plan' – Autumn 2024</li> </ul>				
Page 39	Pride in our area and services to residents	A4 Promoting clean and tidy communities encouraging everyone to take responsibility for keeping their area a pleasant place.	Cllr Adrian Smith	Options appraisal for waste & street cleaning strategy. Community leadership promoting pride of place.	Green	Q1	<ul style="list-style-type: none"> <li>- Completion of soft market engagement and evaluation of responses.</li> <li>- Cabinet decision to agree to undertaking tender exercise as preferred option for delivery of service from 2026.</li> <li>- Preparation of waste contract specification for consideration by the Waste Contract Board.</li> </ul>	Amber	<p>In relation to the waste/street cleansing arrangements from 2027, the soft market engagement took place and was concluded, including an evaluation of the responses, in May 2024.</p> <p>A report was considered by Cabinet on 26<sup>th</sup> July when approval was given to go out to tender. External consultants have been appointed to write the specification and a firm of lawyers engaged to write the contract. A draft specification has been prepared and high-level requirements approved by the Waste Contract Board.</p>
						Q1	<ul style="list-style-type: none"> <li>- Subject to the necessary approval, commence tender exercise for waste contract.</li> </ul>	Amber	<p>Cabinet gave approval for the commencement of the Tender exercise subject to a number of delegated decisions. It is anticipated that these decisions, to agree the service specification and aspects associated with it, will be taken early in October with a view to the tender process being launched during the week commencing 7<sup>th</sup> October. Substantial work has already been undertaken, including by external consultants engaged to advise on and prepare certain aspects of the tender documentation.</p> <p>Looking forward, the timetable for this project now envisages tender returns as being 8 January 2025 (Q4 rather than Q3 as originally envisaged). Dialogue with tenderers will then proceed in the remainder of the financial year. This will require realignment of the current Q3 target to Q4. Although recorded in Q4, the awarding of the contract is actually timed for July 2025 (as such the Q4 milestone is to be amended to indicate this timeframe).</p>
						Q2			

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					Q3	— Subject to the necessary approval, review tender submissions		
					Q4	- REALIGNED - Subject to the necessary approval, review tender submissions - Subject to the timetable referred to, Cabinet & Full Council decisions to award contracts		
Raising Aspirations and Creating Opportunities	B1, B2, B3 We will celebrate business success, encourage cultural, tourism, and economic growth.	Cllr Ivan Henderson	B1 Develop a long term plan for Clacton-on-Sea working with partners in a Town Board	Green	Q1	B1: - Establish a Chair and Town Board for Clacton-on-Sea. - Consult on the Clacton-on-Sea long-term plan for high level strategic plan.	Green	B1: Town Board established for Clacton-on-Sea. Meetings in February, March, April, and July 2024.  Review of previous consultations on Clacton-on-Sea completed and reported to the Town Board. Community Voluntary Services Tending recruited to completed further consultation. Direct consultation delayed by pre- General Election period.
			B2 Implement Levelling Up Fund, Capital Regeneration Partnership Projects and High Street Accelerator Schemes, taking these through design and planning.			B2: - Appoint full design team for the Levelling Up Fund (LUF) Project in Clacton-on-Sea and Capital Regeneration Projects (CRP) in Harwich. - Deliver first projects for High Street Accelerator fund for Dovercourt with funding allocated for year 1. - Agree High Street Vision and Funding Plan for Dovercourt with DLUHC/MHCLG for High Street Accelerator project.	Green	B2: Design team recruited for Levelling Up Fund Carnarvon Terrace scheme in Clacton-on-Sea and Capital Regeneration Project scheme in Harwich.  Projects delivered for Dovercourt High Street as part of Accelerator, including hanging baskets, events, shop wrapping.  Vision for Dovercourt High Street and Funding Plan submitted to MHCLG (as the new iteration of DLUHC). Milestone to be adjusted to reference MHCLG.
			B3 Manage the UK Shared Prosperity Fund projects that build pride in place, support training, economic growth, and			B3: Open calls for UK Shared Prosperity Fund and Rural England Prosperity Fund open for applications.	Green	B3: Open call for UK Shared Prosperity Fund and Rural England Prosperity Fund launched 15 April.



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			improve life chances.		Q2	<p><b>B1:</b></p> <ul style="list-style-type: none"> <li>- Submit the long terms plan for Clacton-on-Sea to DLUHC.</li> <li>- Review the consultation for the high level strategic plan and agree project shortlist.</li> </ul>	Amber	<p><b>B1:</b> Following the general election in July 2024, the Council is waiting for confirmation of the future direction of the Long Term Plan for Towns project. As such, the plan was not able to be submitted as originally planned, as the process is currently on hold subject to direction by MHCLG.</p> <p>Regardless of this, the Town Board is continuing to meet and is currently focussed prioritising the capacity funding available and acting as a sounding board for Clacton issues. Capacity funded projects will include issues which have been raised through consultation processes such as deep cleaning and shop wrapping</p> <p>A Clacton Coastal Partnership has also been formed, which is chaired by a member of the Town Board. This will ensure the local tourism sector will have a direct link to the Clacton Town Board, for ideas and projects which will support the local visitor economy.</p>
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					Q2	<p><b>B2:</b>  <b>Planning Permission lodged for LUF and CRP schemes in Clacton-on-Sea and Dovercourt respectively.</b></p>	Amber	<p><b>B2: Planning Permission has not been lodged for the LUF and CRP projects for a number of reasons. This includes the procurement process taking longer than originally envisaged. Furthermore, there has also been the challenge around processing the number of contracts required to engage contractors and limitations to capacity within the corporate services. As such, the Project Delivery Unit agreed by Cabinet in July 2024, will respond to this, and increase capacity. As well as additional legal and finance support, the unit will also include bolstering the available procurement resources available through the agreement with ECC.</b></p> <p><b>The cross party Working Group set up for the Levelling Up Fund and Capital Regeneration Scheme projects have been consulted on the draft designs and their input has been considered in preparation for Planning Applications. In addition, a public consultation process was carried out in July and a subsequent engagement process was rolled out following updated designs in September 2024.</b></p> <p><b>The Council are awaiting any relevant updates from MHCLG on LUF/CRP following the election.</b></p> <p><b>There is a need to realign the B2 milestone from Q2 to Q3. Likewise the current Q3 milestone will need realignment to Q4.</b></p>
						<p><b>B3:</b>  <b>- Monitoring returns for UK Shared Prosperity Fund and Rural England Prosperity Fund sent to Government.</b></p>	Green	<p><b>B3: In September, decisions were published to allocate the following funding under the UKSPF and Rural England Prosperity Fund projects. The schemes were over subscribed and a detailed evaluation was undertaken to award the funding available. Following requests by local organisations, a launch event was held in Harwich to discuss the funds and how businesses and community organisation could apply for the funding available.</b></p> <p><b>Details of the number of businesses and community organisation who were awarded funding are set out below:</b></p> <p><b>Rural England Prosperity Fund</b></p>

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Q2

Due to the criteria set by government, this funding was not available in Clacton on Sea and Holland on Sea

**Businesses granted funded: 20**  
**Funding Awarded: £271,211.98**

**Community Organisations granted funded: 14**  
**Funding Awarded: £185,046.50**

**UK Shared Prosperity Fund**  
**This funding was available district wide**

**Creative and Cultural Funding**  
**Organisations Funded: 2**  
**Funding Awarded: £7,740.00**

**Town Centres**  
**Organisations Funded: 3**  
**Funding Awarded: £18,095.00**

**Visitor Economy**  
**Organisations Funded: 3**  
**Funding Awarded: £11,000**

**People and Skills**  
**Organisations Funded: 6**  
**Funding Awarded: £65,335.00**

**Barriers to Education and Training**  
**Organisations Funded: 1**  
**Funding Awarded: £16,402.40**

**Measures to reduce the cost of living, improve energy efficiency & combat fuel poverty**  
**Organisations Funded: 1**  
**Funding Awarded: £500**

Following a bid to MHCLG for £500k of Green Space Funding under the Dovercourt High Street Accelerator scheme, Government have confirmed the Council has been successful and this has been ratified following the election. The projects are now being drawn up with a view to commencing a procurement process in quarter 3.

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					<p><b>B2:</b></p> <ul style="list-style-type: none"> <li>- Planning determination for TDC LUF (in Clacton-on-Sea) and CRP (in Harwich) projects.</li> </ul> <p><b>Q3</b></p> <p><b>B2:</b></p> <p>REALIGNED Planning Permission lodged for LUF and CRP schemes in Clacton-on-Sea and Dovercourt respectively.</p>		
					<p><b>B1:</b></p> <ul style="list-style-type: none"> <li>- Review progress on Long Term Plan for Towns and complete investment plan for 2024/25.</li> </ul> <p><b>B2:</b></p> <ul style="list-style-type: none"> <li>- LUF (in Clacton-on-Sea) and CRP (in Harwich) projects tendered.</li> <li>- Complete spending plan for High Street Accelerator projects in Dovercourt and review progress.</li> </ul> <p><b>Q4</b></p> <ul style="list-style-type: none"> <li>- Spending decision made on Levelling Up Partnership projects for Clacton-on-Sea</li> </ul> <p><b>B3:</b></p> <ul style="list-style-type: none"> <li>- All successful organisations who have received either UK Shared Prosperity Fund or Rural England Prosperity Fund funding to have spent grant awards.</li> </ul> <p><b>B2:</b></p> <ul style="list-style-type: none"> <li>- REALIGNED - Planning determination for TDC LUF (in Clacton-on-Sea) and CRP (in Harwich) projects.</li> </ul>		
Raising Aspirations and Creating Opportunities	B4, B5 Tendring is ambitious, and our residents will be supported to reach their potential and realise their opportunities	B4 Cllr Ivan Henderson  B5 Cllr Andy Baker	B4 Take the opportunities afforded by Freeport East and the development of Bathside Bay.	Green	<p><b>Q1</b></p> <p><b>B4:</b></p> <ul style="list-style-type: none"> <li>- Planning application for Bathside Bay determined.</li> <li>- Annual Business Plan Case Sign Off</li> </ul>	Green	<p><b>B4: Planning Application for Bathside Bay Temporary Change of Use approved in May 2024.</b></p> <p><b>Annual Business Plan approved by the Freeport East Board on 19 March 2024. The reference to “case” is to be updated to “plan” in the milestone.</b></p> <p><b>Annual Business Plan approved by Tendring District Council as Founding Member, at Cabinet, May 2024.</b></p>

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Page 45	particularly taking the opportunities afforded by Freeport East and the Garden Community		B5 Progress the Tendring Colchester Borders Garden Community DPD through the planning process to support opportunities for new jobs, housing and infrastructure.			B5: - Examination of the Garden Community DPD by Planning Inspector.	Green	B5: Planning Inspector has issued his proposed 'modifications' to the DPD and these are to be reported to the Joint Committee in September 2024.  Consultation on the Inspector's modifications to take place in September/October 2024. None of the modifications are significant and there is a reasonable likelihood of a favourable final report from the inspector.  Receipt of the first planning application outside of the Council's control. Pre-application discussions with the Lead Developer about a potential 'hybrid' application with full detail for first phase and outline for remainder of scheme. Submission likely in Spring 2025 which could go into Q1 of 2025/26.
					Q2	B4: No specific milestone for Q2	Green	B4: An independent report funded through the UK Shared Prosperity Fund (UKSPF) was commissioned by the Council in partnership with Freeport East and the University of Essex for a potential green energy cluster. The Council has brought together a partnership with University of Essex, Freeport East, Colchester Institute, Harwich Haven Authority and other partners to develop the report recommendations. A business engagement event was also organised to establish interest in the cluster proposal, which was well attended and the outcome of a survey is now being evaluated.
						B5: Report outcome of DPD examination to Joint Committee.	Green	B5: Outcome of the DPD examination in respect of the Inspector's proposed modifications was reported to the Joint Committee in September 2024 and consultation on those modifications was launched. Date for final adoption of the DPD will depend on the content of the Inspector's final report and the time the Inspector requires to produce that final report. Decision to adopt would require a recommendation from the Joint Committee to Full Council at both Tendring and Colchester Councils and for both authorities to agree adoption – this would be most likely in Q4. The Q3 milestone for adoption will therefore need to be realigned to Q4.
					Q3	B4: - TDC to input into the Freeport East Business Case for Seed Capital Funding for the Harwich Tax site, prior to its submission to the Freeport East Board for approval.		

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					<p>B5:</p> <ul style="list-style-type: none"> <li>- Consultation on any modifications required by the Planning Inspector.</li> <li>- <b>Full Council adoption of the DPD.</b></li> </ul>		
					<p>Q4</p> <p>B4:</p> <ul style="list-style-type: none"> <li>- Seed Capital Funding drawn down from DLUHC.</li> </ul> <p>B5:</p> <ul style="list-style-type: none"> <li>- <b>REALIGNED - Full Council adoption of the DPD.</b></li> <li>- Potential receipt of first planning application for Garden Community.</li> </ul>		
Championing our Local Environment	C1 Our environment deserves protection	Cllr Peter Kotz	Action Measures from the new Climate Change Action Plan	Green	<p>Q1</p> <ul style="list-style-type: none"> <li>- <del>Cabinet approve Updated Action Plan 2024-2027.</del></li> <li>- Explore funding opportunities for energy reduction plant at the Council's Sports Facilities.</li> </ul>	Amber	<p>Action Plan to go to Cabinet in September 2024. As such the Q1 milestone is to be realigned to Q2.</p> <p>Funding opportunities for energy reduction plant were explored and £150,000 was received from Government as part of the Swimming Pool Support Fund for an Air Handling Unit and Building Management System this was matched by £150,000 from Council funding. Officers have been working with Legal Team colleagues to finalise the grant agreements, both with Sport England as well as Brightlingsea Town Council and Brightlingsea Lido Trust.</p> <p>This is almost complete, and agreement will be shared with partners during the week commencing 5<sup>th</sup> August.</p> <p>Once signed, a procurement process will follow to expend the grant and Council budget. It should be noted that a separate report and executive decision are required for the latter.</p>
					<p>Q2</p> <ul style="list-style-type: none"> <li>- <del>Council approval to be sought for Action Plan 2024-27</del></li> <li>- Complete installation of LED project at the Council's Sports Facilities.</li> </ul>	Green	<p>A project to install LED lighting at all the Council's sports facilities has now been completed.</p> <p>Positive work continues across the Council towards development of the next action plan. Consultants have been commissioned to review cost of delivering various actions, which can form the basis of future funding bids. The Council has</p>

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					Q2		<p>been successful in bidding for approximately £94,500 of funding from the Swimming Pool Support Fund, which will allow energy efficient technology to be installed in the Council's facilities. This includes a new Building Management System and Air Handling Unit at Walton on the Naze Lifestyles.</p> <p>With the amended timeframe for submission of the Strategy and Action Plan now programming these for Q3, there is a need to realign the milestones from Q2</p>	
					Q3	<ul style="list-style-type: none"> <li>- Publish 2023/4 Carbon data.</li> <li>- REALIGNED - Cabinet approve Updated Action Plan 2024-2027.</li> <li>- REALIGNED - Council approval to be sought for Action Plan 2024-27</li> </ul>		
					Q4	<ul style="list-style-type: none"> <li>- Publish annual update on implementation of Action Plan.</li> </ul>		
Championing our Local Environment Page 47	C2 We want to create and maintain opportunities for leisure, wellbeing and healthy lifestyles.	Cllr Mick Barry	Implement the Sports and Activity Strategy for the District.	Green	Q1	<ul style="list-style-type: none"> <li>- Undertake consultation with stakeholders for the Sport and Activity Strategy</li> </ul>	Green	<p>Following consideration of the draft Sport and Activity Strategy on 12<sup>th</sup> April Cabinet agreed to a six week consultation process. Significant consultations have been completed and ended on 9<sup>th</sup> June and the strategy will return to Cabinet for adoption in September.</p>
					Q2	<ul style="list-style-type: none"> <li>- Present the final Sport and Activity Strategy to Cabinet for adoption, with consideration of the wider consultation.</li> </ul>	Green	<p>Following a six week engaging consultation exercise with stakeholders and residents, the Sport and Activity Strategy was presented and considered by Cabinet in September. The strategy was formally adopted, and prioritisation of the action plan is now taking place.</p> <p>A project to install new multi-sport Playzone facilities around the district (as set out in the strategy) was granted capacity funding in Q2 and work is underway to plan, consult and submit a funding bid to carry out this significant installation.</p>
					Q3	<ul style="list-style-type: none"> <li>- Following adoption of the final strategy, develop a priority list from the approved action plan.</li> <li>- Recruit a Community Sport and Activity Manager, to deliver the strategy's actions in the wider district.</li> </ul>		
					Q4	<ul style="list-style-type: none"> <li>- Review progress with Sport and Activity Strategy Action Plan and develop a priority list for 2025/26.</li> </ul>		

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						- Together with partners, consider how Sport England Place Partnerships can support delivery of the Sport and Activity Strategy Action Plan in 2025/26 and beyond.		
Working with Partners to Improve Quality of Life	D1, D2, D3, D4, D5 We want to promote safer, healthier, well connected and inclusive communities by working with our partners across government, public, private and third sectors.	Cllr Gina Placey	<p>D1 To support projects to reduce Health inequalities e.g. around Fuel Poverty and access to the jobs market.</p> <p>D2 To expand the Pupil Encounters' Project, to provide all school children with additional encounters with businesses and employers throughout their Education.</p> <p>D3 To deliver a STEAM event for Primary Schools whereby pupils are introduced to a range of Employers including Galloper, EDF, Dance East, Essex Police and Colchester Zoo.</p> <p>D4 To complete enhanced CCTV</p>	Green	Q1	<p>D1:</p> <ul style="list-style-type: none"> <li>- Promotion of Fuel Poverty Advice and "back to work" support being provided by dedicated officers. This includes promotion of insulation grants, alongside Disabled Facilities Grants.</li> <li>-</li> </ul>	Green	<p>D1: Fuel Poverty Officer in post and providing advice and guidance to those in fuel poverty. Networking with partners such as Essex energy and CVST and leaflets provided to all Council tenants to help address fuel poverty. One individual was assisted to the value of £15,000. Attending events and presentations with volunteer groups and working with Council tenants who have been gas capped (to examine options to reconnect the gas supply), winter wellbeing signups have been undertaken and referrals have been undertaken. Winter wellbeing signups is led by CVST as part of their winter warmers project and the Fuel Poverty Officer refers into that and attends the winter wellbeing events to provide support and advice.</p> <p>There is an officer leading the Energy Company Obligation grants from ECC and another leading the Home Upgrade Grant insulation grants schemes which will feed into the Jaywick Energy Hub.</p> <p>The Council website has information on accessing grants and this information is also provided in newsletters. In addition, some door knocking has taken place to raise awareness, and a letter has also been sent to some Jaywick residents.</p> <p>There is a video on the Council's website about Disabled Facilities Grants and the Essex Adaptations leaflet has been given out in tenant's newsletters and to sheltered housing. In addition, advice is given out at the CO15 meeting and at the Older Person's Forum which are regularly attended.</p>



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Page 49			coverage in public areas.		<p><b>D2:</b></p> <ul style="list-style-type: none"> <li>Inform Tendring Future Skills Partnership on the programme of the offer to schools under the Greater Essex careers hub project.</li> </ul>	Green	<p><b>D2:</b> The Tendring Future Skills Partnership (TFSP) is working with the Greater Essex Careers Hub. The Hub provides updates at the termly meetings of the TFSP.</p> <p>In response to inequality of access to digital skills and resources, Digital Harwich is being delivered to inspire young people and increase digital skills and confidence, raise aspiration and show potential career paths. This includes workshops for children and families as well as schools, delivering local events and creating digital mentors including local creative and technical businesses. Other programmes include immersive face to face engagement about workplace behaviours from tutors who have a wide range of work experience and talking through the young people's responses, so they are actively engaged.</p>
			<p><b>D5</b> Establishing the feasibility for a new wellbeing hub in the District</p>		<p><b>D5:</b></p> <p>Commission a feasibility study to consider viability for a new Health and Wellbeing Hub for the District.</p>	Green	<p><b>D5:</b> Feasibility study commissioned, and tenders returned.</p> <p>The Council is in the process of appointing a consultant to deliver the scope of this project which is due to commence at the beginning of September.</p> <p>The project will be managed in two phases, with the first being engagement with partners in the health and education system followed production of the feasibility study. The final report is due to be complete early in 2025.</p>

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					Q2	<p>D1 – No specific milestone in Q2</p>	Green	<p><b>D1: Fuel Poverty Officer in post and providing advice and guidance to those in fuel poverty. Networking with partners such as Essex energy and CVST and leaflets provided to all Council tenants to help address fuel poverty. One individual was assisted to the value of £15,000. Attending events and presentations with volunteer groups and working with Council tenants who have been gas capped (to examine option to reconnect the gas supply), winter wellbeing signups have been undertaken and referrals have been undertaken. Winter wellbeing signups is led by CVST as part of their winter warmers project and the Fuel Poverty Officer refers into that and attends the winter wellbeing events to provide support and advice.</b></p> <p><b>The Fuel Poverty Officer has provided advice and support in the recently opened Green Energy Hub in Jaywick helping those most in need to support around fuel poverty and is working alongside partners to help deliver holistic outcomes.</b></p> <p><b>There is an officer leading the Energy Company Obligation grants from Essex County Council (ECC) and another leading the Home Upgrade Grant insulation grants schemes which will feed into the Jaywick Energy Hub. In addition, some door knocking has taken place to raise awareness, and a letter has also been sent to Jaywick residents who are eligible for these schemes.</b></p> <p><b>The Council website has information on accessing grants and this information is also provided in newsletters which go to Council tenants and sheltered residents.</b></p> <p><b>There is a video on the Council’s website about Disabled Facilities Grants and the Essex Adaptations leaflet has been given out in tenant’s newsletters and to sheltered housing. In addition, advice is given out at the CO15 meeting and at the Older Person’s Forum which are regularly attended.</b></p> <p><b>Back to work support has been provided by 2 Community Support Employment Officers who help those furthest from the jobs market with holistic</b></p>
					Q2			

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							support and by helping people access wider services and this has directly led to 17 people obtaining work.
					<b>Q2</b>	<p><b>D4:</b></p> <ul style="list-style-type: none"> <li>- Appointment of contractor for work to install the enhanced monitoring equipment and cameras both for existing locations and new locations.</li> <li>- Determination of planning and other consents necessary for the erection of cameras and columns at new locations, where applicable.</li> </ul> <p>Installation of cameras and poles in locations where not regulatory consents are required.</p>	<p><b>Red</b></p> <p><b>D4:</b> There is a need to conduct a new procurement exercise. specification documents will now incorporate the requirements for the associated civil works.</p> <p>An external engineer has been appointed to assist with consents and technical details; utilities searches, planning consents and highways consents.</p> <p>ECC colleagues in the shared procurement service have been re-engaged to support the procurement process, which went live during the last week of August.</p> <p>Tenders were expected to be returned by 3 October 2024.</p> <p>A provisional programme for the project following the receipt of tenders is to complete the statutory and utility consent processes prior to the new year, and to appoint the contractor within that time, in order to allow adequate lead in time for the purchase of materials prior to a start on site in the calendar year.</p> <p>In addition to the upgrading exercise, some previously existing faults have been identified and have been included in the specification to be resolved simultaneously.</p>

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					<b>D5 – No specific milestone for Q2</b>	<b>Green</b>	<p><b>D5: A consultant has been procured and commissioned to carry out a feasibility study into a new Active Wellbeing Centre in the district. This work is being undertaken with a wide range of partners, including the following:</b></p> <ul style="list-style-type: none"> <li>- <b>East Suffolk and North Essex NHS Foundation Trust</b></li> <li>- <b>Suffolk and North East Essex ICB</b></li> <li>- <b>Essex Partnership University NHS Foundation Trust (EPUT)</b></li> <li>- <b>GP Primary Choice</b></li> <li>- <b>University of Essex</b></li> <li>- <b>Tendring District Council</b></li> <li>- <b>Essex County Council</b></li> <li>- <b>Department for Work and Pensions</b></li> <li>- <b>Active Essex</b></li> <li>- <b>Sport England</b></li> </ul>
					<p><b>Q3</b></p> <p>D3: - STEAM event to be delivered in the Autumn term for primary schools (subject to funding/agreement across the Tendring Future Skills partnership).</p> <p>D4: - If budgets permit, commission and complete further lighting work in the Memorial Gardens.</p> <p>D5: - Consider outcomes of the Active Wellbeing Centre feasibility study and set out options with partners for next steps.</p>		
					<p><b>Q4</b></p> <p>D4: - Continue all CCTV etc work in advance of the funding deadline subject to planning permission.</p>		

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Promoting our heritage offer, attracting visitors and encouraging them to stay longer	E1, E2, E3 We will support our unique heritage, work with our partners, run events and promote the district for the benefit of our residents and to encourage visitors to come and to stay for longer.	E1, E3 Cllr Ivan Henderson E2 Cllr Mick Barry	<p>E1 Fundraise to support heritage in Tendring, for example the Witches' Trail around Manningtree and the Leading Lights in Harwich</p> <p>E2 Re-introduce the Tour de Tendring cycling event</p> <p>E3 Host the Clacton Air Show and draw in additional sponsorship funding</p>	Green	Q1	<p>E1:</p> <ul style="list-style-type: none"> <li>- Shared Prosperity Funding allocated to the Tendring District Council Heritage Witch Trail.</li> <li>- Fundraise to procure final surveys for the Dovercourt Leading Lights.</li> </ul>	Green	<p>E1:</p> <p>The funding source actually used was the Rural England Prosperity Fund. Witch Heritage Trail – Project plan in development; four potential locations being explored in consultation with local community partners. The intention is to procure four personalised benches and four bespoke information boards using augmented reality technology and to be implemented.</p> <p>Historic England awarded the Council £47,440 to complete Dovercourt Leading Lighthouse and Causeway Structural and Condition final survey. The specification of the surveys focused on works to the lighthouse legs buried in the beach. Decision to accept the funding award published 3 July 2024.</p>
						<p>E2:</p> <ul style="list-style-type: none"> <li>- In conjunction with partners, run the Tour de Tendring mass participation cycle ride.</li> </ul>	Green	<p>E2:</p> <p>Tour de Tendring cycle ride delivered successfully on 19 May 2024. 273 riders in Dovercourt. Partners included: Essex Pedal Power, Wheels4All, Harwich Town Council and Dovercourt Bay Lifestyles.</p>
						<p>E3:</p> <ul style="list-style-type: none"> <li>- Consider and present sponsorship options for the Clacton Airshow</li> <li>- Procure services for the Clacton Airshow, considering further economies of scale to reduce the event subsidy.</li> </ul> <p>Consider and present additional income options for the Clacton Airshow.</p>	Amber	<p>E3:</p> <p>Clacton Airshow 2024.</p> <p>Strong D-Day themed flight line up published post-General Election (Q2).</p> <p>However, sponsorship impacted by absence of Red Arrows and unforeseen grounding of the Battle of Britain Memorial Flight.</p> <p>The procurement for the Airshow services has taken place and appointments have been made. Due to timescales and the length of time it has taken to organise and procure the air display, focus for sponsorship options have shifted to the 2025 event. Officers are focussed on managing effectively in 2025 and reducing costs wherever possible.</p> <p>The Events team have been working on a strategy for income generation for the 2025 Airshow and beyond, which includes additional sponsorship and increased secondary spend opportunities.</p>

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							Due to the timeframe for organising the 2024 event following publication of the Cabinet report, there was not sufficient time to procure and implement a plan in the current year.		
							<p><b>Towards the Corporate Plan theme generally - Work with partners to initiate a new Tourism Partnership Board in Clacton on Sea, to compliment the group in Harwich and Dovercourt.</b></p>	Green	New Clacton Tourism Partnership inaugurated on Friday 22nd March 2024. There have been two subsequent meetings.
					Q2	<p><b>E1:</b></p> <ul style="list-style-type: none"> <li>- Commission and complete final surveys on Dovercourt Leading Lights, in order to inform a wider funding bid for the refurbishment of the ancient monuments.</li> <li>-</li> </ul>	Green	<p><b>E1:</b> A contract to undertake final surveys of the Leading Lights has been commissioned and is due to be carried out in October. Although this is a few weeks into quarter 3, this was due to ensuring there would be limited disruption to beach users by commencing the project outside of the high season.</p> <p>The outcome of this survey and the comprehensive work which has already been undertaken, will inform future funding bids for the wider refurbishment project.</p>	
					Q2	<p><b>E3:</b> Successfully manage and operate the Clacton Airshow.</p>	Green	<p><b>E3:</b> The Clacton Airshow was successfully run in August and attended by up to 250,000 visitors. Despite a disruption to the flight programme on Thursday due to the blustery conditions caused by Storm Lilian, the first days display still took place. The positive weather on day 2 lead to significant numbers of visitors gathering on the seafront to watch the spectacular displays.</p> <p>With the Red Arrows unavailable due to a North American tour, the decision was taken to stage a heritage themed display, which included aviation from 1930s biplanes as part of the Stampe Formation and the mighty Boeing B-17G Flying Fortress, the 'Sally B' – the last remaining airworthy B-17 in Europe. This was recognised in a review by 'Flightline' which included the following comment about the display:</p> <p>"Kudos also to Tendring District Council for taking the opportunity to create a very unique seafront air display that really stood out from the rest in 2024 and was very well received by spectators."</p>	
					Q3	<p><b>E1:</b></p> <ul style="list-style-type: none"> <li>- Work with external funding bodies to complete a funding bid for the refurbishment of the Dovercourt Leading Lights.</li> </ul>			

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					E3: - Complete Clacton Airshow Event Review 2024 highlighting financial and social impact.		
					Q4 E1: - Tendring Witch Heritage Trail launched. E3: - Following an evaluation of the 2024 Clacton Airshow, prepare plans for subsidy reduction in 2025 and beyond.		
Financial Sustainability and Openness	F1, F2 Tough Decisions will not be shield away from	Cllr Mark Stephenson	F1 Carefully plan the Council's budget and taking appropriate action to respond to liabilities / costs pressures.	Green	Q1 F1: - Initiate the development of the Council's saving plan (and budget forecast) having due regard to the value for money guidance.	Green	F1: A number of potential / initial items have been identified which remain subject to review. It is important to establish a credible / validated list of deliverable items rather than being potentially speculative. Once finalised / verified via the currently on-going work, they will be reported to Members as timely as possible. At the current time it is planned to report the first iteration of the savings plan within the Financial Performance Report for Q1 later in the year.
			F2 Review its communication strategy.		Q1 F2: <b>Communication Strategy:</b> Following approval of the new Communication Strategy with measures for success set out, corporate awareness of its existence and expectations.	Green	F2: Since formal adoption of the Communications Strategy, the team has been engaged with other relevant services and departments about delivery of the specific projects contained within it to ensure they remain on track. Wider corporate awareness of its existence and expectations has included references within wider Communications updates provided to the Senior Managers' Forum, where the strategy will also be raised at the next meeting by the Communications Manager.

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					Q2	<p>F1:</p> <ul style="list-style-type: none"> <li>- Refine the Council's savings (and budget forecast) and develop options appraisals to achieve the required savings in accordance with value for money guidance.</li> </ul>	Green	<p>F1:</p> <p>Following consideration of a number of options, the first iteration of the revised long-term forecast (2025/26 onwards) has been prepared and will be submitted to Cabinet on 21st October. This will include an associated savings plan.</p> <p>The successful delivery of the Savings Plan is a key element of securing the Council's financial sustainability in the longer term. The review undertaken in 2024/25 to date will be set out in the Financial Performance Report planned to be presented to Cabinet on 21 October which also includes the identification of liabilities/cost pressures which in turn will be managed on an on-going basis as necessary via the development of the long-term forecast to support the robustness of budgets going forward.</p> <p>The progress against value for money guidance will be considered alongside the External Auditors value for money commentary as part of developing the long-term financial plans for the Council.</p>
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				<p style="text-align: center;"><b>Q2</b></p> <p>F2 – No specific milestone in Q2</p>	<p style="text-align: center;">Green</p>	<p>F2: By way of an update on the milestones for F2, both of Q3 milestones are still on track.</p> <p>Work on the social media audit is progressing well; the audit of channels itself has been completed, and work is now beginning to implement the action plan which arises from it. This includes deleting defunct channels and updating social media guidance and delivering refresher staff training on it to improve quality of remaining channels. There is a clear timeline for this, for delivery by the end of Q3.</p> <p>Development of an AI framework by the end of 2024 is also well underway. Research has been completed and a second draft framework circulated for peer review by relevant services across the council. A timeline has been developed for adoption within the target deadline.</p> <p>More broadly the Council continues to deliver upon the wider principles of the Communications Strategy. This includes developing proactive work to highlight the delivery of other services, such as a video showcasing the Open Spaces team’s varied role in grass cutting, tree maintenance and wildlife conservation. This meets the Our Vision themes of both ‘Pride in our area and services to residents’ and ‘Championing our Local Environment’ – alongside demonstrating ‘Financial Sustainability and Openness’.</p> <p>Looking ahead to the Q4 milestone to ‘Establish at least one email newsletter providing news and updates to residents by March 2025’, this project is also on track to meet the deadline set. A procurement exercise has been completed following a period of research, and administrative work required to enact this is now being undertaken. A separate decision on finance for an appropriate solution is subject to a separate item elsewhere on the agenda for this meeting.</p>
				<p style="text-align: center;"><b>Q3</b></p> <p>F1: - Determine the savings options to be realised in 2025/26 (and the revised budget forecast) together with outline proposals for future years and reporting against the value for money guidance.</p> <p>F2:</p>		

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					<ul style="list-style-type: none"> <li>- <u>Communication Strategy</u>: Complete a social media audit of all Council channels by the end of 2024. Corporate Plan theme: Cross-cutting all themes.</li> </ul> <p>F2:</p> <ul style="list-style-type: none"> <li>- Support the development of an ethical framework for the use of AI by the end of 2024, and test AI tools within the Communications service in the following year. Work is underway with partners on this framework, which will need cross-organisational support. Internal use of AI tools is intended to support staff with capacity and efficiency. Corporate Plan theme: Pride in our area and services to residents</li> </ul>		
				Q4	<p>F1:</p> <ul style="list-style-type: none"> <li>- Submit for approval by Full Council the balanced budget proposals for 2025/26.</li> </ul> <p>F2:</p> <ul style="list-style-type: none"> <li>- <u>Communication Strategy</u>: Establish at least one email newsletter providing news and updates to residents by March 2025. This will be dependent upon approval of a business case and appropriate financial and governance processes. Corporate Plan theme: Financial sustainability and openness</li> </ul>		

## CABINET

21 OCTOBER 2024

### REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

#### A.2 FINANCIAL PERFORMANCE REPORT 2024/25 – GENERAL UPDATE AT THE END OF JULY 2024

##### PART 1 – KEY INFORMATION

###### **PURPOSE OF THE REPORT**

To provide a general update and overview of the Council's financial position against the 2024/25 budget as at the end of July 2024 and looking ahead to 2025/26 and beyond.

###### **EXECUTIVE SUMMARY**

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long-term forecast. (*Due to the timing of this report, the position reported is from 1 April 2024 to the end of July 2024 rather than just the position at the end of the first quarter*).
- The report is therefore split over two distinct sections as follows:
  - 1) ***The Council's in-year financial position against the budget at the end of July 2024***
  - 2) ***An updated long-term financial forecast***
- It is worth highlighting that a number of adjustments were made to the 2024/25 budget as part of developing the detailed estimates that were agreed by Full Council in February. This was complemented by further 2024/25 budget amendments when the Q3 position was reported to Cabinet in April, and again when the Outturn Position for 2023/24 was reported to Cabinet in July.
- With the above in mind, the in-year position at the end of July 2024 therefore primarily reflects issues already acknowledged, rather than significant new issues emerging.
- However, it is timely to address a number of cost pressures that have been identified to date, which it is proposed to fund on an initial one-off basis in 2024/25. Any longer-term impact, including those items already funded as part of earlier reports highlighted above, will be considered as part of developing the long-term forecast, which is covered in more detail in Section 2 of this report.

###### **SECTION 1 - In respect of the in-year financial position at the end of July 2024:**

- The position to the end of July 2024, as set out in more detail within the appendices, shows that overall, the General Fund Revenue Account is overspent against the profiled budget by **£0.480m**. However, it is important to highlight that this is primarily due to the

timing of the when the Government reimburse the Council for the of cost of meeting housing benefit claims and parliamentary election expenses incurred earlier in the year.

- As indicated above, no significant new issues have emerged to date in terms of the underlying budget, albeit a number of cost pressures have been identified as set out within **Appendix 1H**. These cost pressures are largely unavoidable, and it is both timely and prudent to respond to such issues as early as possible in the year. It is acknowledged that other expenditure or income trends may still emerge / develop over the remainder of the year, which will be included in future financial performance reports as necessary.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are no other major issues that have been identified to date.
- As highlighted in **Appendix 1H**, a total of **£0.250m** has been transferred to the Forecast Risk Fund. This is in effect the annual required contribution highlighted within the long-term forecast which is a 'banking for the future' adjustment and is therefore prudent to make at this time.
- In addition to the above, it is also proposed to continue to be a member of the Essex Business Rates Pool if it remains advantageous to do so in 2025/26.

***In respect of the updated long-term financial forecast:***

- The forecast has been reviewed and updated at the end of July 2024 and is set out in **Appendix 2A**. It continues to reflect the very challenging financial position faced by Local Authorities, which includes on-going inflationary pressures.
- As committed to within earlier reports, the forecast has been extended out to 2033/34 to support the Council in managing its budget sustainability and financial resilience over a longer term period. Although further information is set out in Section 2 of this report, there remains some potentially tough decisions that lie ahead. However, against this backdrop, it will be important that the development of the forecast is based on engagement with as many stakeholders as possible, including members and residents to support the Council in balancing the provision of services with the need to deliver long-term financial sustainability.
- The revised forecast also remains based on balancing optimism / pessimism bias that is inherent in any forecasting process and includes the on-going use of one-off funding such as the New Homes Bonus.
- Work remains ongoing within Departments and with Portfolio Holders to identify the longer-term impact of issues emerging to date along with remaining sighted on potential future cost pressures. With this in mind, it is important to highlight that the long-term forecast does not currently reflect the potential increase in costs expected from the retender of the Council's waste, recycling and street cleansing contract. This could place a significant level of additional financial burden on the financial forecast.

- However, the long-term approach alongside the Forecast Risk fund remains a key element of providing additional flexibility and time to make better-informed decisions. However, significant on-going savings are still required, with the first iteration of the Council's savings plan set out in **Appendix 2B**.
- The potential savings identified to date of just under **£2.500m** broadly meet the 'target' set out in the forecast covering the years 2025/26 and 2026/27. The savings proposed represent a credible financial plan and work will remain on-going to deliver the various items over the coming months. It is important to highlight that the savings do not necessarily have to accrue from the 1 April 2025, given the flexibility provided by the Forecast Risk Fund, but the earlier they can be delivered will be helpful in terms of supporting the later years of the plan.
- As previously highlighted, a structural budget deficit is forecast to remain at the end of 2026/27 even after the delivery of the savings mentioned earlier. This presents further significant challenges as this has to be addressed via the identification of additional on-going savings. As set out in the forecast, this remains the case until such time as the Council delivers an underlying annual balanced budget. In terms of this latter point, the forecast shows that the level of inflation, especially pay inflation, outstrips the estimated level of forecast increases in income from council tax and business rates, which is clearly not sustainable without significant 'corrections' to the budget in future years.
- The above remains subject to any intervention from the Government, who themselves have a very challenging financial question to resolve in the context of many Councils up and down the country potentially running out of money in the coming months and years.
- The challenges faced by the Housing Revenue Account are also significant and include increased expectations and requirements that continue to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan will be developed over the coming weeks with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

#### **RECOMMENDATION(S)**

***It is recommended that Cabinet:***

- (a) notes the Council's in-year financial position at the end July 2024;**
- (b) approves the proposed adjustments to the 2024/25 budget, as set out in Appendix 1H, and requests Officers to review the potential on-going impact in 2025/26 and beyond where necessary as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the year;**
- (c) agrees that the Council continues to be a member of the Essex Business Rates Pool in 2025/26 if it remains financially advantageous to do so;**
- (d) notes that £0.165m of unspent external funding previously received via the North Essex Health & Wellbeing Alliance, that has subsequently been carried forward into 2024/25, is being returned to them in accordance with the original agreement / MOU agreed by Cabinet on 17 September 2021;**

- (e) notes the payment of £0.092m to East Suffolk District Council in-line with the previously agreed Freeport East Local Growth and Investment Strategy;
- (f) notes the updated financial forecast set out in this report and requests Officers, in consultation with Portfolio Holders to further develop the financial forecast proposals alongside the development of the Council's priorities; and
- (g) invites the views of the Resources and Service Overview and Scrutiny Committee on the information set out in this report along with the Council's wider financial position as part of its work programme for the year.

**REASON(S) FOR THE RECOMMENDATION(S)**

To set out the latest financial position for the Council and to respond to emerging issues in 2024/25 and to develop the budget and long-term forecast from 2025/26.

**ALTERNATIVE OPTIONS CONSIDERED**

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

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the 6 included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.

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

Effective budgetary control is an important element underpinning the above to ensure the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken.

**OUTCOME OF CONSULTATION AND ENGAGEMENT**

Internal consultation is carried out via the Council's approach to developing the budget as set out within the Constitution. External consultation also forms part of developing the budget and is carried out early in the year as part of finalising the position for reporting to Full Council in February.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	This item has been included within the Forward Plan for a period in excess of 28 days via the inclusion of the regular Financial Performance Update Report item.
<p>The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 (“the 1999 Act”) to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.</p> <p>Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. They are also required, pursuant to section 3 of the 1999 Act, to consult on the purpose of deciding how to fulfil the Best Value Duty.</p> <p>The Government have recently published revised Statutory Guidance on the Best Value Duty of Local Authorities in England under section 26 of the 1999 Act, which best value authorities are required to have regard to. To provide greater clarity to the sector on how to fulfil the Best Value Duty, the statutory guidance sets out seven overlapping themes of good practice for running an authority that meets and delivers best value. These seven best value themes build on the lessons learned from past interventions and reflect what most local authorities already do or are striving to achieve. A detailed description of these themes, including characteristics of a well-functioning local authority and indicators used to identify challenges that could indicate failure, is set out within the revised guidance and financial management and sustainability is a reoccurring expectation throughout the themes and indicators. These reports along with how the Council responds to new or developing issues remains an important element of demonstrating these key requirements.</p> <p>The Council is legally required to calculate a Council Tax requirement each financial year. Within this framework is the requirement to monitor and report accordingly on the financial position of the authority against this requirement.</p> <p>The position set out in this report and the actions proposed are within the Council’s powers and reflect the statutory requirements and responsibilities of the Council in the preparation of its accounts.</p>			
-	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		

The Monitoring Officer has not yet been provided the opportunity to review this report given reporting deadlines and the inclusion of additional information late on before publication. However, any comments will be provided ahead of Cabinet’s meeting as necessary.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

The financial implications are set out in the body of the report.

Although the availability of financial resources is a key component in the delivery of services there will also need to be appropriate input of other resources such as staffing, assets and IT.

The long-term approach to the forecast highlighted in this report has been discussed with the Council’s new External Auditor, albeit informally. There were no major concerns raised but they will undertake their own independent and detailed review as part of their commentary on the Council’s use of resources, which will be presented to the Council by the end of February 2025.

In terms of the Council’s previous External Auditor, their work remains focused on the outstanding Statement of Accounts for 2020/21 to 2022/23. In accordance with the latest proposed ‘backstop’ dates, they are expected to provide their updated commentary on the Council’s use of resources by the 13 December 2024.

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

The Section 151 Officer is the author of this report.

It is worth highlighting the issues that emerged earlier in the year relating to the Spendells House capital project, where Services had committed / incurred expenditure ahead of associated decisions being made. Although the outcome from the associated investigation is yet to be finalised, three key actions were proposed by the Chief Executive, that were also captured in the Council’s Annual Governance Statement that is regularly reported to the Audit Committee. To date, two of these key actions have been completed / remain on-going with the third subject to the outcome of the investigation highlighted above.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

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

**MILESTONES AND DELIVERY**

This report forms part of the Council’s wider budget setting processes. Additional update reports will therefore be presented to Cabinet in November, December and January as part of developing the detailed estimates that will be presented to Full Council in February 2025.



## **ASSOCIATED RISKS AND MITIGATION**

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. The Council's response is set out in the body of this report and will continue to be addressed as part of the future financial update reports highlighted earlier.

It is also worth highlighting emerging risks associated with the establishment of the Office for Local Government (OFLOG) and the enhanced role of the Housing Regulator via the Social Housing Regulation Act. These will undoubtedly have significant financial consequences for Local Authorities, either directly or where increased capacity may be required to respond to any emerging requirements. This will be considered on an on-going basis as part of developing the forecast over the coming months. At the time of finalising this report, the Government had 'paused' part of the work of OFLOG. Updates will be provided within future reports as further information is announced by the Government.

As highlighted later on in this report, the Forecast Risk Fund remains available to support the longer-term approach, with the required contribution proposed to be made to the reserve in 2024/25. This therefore continues to provide a '*banking for the future*' approach to support the Council's long term financial planning process.

It is also important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position.

Reserves are subject to an annual review as part of developing the forecast, with updates planned to be presented to Cabinet later in the year.

## **EQUALITY IMPLICATIONS**

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

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver savings.

## **SOCIAL VALUE CONSIDERATIONS**

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

However, such issue will be considered as part of separate elements of developing the budget as necessary.

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

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

However, such issue will be considered as part of separate elements of developing the budget as necessary.

## **OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

Crime and Disorder

Health Inequalities

Area or Ward affected

Please see comments above

### PART 3 – SUPPORTING INFORMATION

#### **SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF JULY 2024**

The Council's financial position against the approved budget has been prepared for the period ending 31 July 2024.

As highlighted earlier, as part of developing the 'base' budget for 2024/25 earlier in the year, a number of adjustments were made to reflect emerging and/or on-going issues. This was complemented by further identified adjustments made as part of the Q3 Financial Performance Report and the Outturn report for 2023/24 that were presented to Cabinet in April and July respectively. With the above in mind there are only a limited number of variances developing to date, which are primarily in respect of known issues rather than any significant new matters arising.

The on-going review of cost pressures continues on a 'live' basis with a number of items included within **Appendix 1H**. These broadly reflect unavoidable items or where it is felt prudent to respond to matters as early as possible, such as those associated with keeping buildings operational or responding to statutory responsibilities etc.

Although proposed budget adjustments are highlighted within **Appendix 1H** in response to issues identified to date, the Council's wider and more detailed position at the end of July 2024 is set out within **Appendix 1**, with some additional comments included below against the six key areas of the budget where necessary:

#### **GENERAL FUND REVENUE**

The position to the end of July 2024, as set out in more detail in the Executive Summary attached, shows that there is an overall net overspend of **£0.480m**.

Apart from any associated impact of the proposed adjustments set out within **Appendix 1H**, the variance is primarily due to the timing of expenditure and income, with examples being the timing of when housing benefit payments are made and when the money is reimbursed by the Government via the associated subsidy system and the full reimbursement of costs associated with the parliamentary elections earlier in the year.

Notwithstanding the above, it is important to highlight the following:

**Treasury Investment Income** – given that interest rates continue to remain relatively high, investment income is significantly ahead of the budget. An initial favourable budget adjustment is therefore set out within **Appendix 1H** to reflect the most up to date position, which will be subject to on-going review in later quarters.

**Parking income** – as highlighted within **Appendix 1**, parking income is currently ahead of the budget. Similarly to previous periods, no adjustment to the budget is proposed at the present time, but the position will be kept under review across the next two quarters to identify if this favourable position is likely to remain until the end of the year.

As discussed in previous reports, financial risks of being a member of the North Essex parking Partnership are inherent, with a sum of **£0.100m** set aside to enable the Council to respond to such risks if they arise. Work remains on-going with the partners to gain the level of assurance required to limit such financial risk exposure as far as reasonably practical. Although recent estimates indicate an improving position, this will remain under on-going review with further updates presented later in the year.

**Homelessness net costs** – the significant demand for homeless accommodation continues. As highlighted in previous reports, the service remains committed to exploring options to respond to this demand in the most advantageous way. A further update is planned to be presented to Cabinet as part of the Q2 Financial Performance Report in November, where it is likely that additional funding will need to be made available to meet this on-going / rising cost. This remains one of the most significant financial challenges faced by Councils up and down the country, where historically the associated funding made available by the Government never matches the actual costs incurred. It is hoped that such issues will be taken into consideration as part of the Government's spending review discussed in more detail in Section 2 below.

As highlighted within the **Appendix 1**, the importance of Spendells House remains as a key element to support the Council in responding to this on-going issue.

**Planning and Building Control Income** – Although to a lesser extent to last year, income remains behind the budget for these two service areas. This will remain under review as part of the Q2 Financial Performance Report as it may be a position that could start to recover over the remainder of the year, especially as the budget position was supported by fee increases in 2024/25.

**Leisure Centre Income from Fees and Charges** – The favourable position reported to Cabinet in July as part of the Outturn for 2023/24 continues in 2024/25. It is proposed to reflect this increased income within the 2024/25 budget with an associated adjustment set out within **Appendix 1H**. Some of the additional income raised is proposed to be used for unavoidable costs being experienced within the leisure facilities, which are also set out within **Appendix 1H**. Any longer-term impact will be considered alongside the development of the forecast over the remainder of the year.

It is also worth highlighting the associated favourable position relating to the VAT treatment of some leisure income. This issue was reported last year where it was indicated that additional work remained outstanding in order to clarify the position following the earlier court ruling that determined that Local Authorities who provide in-house leisure services to the public are doing so under a statutory framework and therefore the charges made should be treated as non-business instead of being standard rated as has historically been the case. Given additional clarity emerging around this issue, this item has now been included within the savings plan set out within **Appendix 2B**.

**Vacancy savings** - when viewed corporately, employee costs remain behind the budget. A favourable budget adjustment is usually undertaken at the end of each quarter to utilise the accrued savings. It is only proposed to make a cautious adjustment at the present time given

that the national pay negotiations for 2024/25 remain on-going, the outcome of which could result in the finally agreed pay award being higher than the amount currently forecast, which in turn will likely need to rely on accrued vacancy savings to date.

**Careline Net Costs** – a sum of **£0.296m** was included in the 2024/25 budget as part of enabling a wider review of the service to be undertaken. The associated report to Cabinet in July set out the position in detail, with a further report planned to be presented to Cabinet in November following a period of consultation. There are no adjustments required to the budget at this stage, which will be subject to further review as part of the report to Cabinet in November.

**Energy Costs** – these costs remain relatively volatile, although are supported by a contingency budget that was previously set aside. Further updates will be provided as part of developing the forecast over the coming months.

The impact of the various issues set out above, along with potential other emerging issues during the year will be kept under review as part of future financial performance reports, which will include identifying if there are any longer-term impacts in 2025/26 and beyond.

In terms of the Forecast Risk Fund, the full year ‘target’ amount of **£0.250m** is proposed to be contributed to the fund now, which is felt to be a prudent approach at this stage, although it can be reviewed later in the year as necessary. This adjustment is set out within **Appendix 1H**.

Taking the above into account, **Appendix 1H** sets out the requirement to draw down **£0.602m** from the Corporate Investment Fund to support the net cost of the various cost pressures and adjustments. This leaves a balance of **£1.763m** within the fund to support the Council’s budget and further spending decisions over the coming months.

## **COLLECTION PERFORMANCE**

A detailed analysis of the current position is shown in **Appendix 1E**.

As highlighted in previous reports, there undoubtedly remains an on-going impact from COVID 19 on collection performance along with the cost of living challenges currently faced by residents and businesses. Any necessary recovery action will continue over the remainder of the year, with the aim of maximising the level of collection performance wherever possible.

In respect of general debt, the performance this year is running slightly ahead of the position at the same time last year.

The Council remains a member of the Essex Business Rate’s Pool in 2024/25 along with benefiting from the Council Tax Sharing Agreement with Essex County Council. These two schemes have continued to provide a financial benefit to the Council over recent years and it is proposed to continue the same approach in 2025/26. An associated recommendation is therefore set out above to support the Council’s continued involvement in the Essex Business Rates Pool whilst it remains financially advantageous to do so. The Current Council Tax Sharing Agreement agreed last year covered two financial years and is therefore not due to expire until the end of March 2026, so there are no additional decisions required at the present time.

## **HRA REVENUE**

An overall position is set out in the Executive Summary with further details included in **Appendix 1C**. At the end of July 2024, the HRA is showing a net underspend of **£0.348m**, which reflects a number of variances across various HRA budgets as highlighted.

It is worth highlighting a number of changes to the Right to Buy regime recently introduced by the new Government which included the following increased flexibilities in 2024/25 and 2025/26:

- The maximum permitted contribution from RTB receipts to replacement affordable housing has increased from 50% to 100%.
- RTB receipts will be permitted to be used alongside section 106 contributions which was previously prohibited.
- The cap on the percentage of replacements delivered as acquisitions each year (currently 50%) has been lifted.

The impact and flexibilities that the above introduces remain under review and will be set out in future reports as necessary.

### **CAPITAL PROGRAMME – GENERAL FUND**

The overall position is set out in **Appendix 1D**.

As at the end of July 2024, the programme is broadly on target against the profiled position.

**Appendix 1H** sets out a 'technical' adjustment relating to an earlier Carnarvon Road demolition scheme where it is proposed to 'transfer' this money to support the associated and wider Levelling Up Scheme on the same site.

### **CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT**

The overall position is set out in **Appendix 1D**.

As at the end of July 2024, the programme is behind profile by **£0.487m**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings along with the timing associated with various works and activities.

The Spendells House project also forms part of the wider HRA capital programme, with works on-going within the revised budget position agreed by Cabinet at its 24 May 2024 meeting.

### **TREASURY ACTIVITY**

A detailed analysis of the current position is shown in **Appendix 1F**. As highlighted earlier, additional income is being achieved to date which has been reflected within **Appendix 1H**.

The Annual Capital and Treasury Strategy for 2024/25 (including the Prudential and Treasury Indicators) was approved by Full Council in March 2024, with all activity to date therefore undertaken in accordance with this strategy and associated treasury management practices.

## **Other Matters**

**Freeports** – As part of its decision at its meeting on 24 May 2024, Cabinet agreed the Freeport East Local Growth and Investment Strategy. This in effect formalised the process relating to the required contributions from qualifying business rate income generated from the Harwich Tax Site, that are in turn payable to East Suffolk District Council as the accountable body, for disbursement in line with the strategy and associated governance arrangements.

Although East Suffolk District Council have yet to finalise an inter-authority agreement setting out the processes relating to the payment to them of retained rates, they have recently approached the Council to seek an interim payment to support the cash flow requirements of Freeport East Ltd. Such payments have in effect been agreed as part of approving the Local Growth and Investment Strategy mentioned earlier and the money requested is in-line with those arrangements. As at the end of 2023/24, **£0.092m** of additional business rates has been generated from the Harwich Tax site through underlying ‘technical’ growth rather from new business growth. This money has been set aside in reserves pending it being transferred to East Suffolk District Council.

**Health Funding** – At its meeting on 17 September 2021 Cabinet accepted external funding of **£0.165m** for health and housing from the North East Essex Clinical Commissioning Group, which was a contribution to support a number of health related projects as set out in the associated MOU with the North Essex Health & Wellbeing Alliance. This was additional funding over and above previous health and housing funding which had been used to provide mental health support from the local Mental Health Trust, to sustain tenancies and prevent homelessness when identified by interventions from Council officers. As agreed by the Alliance partners, this funding has remained unspent and has subsequently been carried forward into 2024/25 to ensure the original health and housing work to provide health support could be extended. Subsequently, the Council have been approached by its Alliance Partners requesting the return of this funding via the associated Alliance’s governance arrangements and MOU as they now propose to make an associated contribution directly to Mental Health Trust to continue this work. An associated recommendation is set out above.

**Project Delivery Team** – following Cabinet’s decision in July, work remains on-going to recruit the necessary capacity to support the delivery of the various activities/ projects across the Council. Further updates will be provided as part of future reports.

## **SECTION 2 – UPDATED LONG TERM FORECAST**

The detailed budget for 2024/25, which was based on the most up to date financial forecast, was considered and agreed by Full Council on 13 February 2024. The report considered by Full Council also included a summary of the forecast up until 2026/27.

For completeness, a summary of the position presented to Full Council on 13 February 2024 is set out in the following table:

**Table 1**

<b>Year</b>	<b>Net Budget Position*</b>	<b>Forecast Risk Fund - Estimated Surplus Balance at the end of the year</b>
2025/26	£2.027m deficit	£4.166m

2026/27	£2.297m deficit	£2.118m
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*\*includes removal of the prior year use of reserves etc. to balance the budget.*

The figures set out within the table were inclusive of delivering on-going savings of **£1.000m** and **£1.500m** for 2025/26 and 2026/27 respectively.

It was also highlighted that even after the achievement of these savings totalling **£2.500m**, a structural budget deficit of over **£2.000m** remained at the start of 2027/28.

As committed to in earlier reports, the forecast has now been extended out to 2033/34 to give a longer-term view of the potential future financial position of the Council, with some highlights as follows:

- Income from council tax and business rates increased by inflationary uplifts each year of the forecast. (lines 1 to 7 of the forecast)
- The expectation that the council tax referendum principle of allowable increases of up to £5 continues in 2025/26 and beyond.
- A potential 'clawback' by the Government of the gain from the business rates national revaluation exercise from 2023 is still expected. (deficit figure is included within line 5 of the forecast in 2025/26)
- A reduction of just over **£1.000m** in the revenue support grant / financial settlement receivable from the Government over 2025/26 and 2026/27 - line 8 of the forecast. (current total grant receivable in 2024/25 is just over **£2.200m**).
- The removal of a number of one-off items in 2024/25 – line 9 of the forecast.
- The reduction in additional income achievable from treasury activities over 2025/26 and 2026/27 as interest rates start to fall back from the relatively high rates being achieved at the moment. (line 14 of the forecast)
- The inclusion of inflationary increases for employee costs and major contract costs – lines 18 and 19 of the forecast. It is important to highlight that the figure currently included in the forecast for the increase in employee costs is based on the current offer made to the Unions. This offer has not yet been accepted and there remains the real risk that this could increase as part of the on-going negotiations.
- The inclusion of a general cost pressure allowance of **£0.500m** each year of the forecast – line 20 of the forecast. It is important to highlight that this does not include any additional allowance for the potential increase in the waste, recycling and street cleansing contract that will be retendered shortly.
- The on-going impact from adjustments already made in 2024/25 along with those set out in **Appendix 1H** remain subject for review for potential inclusion in later iterations of the forecast.

In terms of the later years of the forecast, it is important to highlight the significant challenges arising from inflationary increases expected to exceed to ability to raise income from council tax and business rates. Therefore, at some reasonable point in the future, the Council must be able to put itself in the position of balancing its annual budget, otherwise the position is not sustainable as it would require on-going use of reserves. Based on the current forecast position, the expected annual imbalance between expenditure and income is approximately **£0.700m**. This would therefore require corresponding annual on-going savings to be realised over the full forecast period to enable a balance budget to be set each year.

**Appendix 2B** sets out the first iteration of the savings plan that aims to meet the first **£2.500m** of savings previously reported. As previously discussed in earlier reports, S114 reports issued

by some Local Authorities have highlighted the major issue faced by Councils is not having the necessary practical, pragmatic and credible plans in place to identify the savings required to balance their budgets. The proposed estimated savings set out with **Appendix 2B** are felt to be prudent, deliverable and credible with work on-going to secure them as soon as practicable. As previously mentioned, although the savings do not have to be accrued from 1 April 2025, given the flexibility afforded by the Forecast Risk Fund, it is acknowledged that securing them as early as possible will provide further flexibility and support in later years of the forecast.

The challenging work of identifying additional savings over the later years of the forecast will be considered as part of developing key actions and activities during 2025/26 and beyond.

Based on the current forecast, the Forecast Risk fund would be fully depleted during 2027/28, which is only three years into the current forecast period.

However, it is important to acknowledge that the long-term approach to the forecast therefore still enables the flexibility and time to consider the longer-term plan and the further savings that will be required in a more informed way.

Notwithstanding the above, it is important to continue to seek support from the Government not only in real terms through potential increases in the Revenue Support Grant / Funding Settlement but also through longer term deals. It is encouraging that the Government recognise this latter point and their commitment to providing this certainty where it can.

The next significant fiscal event is the Government's Autumn Budget scheduled for 30 October 2024. Although it is unlikely that Councils will have clarity around how much funding they are likely to receive, it is hoped that it provides some level of detail to support the Council's financial planning processes. Such detail could include early indications of the direction of travel in terms of Local Government Financial Settlements. As highlighted earlier, a cautious reduction in Government Support has been reflected in the forecast. Any favourable changes to this would likely have a significant impact on the forecast such as extending the availability of the Forecast Risk fund beyond 2027/28.

With the above in mind, it is understood that the Local Government Association (LGA) has submitted a proposal to HM Treasury ahead of the Autumn Budget on 30 October, urging the Government to stabilise council finances and protect services. They go on to highlight that Councils are facing a funding gap of over £2 billion in 2025/26. The LGA warns that further cuts could push more councils towards financial ruin, with potentially disastrous outcomes for communities.

Although some clarity is hopefully expected to emerge from Government announcements over the coming months, it is unlikely that a more detailed long-term view will become clear until the wider Comprehensive Spending Review is concluded. As part of a recent statement by the Chancellor of the Exchequer, the launch of the next Spending Review was announced that will inform future settlements, with its conclusion scheduled for Spring 2025.

### **Forecast Risk Fund**

As highlighted earlier it is proposed to contribute **£0.250m** to the Forecast Risk Fund which meets the in-year contribution 'target' that in turn supports the overall balance in the reserve that underwrites the various risks to the forecast.



Based on the current forecast, the Forecast Risk Fund is estimated to total **£6.415m** at the end of 2024/25, which is therefore available to support the development of the forecast from 2025/26 and beyond.

### **Risk Assessment**

Given the inherent risks to the forecast, a risk assessment of each line of the forecast is maintained. This is currently being reviewed in light of the updated forecast set out above with the aim of providing an updated position when the Q2 Financial Performance Report is presented to Cabinet in November 2024.

### **Sensitivity Testing**

Work remains in progress to update the usual sensitivity testing approach, with the outcome planned to be presented in reports later in the year as part of the development of the budget for consideration by Full Council in February 2025.

Given the changes and potential impacts discussed above, it is proposed to hold an All-Member briefing later in the calendar year to keep members as up to date as possible on the development of the forecast and associated challenges etc.

### **Housing Revenue Account**

Similarly to previous years, some of the challenges relating to the General Fund will have an equally challenging impact on the HRA, e.g. inflation.

The HRA faces some significant financial pressures looking ahead, such as the telescopic impact of the rent 'cap' in 2023/24, along with increased expectations that are emerging from the Social Housing Regulation Act and associated enhanced role of the Housing Regulator.

In light of the above, work remains in progress on revising the HRA 30 year Business Plan, with further updates planned to be reported to Cabinet later in the year.

### **PREVIOUS RELEVANT DECISIONS**

Executive's Proposals – General Fund Budget and Council Tax 2024/25 – Item A.1 Full Council 14 February 2024.

Executive's Proposals – Housing Revenue Account Budget 2024/25 – Item A.2 Full Council 14 February 2024.

Financial Performance Report 2023/24 and 2024/25 – General Update at the end of Q3 – Item A.3 Cabinet April 2024.

Financial Outturn 2023/24 Report – Agreed by the Portfolio for Finance and Governance 17 July 2024 (LINK: [Decision - Financial Outturn 2023/24 \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/decision-financial-outturn-2023-24))

Financial Outturn 2023/24 Report – Item A.9 Cabinet 26 July 2024

### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES****RELATING TO SECTION 1 OF THE REPORT**

- Appendix 1 - Front Cover and Executive Summary
- Appendix 1A – Summary by Portfolio / Committee
- Appendix 1B – General Fund Budget Position by Department
- Appendix 1C – Housing Revenue Account Budget Position
- Appendix 1D – Capital Programme
- Appendix 1E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts
- Appendix 1F – Treasury Activity
- Appendix 1G – Income from S106 Agreements
- Appendix 1H – Proposed Adjustments to the Budget 2024/25

**RELATING TO SECTION 2 OF THE REPORT**

- Appendix 2A – Updated Long Term Financial Forecast
- Appendix 2B – Savings Plan

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# Tendring District Council



## *Appendices Included:*

<b>Executive Summary</b>	A summary of the overall position.
<b>Appendix A</b>	A summary of the overall position by Portfolio/Committee split by GF and HRA
<b>Appendix B</b>	An analysis by Department of all General Fund Revenue budgets.
<b>Appendix C</b>	An analysis of Housing Revenue Account Revenue budgets.
<b>Appendix D</b>	The position to date for General Fund and HRA capital projects.
<b>Appendix E</b>	Collection Performance
<b>Appendix F</b>	Treasury activity.
<b>Appendix G</b>	Income from S106 Agreements.
<b>Appendix H</b>	Proposed Adjustments to the Budget

## Financial Performance Report In-Year Performance as at end of:

***July 2024***

*(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)*

# Financial Performance Report - Executive Summary as at the end of July 2024

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

## General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(27,349,330)	(3,281,007)	(2,730,633)	550,373
Operations and Delivery	18,299,710	2,240,332	2,388,568	148,236
Place and Economy	9,049,620	851,157	632,267	(218,889)
<b>Total General Fund</b>	<b>0</b>	<b>(189,518)</b>	<b>290,202</b>	<b>479,719</b>

## Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
<b>Total HRA</b>	<b>0</b>	<b>(2,737,737)</b>	<b>(3,085,512)</b>	<b>(347,775)</b>

## Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	52,614,500	972,069	954,206	(17,863)
Housing Revenue Account	9,938,780	3,547,793	3,061,092	(486,701)
<b>Total Capital</b>	<b>62,553,280</b>	<b>4,519,862</b>	<b>4,015,298</b>	<b>(504,565)</b>

## Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	29.37%
Business Rates *	27.81%
Housing Rents	96.05%
General Debt	76.05%

## Treasury

	£'000
Total External Borrowing	32,565
Total Investments	86,853

\* The figure is performance against the budgeted Collection Fund amount rather than the debit collectable.

## Revenue Budget Position at the end of July 2024

### General Fund Portfolio / Committee Summary

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £
Corporate Finance and Governance	975,050	(1,206,402)	(1,458,864)	(252,462)
Assets	715,780	1,380,563	1,372,576	(7,987)
Economic Growth, Regeneration and Tourism	2,296,910	(580,710)	(617,459)	(36,749)
Environment	11,423,830	1,959,083	2,041,851	82,768
Leisure and Public Realm	6,067,510	780,372	108,399	(671,973)
Housing and Planning	8,381,400	1,351,335	3,351,779	2,000,443
Partnerships	3,891,050	525,653	299,914	(225,739)
Budgets Relating to Non Executive Functions	628,870	197,700	740,970	543,270
	<b>34,380,400</b>	<b>4,407,595</b>	<b>5,839,166</b>	<b>1,431,571</b>
Revenue Support for Capital Investment	878,670	0	0	0
Financing Items	(2,779,550)	(578,752)	(1,530,605)	(951,853)
<b>Budget Before use of Reserves</b>	<b>32,479,520</b>	<b>3,828,843</b>	<b>4,308,561</b>	<b>479,717</b>
Contribution to / (from) earmarked reserves	(17,356,320)	0	0	0
<b>Total Net Budget</b>	<b>15,123,200</b>	<b>3,828,843</b>	<b>4,308,561</b>	<b>479,717</b>
<b>Funding:</b>				
Business Rates Income	(3,357,400)	(950,761)	(950,761)	0
Revenue Support Grant	(766,490)	(275,937)	(275,937)	0
Collection Fund Surplus	(951,310)	(285,393)	(285,393)	0
Income from Council Tax Payers	(10,048,000)	(2,506,270)	(2,506,268)	2
<b>Total</b>	<b>0</b>	<b>(189,518)</b>	<b>290,202</b>	<b>479,719</b>

## Revenue Budget Position at the end of July 2024

### HRA Portfolio Summary

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £
Economic Growth, Regeneration and Tourism	(1,550)	(21,343)	(28,889)	(7,546)
Housing and Planning	(2,482,670)	(2,716,393)	(3,056,623)	(340,230)
	<b>(2,484,220)</b>	<b>(2,737,737)</b>	<b>(3,085,512)</b>	<b>(347,775)</b>
Revenue Support for Capital Investment	1,463,630	0	0	0
Financing Items	1,759,870	0	0	0
<b>Budget Before use of Reserves</b>	<b>739,280</b>	<b>(2,737,737)</b>	<b>(3,085,512)</b>	<b>(347,775)</b>
Contribution to / (from) earmarked reserves	(739,280)	0	0	0
<b>Total</b>	<b>(0)</b>	<b>(2,737,737)</b>	<b>(3,085,512)</b>	<b>(347,775)</b>

# Corporate Budget Monitoring - General Fund Budget Position at the end of July 2024

## Department - Chief Executive, Finance, IT, Governance and Partnerships

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	10,810,960	3,375,163	2,949,909	(425,254)	
Premises Related Expenditure	515,270	196,368	196,084	(284)	
Transport Related Expenditure	115,400	47,355	53,383	6,028	
Supplies & Services	11,275,842	1,800,576	2,240,016	439,440	
Transfer Payments	36,836,970	10,302,553	10,705,776	403,222	
Interest Payments	9,340	3,015	3,017	2	
Direct Capital Financing Costs	3,362,890	0	0	0	
<b>Total Direct Expenditure</b>	<b>62,926,672</b>	<b>15,725,031</b>	<b>16,148,184</b>	<b>423,153</b>	
<b>Direct Income</b>					
Government Grants	(45,151,652)	(12,926,765)	(11,762,021)	1,164,744	
Other Grants, Reimbursements and Contributions	(1,759,320)	(980,934)	(1,037,093)	(56,158)	
Sales, Fees and Charges	(1,178,890)	(355,320)	(397,139)	(41,819)	
Rents Receivable	(1,050)	(350)	(231)	120	
Interest Receivable	(1,903,370)	(724,307)	(1,663,975)	(939,668)	
RSG, Business Rates and Council Tax	(15,520,220)	(4,018,361)	(4,018,359)	2	
<b>Total Direct Income</b>	<b>(65,514,502)</b>	<b>(19,006,037)</b>	<b>(18,878,818)</b>	<b>127,220</b>	
<b>Net Direct Costs</b>	<b>(2,587,830)</b>	<b>(3,281,007)</b>	<b>(2,730,633)</b>	<b>550,373</b>	
<b>Net Indirect Costs</b>	<b>(7,405,180)</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Contribution to/(from) Reserves</b>	<b>(17,356,320)</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for Chief Executive, Finance, IT, Governance and Partnerships</b>	<b>(27,349,330)</b>	<b>(3,281,007)</b>	<b>(2,730,633)</b>	<b>550,373</b>	

## Department - Chief Executive, Finance, IT, Governance and Partnerships

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for Chief Executive and Administration</b>	0	68,003	45,195	(22,808)	
<b>Total for Finance and IT Management and Administration</b>	0	34,097	36,935	2,839	
<b>Total for Finance</b>	111,610	518,567	442,161	(76,405)	
<b>Total for Finance - Other Corporate Costs</b>	(2,236,690)	(3,133,267)	(4,354,039)	(1,220,772)	This primarily reflects new burdens grant funding and interest receivable from treasury activities - please see Appendix H for associated budget adjustment.
<b>Total for Finance - Financing Items</b>	(18,042,170)	139,206	129,020	(10,187)	
<b>Total for Finance - RSG, Business Rates and Council Tax</b>	(15,123,200)	(4,018,361)	(4,018,359)	2	
<b>Total for Revenues and Benefits</b>	2,313,640	843,873	2,481,934	1,638,062	This primarily reflects the timing differences associated with Housing Benefit payments and the reimbursement by the Government via the related subsidy system.
<b>Total for IT and Corporate Resilience</b>	148,300	820,719	816,092	(4,627)	



	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Total for Governance Management and Administration</b>	0	58,963	58,472	(491)	
<b>Total for Legal</b>	15,000	138,523	124,142	(14,382)	
<b>Total for Communications</b>	0	31,430	55,075	23,645	
<b>Total for Democratic Services and Elections</b>	1,494,770	427,947	1,004,427	576,480	This reflects the timing difference between incurring the cost of running the parliamentary election earlier in the year and the reimbursement by the Government following a reconciliation process.
<b>Total for Corporate Procurement and Contracts</b>	45,000	89,720	26,555	(63,165)	
<b>Total for Partnerships Management and Administration</b>	0	144,467	143,597	(870)	
<b>Total for People</b>	61,590	121,357	105,696	(15,661)	
<b>Total for Organisational Development</b>	243,390	173,380	137,809	(35,571)	
<b>Total for Health and Community</b>	1,183,700	66,517	29,512	(37,005)	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Total for Customer Contact</b>	0	243,980	213,778	(30,202)	
<b>Total for Careline and Community</b>	2,435,730	(50,127)	(208,634)	(158,507)	The position to date reflects variances across a number of budgets including employee costs.
<b>Total for Chief Executive, Finance, IT, Governance and Partnerships</b>	(27,349,330)	(3,281,007)	(2,730,633)	550,373	

# Corporate Budget Monitoring - General Fund Budget Position at the end of July 2024

## Department - Operations and Delivery

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	7,640,390	2,517,423	2,487,734	(29,689)	
Premises Related Expenditure	2,303,320	911,716	931,218	19,502	
Transport Related Expenditure	579,610	245,817	203,801	(42,016)	
Supplies & Services	6,550,280	1,193,553	1,712,252	518,699	
Third Party Payments	7,312,220	1,383,062	1,349,674	(33,388)	
Transfer Payments	235,750	79,700	853,969	774,269	
<b>Total Direct Expenditure</b>	<b>24,621,570</b>	<b>6,331,271</b>	<b>7,538,647</b>	<b>1,207,376</b>	
<b>Direct Income</b>					
Government Grants	(1,257,180)	(1,122,480)	(1,116,892)	5,588	
Other Grants, Reimbursements and Contributions	(1,858,370)	(622,975)	(277,123)	345,852	
Sales, Fees and Charges	(4,857,480)	(2,206,450)	(3,505,024)	(1,298,574)	
Rents Receivable	(417,100)	(139,033)	(251,041)	(112,007)	
Direct Internal Income	(166,390)	0	0	0	
<b>Total Direct Income</b>	<b>(8,556,520)</b>	<b>(4,090,938)</b>	<b>(5,150,079)</b>	<b>(1,059,141)</b>	
<b>Net Direct Costs</b>	<b>16,065,050</b>	<b>2,240,332</b>	<b>2,388,568</b>	<b>148,236</b>	
<b>Net Indirect Costs</b>	<b>2,234,660</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for Operations and Delivery</b>	<b>18,299,710</b>	<b>2,240,332</b>	<b>2,388,568</b>	<b>148,236</b>	

## Department - Operations and Delivery

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for CD Operations and Delivery Management and Administration</b>	0	126,903	132,367	5,463	
<b>Total for Building and Public Realm Management and Administration</b>	0	92,010	89,114	(2,896)	
<b>Total for Public Realm</b>	2,004,630	492,142	367,698	(124,443)	This primarily reflects a favourable position emerging against the parking income budgets. This will be kept under review during the remainder of the year and as part of developing the forecast. It is also worth highlighting that this partly offsets additional costs being incurred in relation to the operation of the various public conveniences, with a proposed budget adjustment set out in Appendix H.
<b>Total for Property and Projects</b>	307,640	(416,890)	(695,027)	(278,137)	This primarily reflects additional income being achieved against the beach hut budgets. This position is currently reflected within the proposed Savings Plan set out as a separate Appendix.
<b>Total for Development and Building Management</b>	30	10	10	(0)	
<b>Total for Coastal and Engineering</b>	3,311,470	600,897	559,136	(41,760)	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Total for Open Space and Transport</b>	897,070	327,034	239,269	(87,765)	
<b>Total for Housing and Environment Management and Administration</b>	617,460	52,240	57,946	5,706	
<b>Total for Housing</b>	2,109,100	(282,833)	297,871	580,704	The position to date primarily reflects the on-going challenges associated with responding to the demand related to homelessness. Although the budget has been increased, the costs being incurred by the Council remain significant, which is a position being experienced by many other Local Authorities. This remains under review with an adjustment proposed to be included in Q2 and as part of developing the long term forecast, which will also factor in the benefits that Spendells House will bring once operational.
<b>Total for Waste and Recycling</b>	6,606,150	887,330	1,011,994	124,664	
<b>Total for Environment</b>	2,446,160	361,490	328,189	(33,301)	
<b>Total for Operations and Delivery</b>	18,299,710	2,240,332	2,388,568	148,236	

Total for Housing

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# Corporate Budget Monitoring - General Fund Budget Position at the end of July 2024

## Department - Place and Economy

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	6,970,820	2,021,733	1,951,656	(70,078)	
Premises Related Expenditure	1,147,160	543,850	657,006	113,156	
Transport Related Expenditure	45,880	15,773	12,182	(3,592)	
Supplies & Services	4,536,570	898,755	899,743	988	
Third Party Payments	870	870	0	(870)	
<b>Total Direct Expenditure</b>	<b>12,701,300</b>	<b>3,480,982</b>	<b>3,520,587</b>	<b>39,605</b>	
<b>Direct Income</b>					
Government Grants	(1,098,660)	(1,098,660)	(1,085,421)	13,239	
Other Grants, Reimbursements and Contributions	(38,400)	(29,000)	(50,006)	(21,006)	
Sales, Fees and Charges	(4,424,340)	(1,485,782)	(1,734,117)	(248,336)	
Rents Receivable	(49,150)	(16,383)	(18,775)	(2,392)	
<b>Total Direct Income</b>	<b>(5,610,550)</b>	<b>(2,629,825)</b>	<b>(2,888,320)</b>	<b>(258,495)</b>	
<b>Net Direct Costs</b>	<b>7,090,750</b>	<b>851,157</b>	<b>632,267</b>	<b>(218,889)</b>	
<b>Net Indirect Costs</b>	<b>1,958,870</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for Place and Economy</b>	<b>9,049,620</b>	<b>851,157</b>	<b>632,267</b>	<b>(218,889)</b>	

## Department - Place and Economy

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for Place and Economy Management and Administration</b>	1,000,000	45,637	44,414	(1,223)	
<b>Total for Planning Management and Administration</b>	0	685,873	599,702	(86,172)	
<b>Total for Planning Development</b>	1,364,640	(351,410)	(275,954)	75,456	Income relating to planning and building control remain behind profile at the end of July 2024. This will remain under review for further consideration in Q2 and as part of developing the long term forecast.
<b>Total for Local Plan and Place Shaping Management and Administration</b>	0	27,360	34,605	7,245	
<b>Total for Strategic Planning</b>	677,930	19,957	(4,445)	(24,401)	
<b>Total for Place</b>	44,950	16,633	7,500	(9,133)	
<b>Total for Economic Growth</b>	1,483,680	(730,497)	(726,654)	3,842	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Total for Sport and Leisure Operations</b>	3,455,800	920,230	784,989	(135,241)	This primarily reflects the current net favourable performance at the Council's various leisure facilities. Please see Appendix H for proposed associated adjustments.
<b>Total for Tourism Arts and Events</b>	1,022,420	186,313	105,642	(80,672)	
<b>Total for Economy, Culture and Leisure Management</b>	200	31,060	62,469	31,409	
<b>Total for Place and Economy</b>	9,049,620	851,157	632,267	(218,889)	



# Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of July 2024

## Housing Revenue Account

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	2,040,020	644,607	592,199	(52,407)	
Premises Related Expenditure	4,384,690	1,436,143	1,362,641	(73,502)	
Transport Related Expenditure	37,870	12,623	9,878	(2,745)	
Supplies & Services	772,240	291,278	242,221	(49,058)	
Third Party Payments	48,870	0	0	0	
Transfer Payments	17,000	5,667	8,102	2,435	
Interest Payments	1,153,530	310,260	310,258	(2)	
Direct Capital Financing Costs	2,877,930	0	0	0	
<b>Total Direct Expenditure</b>	<b>11,332,150</b>	<b>2,700,578</b>	<b>2,525,299</b>	<b>(175,279)</b>	
<b>Direct Income</b>					
Other Grants, Reimbursements and Contributions	(8,440)	(147)	(8,402)	(8,256)	
Sales, Fees and Charges	(628,230)	(187,883)	(186,302)	1,581	
Rents Receivable	(15,754,250)	(5,250,285)	(5,416,107)	(165,822)	
Interest Receivable	(329,120)	0	0	0	
<b>Total Direct Income</b>	<b>(16,720,040)</b>	<b>(5,438,315)</b>	<b>(5,610,811)</b>	<b>(172,496)</b>	
<b>Net Direct Costs</b>	<b>(5,387,890)</b>	<b>(2,737,737)</b>	<b>(3,085,512)</b>	<b>(347,775)</b>	
<b>Net Indirect Costs</b>	<b>6,127,170</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Contribution to/(from) Reserves</b>	<b>(739,280)</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for HRA</b>	<b>0</b>	<b>(2,737,737)</b>	<b>(3,085,512)</b>	<b>(347,775)</b>	This reflects a number variances, including employee costs, rental income and utility costs. This will remain subject to review with an update presented as part of the Q2 report in November.

## Housing Revenue Account

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for Finance - Financing Items</b>	3,223,500	0	0	0	
<b>Total for CD Operations and Delivery Management and Administration</b>	(73,940)	0	(2,050)	(2,050)	
<b>Total for Development and Building Management</b>	5,541,480	1,494,282	1,529,659	35,377	
<b>Total for Housing</b>	(8,689,490)	(4,210,675)	(4,584,232)	(373,557)	
<b>Total for Economic Growth</b>	(1,550)	(21,343)	(28,889)	(7,546)	
<b>Total for HRA</b>	0	(2,737,737)	(3,085,512)	(347,775)	

## Corporate Budget Monitoring - General Fund Capital Programme Position at the end of July 2024

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Expenditure</b>					
<b>Assets Portfolio</b>					
Town Hall - Replacement Heating System	200,000	10,000	9,990	(10)	Initial advice has highlighted options for alternative technologies at substantial additional cost but with substantial carbon reduction. The officer team is to prepare options for member consideration potentially drawing on climate funding.
IT Core Infrastructure Rolling Replacement	170,480	30,130	30,133	3	This on-going scheme continues to support the rolling replacement of hardware and IT infrastructure.
Office Rationalisation	90,420	0	0	0	Works are complete save for Mill Lane Walton and the Theatre Store at Alexandra Gardens.  Building regulation approval has now been obtained for work at Mill Lane and the Engineering team will complete that work over winter. Remaining budget will be used on works to stabilize the theatre store.
Carnarvon House Demolition	341,530	0	0	0	The demolition aspect of this project is completed and the remainder of this budget will be used in parallel with Levelling Up funding and facilitating the Carnarvon Terrace project. (proposed adjustment set out within Appendix H)

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Laying Out Cemetery	89,580	0	5,989	5,989	Renewed planning permission has been secured, subject to conditions. Initial estimates by the consultants indicate a significant shortfall in the budget available. Further investigations are under way in order to facilitate a member decision on options available in the light of the proposed Bereavement Strategy.
Public Convenience Works	40,000	0	0	0	Works have been completed but charged to other budget heads. Accounting transfers are proposed to correctly represent the position going forward.
Weeley Crematorium Works	47,310	5,390	5,392	2	The project is substantially complete. Some minor work remains outstanding which is delaying a small number of related direct orders. The officer team is chasing progress and anticipates full completion within the financial year.
<b>Total for Assets Portfolio</b>	<b>979,320</b>	<b>45,520</b>	<b>51,505</b>	<b>5,985</b>	
<b>Corporate Finance and Governance Portfolio</b>					
Agresso e-procurement	84,000	0	0	0	The Service is currently exploring best use of available budget alongside a wider associated system upgrade.
<b>Total for Corporate Finance and Governance Portfolio</b>	<b>84,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Economic Growth, Regeneration and Tourism Portfolio</b>					
LUF - Carnarvon Terrace	18,933,740	0	0	0	These projects remain on-going as set out in separate reports presented during the first half of the year. Further updates / decisions will be made via separate reports as the projects progress.
LUF - The Clacton Hub (Capital Grant to ECC)	10,999,280	98,558	98,558	0	
CRP - Homes in Dovercourt	3,798,750	0	0	0	
CRP - Harwich Library (Capital Grant to ECC)	1,166,840	380,331	380,331	0	
CRP - Public Realm (Capital Grant to ECC)	4,320,000	0	0	0	
SME Growth Fund Capital Grants	43,250	0	0	0	£43,250 remains in the fund (joint TDC/ECC). Funding is due to be released to firms on completion of their approved project activity, which currently remains outstanding. A review of projects to also be commenced.
Starlings and Milton Road Redevelopment	265,670	0	(21,330)	(21,330)	The construction is now complete and the Council awaits the final account from the contractor. Early indications suggest some underspend against the remaining £265,670.
Rural England Prosperity Fund	11,090	0	0	0	This funding is now approved for spend. All of the 2023/24 allocation is also spent and the Council expects a nil final balance.
<b>Total for Economic Growth, Regeneration and Tourism Portfolio</b>	<b>20,604,880</b>	<b>478,889</b>	<b>457,559</b>	<b>(21,330)</b>	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Environment Portfolio</b>					
Weekly Food Collections - Transitional Funding	277,370	0	0	0	This will be considered alongside the tender for the waste, recycling and street cleansing contract.
<b>Total for Environment Portfolio</b>	<b>277,370</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Housing and Planning Portfolio</b>					
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	76,280	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	0	0	0	
Disabled Facilities Grants	10,192,510	340,810	340,807	(3)	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
<b>Total for Housing and Planning Portfolio</b>	<b>10,795,840</b>	<b>340,810</b>	<b>340,807</b>	<b>(3)</b>	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<b>Leisure and Public Realm Portfolio</b>					
Projects associated with the Vista Road Land Swap	27,740	0	0	0	An order has been raised for to supply and install a new Non-Turf Cricket Wicket. The remainder of this money is proposed to go towards additional projects relating to the ECC Land Transfer.
Active Ageing Outdoor Gym	70,000	0	0	0	Works scheduled to commence in September 2024, with the project to be completed in Q3 of this financial year.
Car Park Works at Clacton Leisure Centre (Land Transfer)	322,000	91,880	91,880	(0)	This project is complete, with final invoices to pay.
Replacement of beach hut supports - The Walings	11,620	0	0	0	The officer team is currently working with an engineer to establish how best to deliver this project and generate designs and to obtain quotes for the works.
Northbourne Depot Extension Works (Land Transfer)	15,870	2,840	2,841	1	This project is complete, there is only retention to pay which we expect to leave a small residue to be used on the site as above.
Cliff Park Rockery Works	51,840	9,620	9,614	(6)	Works commenced in autumn 2023, however procurement difficulties have caused delays, this has resulted in orders for plants and trees not being placed until Autumn. This project should be fully completed by March 2025.

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
CLC - Replacement of All Weather Pitch	0	0	0	0	Final invoice is due following the 12-month retention inspection this month.
Clacton Skate Park Improvement Scheme	0	0	0	0	Project completed and retention paid.
Air Handling Units	209,500	0	0	0	The associated grant agreement has been finalised. Consultants are developing the design and specifications, with the tender process expected to start at the end of October and continue through November.
Building Management System	35,000	0	0	0	
Brightlingsea LIDO (Capital Grant)	41,650	0	0	0	All parties have signed the Grant Adherence Agreement, and Brightlingsea Lido is now carrying out the procurement process in accordance with the grant conditions.
Seafronts - Quad Bike Purchase	10,680	0	0	0	This has been purchased and since paid
Walton Lifestyles Roof Repairs	6,000	0	0	0	Awaiting further quotes for works to commence.
Clacton Pool Leak	40,000	0	0	0	This remains subject to on-going review to determine the most appropriate course of action.
CLC - Sauna Refurbishment	27,510	2,510	0	(2,510)	Installation of a new sauna cabin commenced in September.
New Beach Huts	64,600	0	0	0	A specification is currently being prepared but due to the nature of the works they can only be carried out in the winter.
Works at Halstead Road Play Area, Kirby	610	0	0	0	Works completed, invoice to be paid.



	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Marine Parade, Clacton - Playground Equipment	4,730	0	0	0	Order has been placed, waiting for works to be completed which includes some activities taking place out of season.
<b>Total for Leisure and Public Realm Portfolio</b>	<b>939,350</b>	<b>106,850</b>	<b>104,335</b>	<b>(2,515)</b>	
<b>Total Approved General Fund Capital</b>	<b>52,614,500</b>	<b>972,069</b>	<b>954,206</b>	<b>(17,863)</b>	

## **Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of July 2024**

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	3,773,870	981,870	933,375	(48,495)	
Honeycroft New Build Scheme	2,526,560	1,100,000	1,067,055	(32,945)	
Spendells House Project	1,152,830	910,000	523,126	(386,874)	
IT Upgrade & Replacement	20,000	0	0	0	
Disabled Adaptations	400,000	126,633	139,116	12,483	
HRA - New Build & Acquisitions - To Be Allocated	1,430,230	0	0	0	
HRA - Acquisitions - Council Dwellings	474,300	268,300	268,300	0	
HRA - Acquisitions - Non-Dwellings	160,990	160,990	130,120	(30,870)	
<b>Total Housing Revenue Account Capital Programme</b>	<b>9,938,780</b>	<b>3,547,793</b>	<b>3,061,092</b>	<b>(486,701)</b>	

## Collection Performance : Position at the end of July 2024

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates																																
<table border="1"> <caption>Council Tax Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2023/24</th> <th>2024/25</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>27.78%</td> <td>29.37%</td> </tr> <tr> <td>Quarter 2</td> <td>53.04%</td> <td></td> </tr> <tr> <td>Quarter 3</td> <td>78.61%</td> <td></td> </tr> <tr> <td>Quarter 4</td> <td>93.87%</td> <td></td> </tr> </tbody> </table>			Quarter	2023/24	2024/25	Quarter 1	27.78%	29.37%	Quarter 2	53.04%		Quarter 3	78.61%		Quarter 4	93.87%		<table border="1"> <caption>Business Rates Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2023/24*</th> <th>2024/25</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>29.05%</td> <td>27.81%</td> </tr> <tr> <td>Quarter 2</td> <td>55.88%</td> <td></td> </tr> <tr> <td>Quarter 3</td> <td>80.81%</td> <td></td> </tr> <tr> <td>Quarter 4</td> <td>96.88%</td> <td></td> </tr> </tbody> </table>			Quarter	2023/24*	2024/25	Quarter 1	29.05%	27.81%	Quarter 2	55.88%		Quarter 3	80.81%		Quarter 4	96.88%	
Quarter	2023/24	2024/25																																	
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Housing Rents			General Debt																																
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Quarter	2023/24	2024/25																																	
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\* Figures have been adjusted in 2023/24 to reflect the position against collectable debt rather than the budgeted collection fund amount

## Treasury Activity : Position at the end of July 2024

Key Treasury Management Performance Data and Prudential Indicators are set out below.

### TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	130	0	6	124	
Long Term PWLB Borrowing - HRA	33,405	0	964	32,441	
<b>TOTAL BORROWING</b>	<b>33,535</b>	<b>0</b>	<b>970</b>	<b>32,565</b>	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	65,000	221,000	211,900	74,100	Overall investments have increased slightly over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure.  In respect of investments with UK financial institutions, at the end of the period, investments were held with 8 counterparties, including 2 Money Market Funds.
Investments with UK financial Institutions (including Money Market Funds)	7,824	15,439	10,510	12,753	
Investments with non-UK Financial institutions	0	0	0	0	
<b>Total Investments for less than a year</b>	<b>72,824</b>	<b>236,439</b>	<b>222,410</b>	<b>86,853</b>	
<b>Investments for longer than a year</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL INVESTMENTS</b>	<b>72,824</b>	<b>236,439</b>	<b>222,410</b>	<b>86,853</b>	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	9	3	3	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.00%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,153	310	310	0	The weighted average rate of interest on the Council's HRA borrowing is currently 3.60%. (on an accrued basis)
Interest Received on Investments	(1,985)	(661)	(1,602)	(941)	The weighted average rate of interest being received on the Council's investments is currently 5.45%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	75,609	33,535			
Operational boundary for external borrowing	65,584				

## Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

### ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2023/24
	£'000
GF Revenue Schemes	592
GF Capital Schemes	9
HRA Capital Schemes	474
<b>TOTAL</b>	<b>1,075</b>

### UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	2	0
Affordable Housing	0	0	0	701
Town Centre Improvements	0	22	0	0
Conservation	0	0	0	337
Open Space	0	7	75	2,218
<b>TOTAL</b>	<b>0</b>	<b>29</b>	<b>77</b>	<b>3,256</b>

## Proposed Adjustments to the In-Year Budget July 2024

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
<b>SECTION 1 - GENERAL FUND</b>			
<b>Cost Pressures</b>			
Maintenance of play equipment	40,000		It is proposed to include this one-off sum in 2024/25 to respond to repairs to play equipment which would otherwise have to be removed. This will be subject to review on a potential on-going basis as part of developing the long term forecast from 2025/26.
Essential Health and Safety equipment	20,000		Equipment is required to support the Engineering Team in safely carrying out their activities.
Reduction in recreation grounds income - general hire and bookings		10,000	This adjustment recognises the on-going reduced income being experienced across the Council's various recreation grounds. This will be subject to review as part of developing the long term forecast from 2025/26 given its likely on-going impact.
Increased Operational Costs - Public Conveniences	55,000		This adjustment recognises the on-going costs associated with the operation of the Council's various public conveniences (e.g. staff costs and materials). This will be subject to review as part of developing the long term forecast from 2025/26 given its likely on-going impact.
Financial System - Additional Upgrade Costs	60,000		A one-off sum of £100k has already been included within the 2024/25 budget. Following further review and reflecting early stages of the procurement process, an additional one-off sum is required to successfully deliver this key project.
Leisure Facilities - Responsive Repairs	79,000		As set out within the recent Sport and Activity Strategy agreed by Cabinet on 20 September 2024, effective on-going maintenance of the various leisure facilities is essential. Proactive maintenance has been identified as a key action within the associated action plan going forwards, with this initial one-off sum being required to respond to essential activities in the interim period (including the urgent replacement of an oil tank). This cost is however offset by the increased income currently being achieved across the various facilities as set out below.

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
IT Network Renewal	240,000		As part of Phase 2 of the works to update the Council's critical digital network infrastructure, (Phase 1 was recently completed with the replacement of various wireless access points), it is proposed to replace a number of other key elements within the network, which are now reaching the end of their useful life.
Northbourne Depot Urgent Works	10,000		A number of essential / urgent works are required to part of the building for safety and security reasons etc.
Coast Protection Works	1,000,000		It is recognised that the Council has a number of obligations in terms its coastal defence responsibilities. It is therefore proposed to set aside this one-off sum to support remedial works that are likely to emerge from the current associated review. This will be subject to further / separate decision making as necessary.
Essential Works to the Weeley Crematorium	50,000		This reflects the urgent replacement of the boiler that services the building (not the cremators themselves) along with software to enable the Service to fulfil their statutory obligations in terms of data / records management.
Environmental Health Capacity	92,000		The on-going recruitment challenges to fill vacant posts continues that reflects the shortage of appropriate staff nationally / regionally. Short term options are being explored such as the on-going use of agency staff for an interim period during which time existing staff can undergo the necessary development to enable them to undertake the role.

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
Software Licences	13,000		The budget in 2024/25 has already been increased to reflect the estimated one-off implementation costs along with the on-going licencing costs associated with the Council's Corporate document / property / case management system (IDOX). As part of finalising the associated arrangements, the Council has been informed of further additional increased licencing costs that is linked to the number of operational licenses required. In response, the IT Service is pro-actively minimising IDOX user licensing council-wide where possible and is working with Services to optimise existing IDOX use where possible. As part of previous discussions, it was highlighted that the Council is working with other LA partners with the aim of developing viable alternatives which is becoming increasingly important due to the increased costs associated with our existing software provider. The on-going impact will be reviewed as part of developing the long term forecast.
Beach Patrol Costs	38,000		At the end of the 2024 season, this proposed budget adjustment is required to meet the operational costs of providing this function.
Insurance Premiums	25,230		Following the annual renewal process, insurance premium costs have increased for 'basket one' of the portfolio. Prices for 'basket two' are still awaited, which will be addressed as part of the Q2 report in November as necessary.
Merchant Acquirer Fees	20,000		With an increase in people paying by credit / debit card, the associated cost to the Council of accepting cards also increases. This however remains a cost effective mechanism to accept payments and its long term impact will be considered as part of developing the long term forecast.
<b>Other Adjustments</b>			
Income from Leisure Centres		(400,000)	As highlighted above, the income from leisure centres continues to remain buoyant with increased demand / users continuing. This adjustment reflects the estimated annual position for 2024/25 which will be subject to review as part of developing the long term forecast in terms of the on-going impact and investment opportunities such as those set out within the Sports and Activity Strategy.



Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
Employee Costs	(100,000)		This reflects the current level of vacancies for the first four months of the year along with the costs associated with restructuring / reorganisation within the Council as necessary.
Treasury Income		(900,000)	Although the base budget was increased by £975k in 2024/25, cash balances and interest rates remain more favourable than originally expected at the end of July 2024. (This figure is net of the additional interest payable to the HRA). This item is also reflected in the Savings Plan set out elsewhere within this report.
Forecast Risk Fund Adjustment	250,000		This represents the annual contribution to the Forecast Risk Fund in-line with the long term plan ( <i>banking for the future</i> ). By making this adjustment now, it 'secures' the required contribution for the year, albeit this remains subject to further review as part of future Financial Performance Reports.
Corporate Investment Fund Adjustment		(602,230)	It is planned to utilise this fund to support the overall net cost of the proposed budget adjustments set out within this appendix. This would leave a remaining balance of £1.763m within the fund.
<b>TOTAL</b>	<b>1,892,230</b>	<b>(1,892,230)</b>	
<b>GENERAL FUND CAPITAL</b>			
Carnarvon House Demolition Expenditure Budget	(341,530)		In line with the on-going LUF project, it is proposed to formally move the budget relating to the original / associated demolition scheme across to the subsequent Carnarvon Terrace regeneration scheme. This therefore brings the funding together to support the current on-going LUF scheme.
Levelling Up Fund - Carnarvon Terrace Expenditure Budget	341,530		
<b>Total General Fund Capital Adjustment - no net impact on the overall budget</b>	<b>0</b>	<b>0</b>	
<b>HRA REVENUE</b>			
None			
<b>HRA CAPITAL</b>			
None			

Line	Budget 2024/25	Estimate 2025/26 Reported to Full Council Feb 24	Estimate 2025/26	Estimate 2026/27	Estimate 2027/28	Estimate 2028/29	Estimate 2029/30	Estimate 2030/31	Estimate 2031/32	Estimate 2032/33	Estimate 2033/34
	£ (1)	£ (2)	£ (3)	£ (4)	(5)	(6)	(7)	(8)	(9)	(10)	£ (11)
<b>Underlying Funding Growth in the Budget</b>											
1 Council Tax Increase 1.99%	(0.191)	(0.200)	(0.200)	(0.204)	(0.208)	(0.212)	(0.216)	(0.221)	(0.225)	(0.230)	(0.234)
2 Ctax increase by £5 (amounts set out are over and above 1.99% above)	(0.064)	(0.059)	(0.059)	(0.055)	(0.051)	(0.047)	(0.043)	(0.039)	(0.034)	(0.030)	(0.025)
2a Council Tax Increase - impact of any further potential allowable Increase	(0.032)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
3 Growth in Business Rates - Inflation	0.000	(0.199)	(0.186)	(0.152)	(0.184)	(0.197)	(0.201)	(0.205)	(0.209)	(0.213)	(0.217)
4 Growth in Council Tax - general property / tax base growth	(0.158)	(0.189)	(0.190)	(0.112)	(0.115)	(0.118)	(0.120)	(0.123)	(0.126)	(0.129)	(0.131)
5 Growth in Business Rates - general property / tax base growth	(0.636)	0.540	0.540	(0.066)	(0.071)	(0.076)	(0.082)	(0.087)	(0.093)	(0.098)	(0.104)
6 Collection Fund Surpluses b/fwd - Ctax	(0.159)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)
7 Collection Fund Surpluses b/fwd - BR	(0.792)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	<b>(2.032)</b>	<b>(0.206)</b>	<b>(0.195)</b>	<b>(0.689)</b>	<b>(0.729)</b>	<b>(0.750)</b>	<b>(0.762)</b>	<b>(0.775)</b>	<b>(0.787)</b>	<b>(0.800)</b>	<b>(0.811)</b>
<b>Net Cost of Services and Other Adjustments</b>											
8 Change in RSG (including other financial settlement funding)	(0.571)	0.432	0.619	0.420	0.000	0.000	0.000	0.000	0.000	0.000	0.000
9 Remove one-off items from prior year	(0.375)	(0.396)	(0.396)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
10 Remove one-off items from prior year - Collection Fund Surplus	0.784	0.951	0.951	0.100	0.100	0.100	0.100	0.100	0.100	0.100	0.100
11 LC19 Grant To Parish Council's	0.006	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
12 Revenue Contrib. to Capital Programme	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
13 Specific change in Use of Reserves	(0.216)	0.000	(0.056)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
14 On-going savings Identified / Achieved (plus adjustments from prior years)	(1.242)	0.395	0.395	0.466	0.000	0.000	0.000	0.000	0.000	0.000	0.000
15 Other Adjustments	(0.072)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
16 Use of New Homes Bonus	(0.500)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
17 Gain from Essex Business Rates Pool Membership	(0.400)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	<b>(2.586)</b>	<b>1.383</b>	<b>1.513</b>	<b>0.986</b>	<b>0.100</b>	<b>0.100</b>	<b>0.100</b>	<b>0.100</b>	<b>0.100</b>	<b>0.100</b>	<b>0.100</b>
<b>Cost Increases</b>											
18 Inflation - Employee / Members Allowance Costs (including annual review adjustments)	1.537	0.684	1.066	0.727	0.618	0.628	0.638	0.649	0.659	0.670	0.681
19 Inflation - Other	0.390	0.218	0.152	0.182	0.223	0.224	0.237	0.244	0.251	0.259	0.266
20 Unavoidable / Other Cost Pressures	1.716	0.500	0.500	0.500	0.500	0.500	0.500	0.500	0.500	0.500	0.500
	<b>3.643</b>	<b>1.402</b>	<b>1.718</b>	<b>1.409</b>	<b>1.341</b>	<b>1.352</b>	<b>1.375</b>	<b>1.393</b>	<b>1.410</b>	<b>1.429</b>	<b>1.447</b>
21 Add back Use of Forecast Risk Fund / Reserves in Prior Year*	1.236	0.261	0.261	2.298	2.504	3.217	3.918	4.632	5.349	6.073	6.802
22 <b>ANNUAL Structural Budget Deficit / (Surplus) Before Required 'Savings'</b>	<b>0.261</b>	<b>2.839</b>	<b>3.298</b>	<b>4.004</b>	<b>3.217</b>	<b>3.918</b>	<b>4.632</b>	<b>5.349</b>	<b>6.073</b>	<b>6.802</b>	<b>7.538</b>
23 On-going Savings Required	0.000	(1.000)	(1.000)	(1.500)	0.000	0.000	0.000	0.000	0.000	0.000	0.000
24 <b>ANNUAL Structural Budget Deficit / (Surplus) After Required 'Savings'</b>	<b>0.261</b>	<b>1.839</b>	<b>2.298</b>	<b>2.504</b>	<b>3.217</b>	<b>3.918</b>	<b>4.632</b>	<b>5.349</b>	<b>6.073</b>	<b>6.802</b>	<b>7.538</b>
25 Use of Forecast Risk Fund / Other Reserves to support the ANNUAL Structural Deficit (line 24)*	(0.261)	(1.839)	(2.298)	(2.504)	(3.217)	(3.918)	(4.632)	(5.349)	(6.073)	(6.802)	(7.538)

\* Figure reported to Full Council in February 2024 was subsequently amended to reflect an additional £187k receivable from the Government as part of the wider Financial Settlement

**Use of Forecast Risk Fund to Support the Net Budget Position Above**

	<b>Budget 2024/25</b>	<b>Estimate 2025/26 Reported to Full Council Feb 24</b>	<b>Estimate 2025/26</b>	<b>Estimate 2026/27</b>	<b>Estimate 2027/28</b>	<b>Estimate 2028/29</b>	<b>Estimate 2029/30</b>	<b>Estimate 2030/31</b>	<b>Estimate 2031/32</b>	<b>Estimate 2032/33</b>	<b>Estimate 2033/34</b>
	£	£	£	£	£	£	£	£	£	£	£
Outturn b/fwd from prior years	(6.426)	(6.415)	(6.415)	(4.367)	(2.113)	0.854	4.522	8.904	14.003	19.827	26.379
Applied in year as set out in the forecast above	0.261	1.839	2.298	2.504	3.217	3.918	4.632	5.349	6.073	6.802	7.538
Additional contributions generated / required in year	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)
<b>Balance to Carry Forward</b>	<b>(6.415)</b>	<b>(4.826)</b>	<b>(4.367)</b>	<b>(2.113)</b>	<b>0.854</b>	<b>4.522</b>	<b>8.904</b>	<b>14.003</b>	<b>19.827</b>	<b>26.379</b>	<b>33.667</b>

## Savings Plan - Forecast 2025/26 and Beyond

Description	On-Going Amount £	Comments
<b>Income Budgets</b>		
Business Rate Income	700,000	Additional anticipated income from business rates - this is the estimated impact from a mix of regeneration / economic growth, transitional arrangements following revaluation and less pessimistic forecasting
Revenue Support Grant / Financial Settlement	300,000	It is currently expected that the Government will continue to support Councils in the short term, although subject to the next spending review. The adjustment proposed represents an approximate 15% reduction compared to the figure receivable in 2024/25 as a prudent 'base' position.
Rent Reviews	30,000	Additional income will be generated from the usual rent reviews undertaken as part of the underlying existing lease agreements
VAT on Leisure Fees	265,000	Following further review, the originally anticipate favourable VAT status has been confirmed.
Treasury Investment Income	215,000	Although a reduction in income was included within original forecasts, based on the current trajectory of future interest rate reductions, it is likely that additional income will be generated in the short to medium term years of the forecast.
<b>Expenditure Budgets</b>		
Asset review	220,000	This represents estimated savings from reviewing the Council's operational assets and further possible rationalisation opportunities.
IT Savings	200,000	A number of activities are underway to support the delivery of savings and/or the mitigation of increased costs.
Energy Costs - Leisure Centres	50,000	As previously reported, following the implementation of a number of energy saving initiatives, energy budgets are likely to be reduced - this is subject to the wider / underlying price volatility relating to utility costs.
Wireless Access Point Licences	10,000	As previously reported, there will be savings from the annual licence fee for the Council's Wireless Access Points across its estate.
Initial PFH Savings 'Allowance'	250,000	This represents the potential aggregate of savings from reviews undertaken by Portfolio Holders in consultation with Services.
Beach Hut Leases Review	100,000	Although the necessary investment will be undertaken in terms of seafront assets and amenities, there is now greater flexibility in the use of income generated from beach huts across the Council's wider budget.
<b>Total</b>	<b>2,340,000</b>	

## CABINET

21 OCTOBER 2024

### REPORT OF THE PORTFOLIO HOLDER RESPONSIBLE FOR HOUSING AND PLANNING

#### A.3 TENDRING DISTRICT COUNCIL'S INTERIM POLICY ON BIODIVERSITY NET GAIN (BNG)

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To seek the Cabinet's agreement to adopt a policy statement on 'Biodiversity Net Gain' (BNG) which will serve as the Council's interim corporate position on the subject, pending detailed consideration as part of the forthcoming Local Plan review. Having an interim policy will enable the Council to respond positively and constructively in its consideration of BNG as part of the planning process; and in the consideration of proposals to set up 'Habitat Banks' by Tendring landowners and, potentially, on Council-owned land.

###### EXECUTIVE SUMMARY

Biodiversity Net Gain (BNG) is a legal requirement of the national planning system which has applied to most proposals for major development since February 2024 and most proposals for smaller developments since April 2024. It requires developers to deliver a minimum 10% uplift in biodiversity (wildlife) value over and above what was present on site prior to development. In very simple terms, it is no longer just a requirement for development to minimise or mitigate its impact on wildlife; it must now, by law, bring about an improvement – a minimum 10% net increase in biodiversity habitat which is calculated, measured and monitored using a complex biodiversity metric set out in national guidance.

To achieve 10% BNG, development proposals are required to deliver as much of it as possible on the site that is being developed. Where it is not possible to achieve all the necessary BNG on-site, developers can create the necessary habitat off-site either on other land they control (which would be tied through a legal agreement on the grant of planning permission) or by purchasing 'biodiversity units' from a 'Habitat Bank' – i.e. a wildlife habitat set up and maintained by third-party landowners for the purposes of BNG and where units can be sold to developers on the open market. In the rare cases where on-site or off-site BNG provision is not possible, developers must – as a last resort – buy statutory biodiversity credits from the Government.

To set up a Habitat Bank and lawfully enter the market for selling biodiversity units to developers, a landowner must register their site with Natural England – which first requires them to either enter into a legal agreement with the local authority or a 'conservation covenant' with another responsible body recognised by Natural England. In doing so, the local authority (or other responsible body) takes on a responsibility to monitor and enforce the obligations set

out in any legal agreement.

A number of landowners in Tendring have expressed a keen interest in setting up Habitat Banks and some have already carried out much of the preparatory work required for entering into a legal agreement with Council, registering with Natural England and entering into the market for selling biodiversity units. However, like many local authorities, this Council has not been in a position to progress discussions with landowners about entering into the necessary legal agreements because Officers have needed time to research, consider and fully understand both the Council's legal duties and implications for resources – particularly in relation to its responsibilities around monitoring.

Now that there is a better understanding of the requirements around BNG and the process for setting up Habitat Banks, Officers have designed a planning policy on BNG (attached as Appendix 1 to this report for Members' consideration) which, in summary, covers the following:

- the Council's legal obligations to secure 10% BNG – without unnecessarily duplicating the detail of legislation of national guidance;
- the ambition (which aligns with the ambition of Essex County Council) to increase the BNG requirement to 20% at an appropriate point in the future; and
- the criteria under which the Council could be willing to enter into a s106 legal agreement with a landowner for the purpose of setting up Habitat Banks for registration with Natural England and the selling of BNG units to developers on the open market which:
  - reflect the benefit of expanding and connecting up existing protected wildlife habitats;
  - promote a scale of site that could better foster the creation of viable habitats than smaller more vulnerable sites;
  - support the objectives of the emerging Essex Local Nature Recovery Strategy (LNRS) and the locations identified for their opportunity for habitat creation in that strategy;
  - support Local Plan policy e.g. strategic green gaps and protected open spaces, and avoiding Habitat Banks in locations that could prejudice the proposals and policies in the Local Plan; and
  - allows the Council to establish Habitat Banks on its own land, in due course, allowing time to carry out due internal processes in relation to assets and Member approvals – without holding up the opportunity for third-party private landowners to progress Habitat Banks on their sites, to the benefit of wildlife in the District and the diversification of the rural economy.

The intention is that the proposed policy is agreed by the Cabinet for referral to the Planning Policy and Local Plan Committee for its full consideration for inclusion in the Local Plan through the forthcoming review process; but that it be adopted, in the interim, as the Council's corporate position on BNG which, amongst other things, will enable Officers to progress discussions with landowners about setting up and registering Habitat Banks in Tendring and negotiating the necessary legal agreements. It is also recommended that the Planning Committee be invited to give consideration to how it exercises its decision-making powers in respect of relevant legal agreements; the extent to which such powers are to be delegated, if at all, to Officers; and whether any public consultation arrangements should be put in place for the consideration of Habitat Bank proposals.

#### **RECOMMENDATION(S)**

**It is recommended that the Cabinet:**

- 1) notes the content of this report which, amongst other things, explains the Council's obligations around Biodiversity Net Gain (BNG), the role of Habitat Banks and the potential consideration of Council-owned land for BNG purposes;**
- 2) agrees that proposed 'Policy on Biodiversity Net Gain (BNG)' (attached as Appendix 1) is adopted as the Council's interim corporate position pending the outcome of the Local Plan review, for the purposes of dealing with matters relating to BNG;**
- 3) refers the aforementioned policy to the Planning Policy and Local Plan Committee for its consideration for inclusion in the Tendring District Local Plan as part of its current review;**
- 4) invites the Planning Committee, at its earliest convenience, to consider and determine how it will exercise its power in respect of Council decisions on entering into legal agreements with landowners under Section 106 of the Town and Country Planning for the purposes of setting up Habitat Banks, guided by the aforementioned policy and the advice of Officers – including the extent to which the Committee deems it appropriate for such decision-making powers to be delegated to Officers; and any arrangements for public consultation on specific proposals; and**
- 5) notes that the Portfolio Holder responsible for Housing and Planning in liaison with Officers will, in due course, consider and publish details of the fees to be charged to developers and landowners to cover the Council's costs in respect of monitoring BNG in line with its statutory obligations.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

In the absence of a clear local policy or position on the subject of Biodiversity Net Gain (BNG)

or any published expectations or criteria for the consideration of proposals for Habitat Banks, the Council can only refer to legislation and guidance produced by the Government when dealing with planning proposals that have BNG requirements and proposals for Habitat Banks from Tendring landowners. It is therefore difficult for Officers to have constructive conversations with landowners looking to set up Habitat Banks on the necessary content of legal agreements and associated expectations around monitoring fees – which is holding up the opportunity for local landowners to contribute towards BNG and enter into the market for biodiversity units to the benefit of the rural economy.

The recommendation will address these matters by putting in place a clear policy position to guide Officers and third parties in their deliberations in the short-term whilst allowing it to be considered fully in the context of the forthcoming Local Plan review and for it to be challenged and amended as appropriate through the plan-making process prior to inclusion and formal adoption as part of the Local Plan. The recommendation also invites the Planning Committee to consider and provide clarity around the decision-making process in respect of agreeing legal agreements with landowners for the setting up of Habitat Banks.

#### **ALTERNATIVE OPTIONS CONSIDERED**

To progress the proposed policy on BNG through the Local Plan review process only - awaiting its publication as part of the first draft consultation on the Local Plan in 2025 before it can be referred to for the purposes of matters relating the BNG and Habitat Banks. The main consequence would be Officers having to discuss the setting up of Habitat Banks with interested landowners and negotiating the necessary legal agreements in the absence of any clearly agreed corporate position or direction from elected Members.

This would leave only national legislation and guidance, with no local dimension, upon which to guide discussions around BNG and Habitat Banks until some point in 2025, which is likely to delay meaningful progress in assisting local landowners in Tendring to set up their Habitat Banks, facilitate habitat creation in Tendring and benefit economically from entering into the competitive market for the sale of biodiversity units.

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

#### **DELIVERING PRIORITIES**

BNG supports the corporate objectives for championing our local environment and working with partners to improve quality of life. It also has the potential to contribute to raising aspirations and creating opportunities by supporting opportunities in the rural economy to participate in the open market for habitat creation.

This approach will support the Council in its consideration of whether Council-owned land could be used for the purpose of BNG which, in turn, could assist in its ambitions around tackling climate change and supporting financial sustainability.



The proposed approach would support the development and review of the Council’s Local Plan and the Essex-wide ambition to explore an increase to 20% BNG in the future. It also seeks to align with the objectives of the emerging Essex Local Nature Recovery Strategy will be the subject of consultation in Summer 2024.

**OUTCOME OF CONSULTATION AND ENGAGEMENT** (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

Full consideration and public consultation on the proposed policy on BNG will take place as part of the Local Plan review under the direction of the Planning Policy and Local Plan Committee. Hence the recommendation in this report is that the policy be referred to that Committee for consideration and adopted by Cabinet now, only to establish an interim position pending the outcome and any changes arising through the formal Local Plan review process.

Officers have however formulated the proposed policy having careful regard to legislation, national policy and national guidance, internal discussions between relevant departments within the Council and informal discussion with colleagues in Essex County Council, landowners that have indicated an interest in bringing forward Habitat Banks and contacts within Essex Wildlife Trust.

As it stands, the setting up of a Habitat Bank does not, in itself, require express planning permission (as habitat creation does not constitute development) and therefore is not bound by any requirements for publicity and public consultation for the Council to be able to enter into a legal agreement with a landowner. One of the recommendations in this report is referral to the Planning Committee for its consideration as to whether any consultation arrangements need to be put in place.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	4 <sup>th</sup> September 2024

In England, biodiversity net gain is required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990](#) (inserted by the [Environment Act](#)

[2021](#)). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Section 40(2A) of the Natural Environment and Rural Communities Act 2006

The six sets of BNG implementing regulations are as follows:

- The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (SI 2024/49) - made on 17 January 2024, which make further consequential amendments to primary legislation, including the definition of a planning authority under Schedule 7A to the Town and Country Planning Act 1990 (TCPA 1990) that sets out the BNG framework.
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (SI 2024/48) - made on 17 January 2024, which modify the application of the BNG requirement for onsite habitats that meet the definition of "irreplaceable habitat". They set out the alternative arrangements that must be made to minimise the adverse effect of a development on the biodiversity of the irreplaceable habitat onsite.
- The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (SI 2024/47) made on 17 January 2024 - which exempt certain developments from meeting the BNG requirement and apply to development with no impact on priority habitat and where impacts fall below the specified "de minimis" threshold, to householder applications, to the high-speed railway network, to off-site gain developments and certain self-build and custom build developments. They also applied temporarily for small developments where a planning application is made or has been granted before 2 April 2024.
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (SI2024/50) - made on 17 January 2024, which set out provisions for information about BNG for applications for planning permission and decision notices, the contents of biodiversity gain plans and the procedure for their submission to the LPA, the eight week timescale for the LPA determining whether to approve a plan (unless an alternative period is agreed), what LPAs must consider when making a determination, the appeal process and modified arrangements for phased developments.
- The Biodiversity Gain Site Register Regulations 2024 (SI 2024/45) - made on 17 January 2024, which require Natural England (NE) to establish and maintain the new biodiversity gain site register, deal with registration applications and make sure that information in the register is publicly accessible.
- The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024 (SI 2024/46) - made on 18 January 2024, which allow for fees to be charged for applications to register land in the biodiversity gain site register and allows the register operator, NE, to issue financial penalties where false or misleading information is provided.

For the purposes of Biodiversity Net Gain, planning obligations (through a legal agreement, known as a Section 106 Agreement) are one of the mechanisms under paragraph 9 of

Schedule 7A of the Town and Country Planning Act 1990, necessary to secure the maintenance of significant onsite habitat enhancements for at least 30 years. They are also required to register sites for offsite gains (unless conservation covenants are used). The purpose of planning obligations is to make development acceptable in planning terms. The Planning Advisory Service (PAS) is currently producing legal agreement templates for consideration. The power to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is a function reserved for Council, delegated to the Planning Committee (a non-executive function).

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

The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the [1990 Act by Schedule 14 of the Environment Act 2021](#), and was amended by the [Levelling Up and Regeneration Act 2023](#). The [Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#) made consequential amendments to other parts of the [1990 Act](#).

The sole in-house Planning Solicitor within legal services has provided advice on the law and guidance on securing the creation/enhancement of BNG and subsequent monitoring, including reviewing the templates produced by PAS.

The legislative framework around BNG places legal duties on the Council, both as the Local Planning Authority and, potentially, as a landowner promoting the use of Council-owned land for Habitat Banks. For these duties to be fulfilled, the Council should keep under careful review the need for sufficient legal and other resources as workloads have the potential to grow significantly in the future though increases in planning applications and/or Habitat Bank submissions, requiring more complex legal agreements.

In respect of governance implications due to adopting the Policy, there are various future decisions that will be required – some of which relate to planning and the delegated functions of the Planning Committee and officers, whilst others relate to Executive functions, particularly in relation to the use of Council owned land and how it manages its assets. Future proposals for the use of Council owned land will require a further Cabinet report.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

TDC responsibilities and resource implications include:

- Determining planning applications in line with BNG requirements – covered by existing resources/planning application/pre-application fees;
- Imposing planning conditions, discharging and enforcing those conditions as necessary – covered by existing resources, but with the likely potential for case numbers to increase;
- Entering into s106 agreements for Habitat Banks or planning permissions – legal fees would be gained, but there are potentially significant implications for specialist resources in legal services which could require increased capacity, either in-house or

procuring external support;

- Reviewing the Local Plan and incorporating appropriate provisions around BNG - covered by existing Local Plan budget and staff resources;
- Monitoring BNG – costs to be recouped through agreements with developers and landowners for the use of existing, employment of more resources or outsourcing to a third party;
- Ecological surveys for Council-owned land – already underway and covered by existing BNG funding received from DEFRA;
- Processes for establishing Habitat Banks on Council-owned land which would require Cabinet consideration and approval, and the potential need to increase resources to support these processes depending on how many, if any, sites are to be put forward as Habitat Banks;
- Revenue income through the sale of BNG units on Council-owned land – will need to cover the cost of procuring and facilitating habitat creation with monitoring and enforcement, with potential for surplus; and
- Any implications for ongoing maintenance and public liability on Council-owned BNG sites.

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

Reference is made to the resources and risk section of this report which highlights the need to carefully consider the resource implications of BNG, on an ongoing basis, to ensure sufficient resources across a number of services are in place to deliver, effectively, on the requirements and opportunities around BNG. This could require further decisions in the on budgets, fees and charges in the future.

#### **USE OF RESOURCES AND VALUE FOR MONEY**

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;

In its responsibilities as Local Planning Authority (LPA), the Council has duties around BNG as part of the Local Plan review process, decision making on planning applications, legal agreements for the establishment of Habitat Banks and monitoring and enforcement in respect of all of the above. The Council will be better-placed to administer these duties in an efficient and cost-effective manner in accordance with a clear policy position and associated decision-making arrangements than in the absence of such a policy and arrangements.

<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>This report puts forward a proposed policy for agreement by the Cabinet for application in the interim as the Council’s corporate position on BNG albeit pending full and thorough consideration by the Planning Policy and Local Plan Committee as part of the Local Plan review and consideration and agreement by the Planning Committee of how its powers will apply in the consideration of proposals for Habitat Banks.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>Having a clear policy and associated decision-making processes in place in respect of BNG will provide clarity on the process for dealing with planning applications with BNG implications and approaches from landowners looking to set up Habitat Banks.</p>

**MILESTONES AND DELIVERY**

The Council’s duties in respect of BNG are already in place, as introduced through the Environmental Act 2021 and enacted from February 2024 in respect of major development and 2 April 2024 for minor development proposals. The Council is therefore already considering and determining planning applications in line with statutory requirements set out in legislation and details within national guidance.

The proposed Policy on Biodiversity Net Gain, designed to assist the Council in its approach to the above, is recommended for immediate adoption as the Council’s interim position on BNG with the Cabinet’s approval.

The policy is proposed for referral to the Planning Policy and Local Plan Committee for its consideration, in due course, for inclusion in the Local Plan as part of the forthcoming Local Plan review. The timetable for the Local Plan review is due to be revisited by the Planning Policy and Local Plan following significant changes being proposed by the newly elected Government to the National Planning Policy Framework in respect of housebuilding targets – although it is expected that there will be public consultation on the Local Plan throughout 2025 including consultation on the proposed BNG policy.

It is recommended that the Planning Committee is invited, at its earliest convenience to clarify how it wishes to exercise its decision-making powers in respect of s106 legal agreements for Habitat Banks including any requirements for public consultation or delegation of powers to Officers.

Overall, it is intended that the above actions will enable the Council to work smoothly and constructively with landowners to put necessary legal agreements in place for the registration and establishment of Habitat Banks in Tendring and for those Habitat Banks to enter the market for the sale of biodiversity units by the end of 2024 or early 2025. Decisions on the introduction of Monitoring fees will be taken by the Portfolio Holder responsible for Housing

and Planning in liaison with Officers as soon as is practicable following agreement of the interim policy.

The timing of whether the Council, as a landowner, establishes Habitat Banks on its own land will be considered by Officers and the Cabinet in the coming months.

### **ASSOCIATED RISKS AND MITIGATION**

The main risk of not having clear policies and decision-making processes in place in respect of BNG is the potential for undue delay in the Council carrying out its legal and administrative duties for BNG and putting in place the necessary legal agreements and monitoring arrangements and enabling landowners in Tendring to set up Habitat Banks for the purposes of aiming to deliver habitat creation in our district – to the benefit of the district’s environment, the rural economy and the objectives of the emerging Local Nature Recovery Strategy. The measures recommended in this report mitigate that risk.

There are also financial and resource risks to the Council if workloads relating to BNG increase to an extent that has not been fully considered, accounted and budgeted for. In particular there are implications for the resources within legal services with the potential for a large number of legal agreements needing to be either drafted or reviewed with potential for complex content. At present the Council has only a small legal team with one solicitor specialising in planning and s106 legal agreements. Whilst the Council is able to, and does recover costs from developers and landowners to cover existing costs, the situation will need to be kept under very close review in order to determine, in a timely manner, whether additional staff resources or external support need to be employed in order to cope with any potential workload increase.

The ability to effectively resource the processes for bring forward Habitat Banks on Council-owned land and carrying out the necessary physical and ongoing maintenance and monitoring works will require further consideration as it becomes clearer how many, if any, sites are put forward by the Council, their size and nature of works required. Failure to adequately resource these processes and works could leave the Council unable to fulfil its duties under any future legal agreement or conservation covenant or as an authorities responsible for monitoring BNG.

### **EQUALITY IMPLICATIONS**

Whilst there are no identified equality implications in respect of residents or communities with protected characteristics or other groups in society, there is potential for Tendring landowners and the Tendring District to be disadvantaged if the Council is unable to process requests to establish Habitat Banks in an efficient and timely manner. The recommendations in this report look to minimise that risk.

Because the trade in biodiversity units can cross administrative boundaries, the risk of delay could result in Habitat Banks in other districts being better placed to meet the BNG

requirements of Tendring developments and, likewise Habitats Banks in Tendring not able to compete in the market for selling units to meet the BNG requirements of developments outside of Tendring.

### **SOCIAL VALUE CONSIDERATIONS**

Biodiversity Net Gain (BNG) and the objectives around Local Nature Recovery, as being progressed by Essex County Council through the Local Nature Recovery Strategy (LNRS) are critical to the sustainable future of humankind, tackling climate change and the health and wellbeing of residents. The opportunities afforded by BNG and the setting up of Habitat Banks can support the rural economy and the sustainability of income for our farming communities.

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

The overall objectives of Biodiversity Net Gain (BNG) support both national and local objectives around tackling climate change and achieving net zero. Whilst the Council has legal obligations around the administration and monitoring of BNG through its planning responsibilities and entering into any legal agreements in respect of Habitat Banks, it also has the opportunity as a landowner to participate in BNG and the potential to establish Habitat Banks on Council-owned land is actively under consideration.

### **OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<b>Crime and Disorder</b>	No specific identified implications.
<b>Health Inequalities</b>	The opportunity to facilitate the delivery of as much Biodiversity Net Gain (BNG) in Tendring as possible will be beneficial to the health and wellbeing of residents in Tendring – tied in with the overall objectives of the emerging Essex Local Nature Recovery Strategy.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	No implications
<b>Area or Ward affected</b>	All wards have the potential to accommodate or contribute towards BNG and relevant proposals could come forward for consideration in any part of the district.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

Biodiversity Net Gain (BNG)

The Environment Act 2021, and associated regulations, has amended the Town and Country Planning Act 1990 (TCPA) to make Biodiversity Net Gain (BNG) a mandatory condition of planning permission (subject to exemptions). The requirements for BNG have applied to major development proposals since 12 February 2024 and to small sites proposals since 2 April 2024 (subject to exemptions or transitional arrangements apply).

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) relevant developments must deliver at least 10% uplift in biodiversity value, when compared to the pre-development biodiversity value of the application site to meet the biodiversity gain objective. Uplift is calculated with the statutory biodiversity metric with biodiversity measured in standardised biodiversity units. Development cannot commence until BNG has been both demonstrated and secured.

To achieve this, developers will need to submit a biodiversity gain plan (BGP) to local planning authorities for approval prior to the commencement of development, required as a mandatory planning condition. The BGP document via planning condition will evidence what measures are being provided to achieve the required uplift in biodiversity value demonstrating that the biodiversity gain objective is met.

The Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for BNG is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions:

- first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
- then, in relation to **all** onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase from the government of statutory biodiversity credits.

Both significant on-site enhancements and registered off site biodiversity gain must be maintained for 30 years and secured through planning condition, planning obligations or conservation covenant (as appropriate).

LPAs must take into account how the biodiversity gain hierarchy has been applied when determining whether to approve the BGP.

Delivering BNG on-site will not always be possible (within the red line boundary of the planning application), even when applying the Biodiversity Gain Hierarchy. Statutory



biodiversity credits are pitched as a last resort and have purposefully been priced to be unattractive to developers, so it does not discourage the development of local market schemes and non-credit habitat creation projects which could otherwise cut the registration of land in the biodiversity gain site register (see below). Further in order to buy credits, developers will have to demonstrate that they cannot deliver habitat onsite or via the off-site market. As such, it is anticipated that there will be demand for 'registered offsite biodiversity gain', within the district to enable developers to meet mandatory BNG requirements.

The Council's legal and planning teams have been working together to clarify the process for securing BNG from development proposals from the point an application is submitted through to the point it is determined – and the need for relevant planning conditions and legal agreements to be put in place, either pre-decision or post-decision depending on the scale and nature of the development. However, the legal and planning process for securing BNG is but one part of the overall picture.

### Habitat Banks

Under the Biodiversity Gain Hierarchy, developers are expected to deliver as much of the mandatory 10% net gain in biodiversity on the development site itself – which would normally be secured through a legal agreement, either put in place before or after the planning decision or secured by planning condition. However, where a developer cannot meet its full BNG quota on site, it can then consider, in accordance with the Biodiversity Gain Hierarchy, making provision offsite (or a combination of onsite and offsite BNG) – either on its own land outside of the development site (to be tied into a legal agreement), or by buying offsite biodiversity units on the market from a Habitat Bank (also secured by legal agreement). In both cases the site would need to be registered on the biodiversity gain site register held and administered by Natural England and allocated to the development on the register, with evidence provided to the Council, of that allocation.

If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government as a last resort, from which the government can use the revenue to invest in habitat creation anywhere in England.

Habitat banks are parcels of land where habitats have been created or enhanced, in advance, to provide an uplift of biodiversity units. These surplus biodiversity units can then be sold to developers to meet their BNG requirements 'off-site' and allocated to the development in question on the biodiversity gain site register to avoid double counting. The sale of surplus biodiversity units will give landowners a return on their investment in creating or enhancing habitats. In order to sell off-site biodiversity units, there are a number of criteria set out in the Biodiversity Gain Site Register Regulations 2024 (SI 2024/45) that must be met.

The following criteria must be met and the sites in question must be formally registered by Natural England on the biodiversity gain site register through approval of a Habitat Management and Monitoring Plan (HMMP) and secured by legal agreement. For Natural England to formally register a Habitat Bank, the landowners must have first, either entered

into a s106 legal agreement with the Council (that, amongst other things, will define the nature of proposed habitat creation and put in place long-term arrangements for management and monitoring for 30 years from the creation of the habitat); or enter into a 'conservation covenant' with another responsible body recognised by Natural England. The Local Planning Authority or Responsible Body (as appropriate) will be required to monitor and enforce the obligations in the legal agreement and may charge a reasonable monitoring fee to do so.

In Tendring, a number of landowners in the District have already expressed a keen interest in setting up Habitat Banks and entering into a legal agreement with the Council. To date Officers have urged them to be patient while the Council is still in the process of understanding the rules and processes around BNG and determining whether it needs to put some local criteria in place for the consideration of Habitat Banks – particularly given that Habitat Banks will essentially be private businesses competing against one another in the open market to sell BNG units. Such consideration requires the Council to determine its proposed policy for adoption through formal decision making.

Essex County Council is also considering the setting up of a Habitat Bank at St. Martin's Country Park in St. Osyth as a pilot scheme.

#### Council-owned land

Like any other landowner, the Council and other public bodies can play a role in facilitating the delivery of BNG by setting up Habitat Banks on their land. There are a number of benefits to Councils in using their own land in this way including:

1. To ensure that BNG enhancements are retained in the area;
2. To reduce the shortfall in offsite units and offer developers more choice;
3. To use plots of land that may not be suitable for any other purposes and generate income;
4. To create green space in urban areas; and
5. To support the Local Nature Recovery Strategy and comply with the duties under the Natural Environment and Rural Communities Act 2006 ("NERCA") to conserve and enhance biodiversity.

Like other landowners, Councils have to register their sites with Natural England – however because a Council cannot enter into a s106 legal agreement with itself, it could consider entering into a s106 with another authority (such as Essex County Council); delegate its s106 powers to another local authority; create an arms-length Special Purpose Vehicle (SPV) and lease land into that SPV to then enter into a s106 with the Council; lease the land to a trusted third party; or enter into a 'conservation covenant' with a 'responsible body' registered with Natural England. These options would need to be considered by Cabinet in the exercise of its functions.

As it stands at the moment, there are only a handful of designated responsible bodies registered with Natural England, none of whom operate in Essex; and the Essex Wildlife Trust (EWT) has indicated to Officers that it would not be interested in leasing land from the Council (as it prefers freehold in order to protect wildlife in perpetuity). It may be therefore that a partnership with ECC or another local authority, or the setting up of an SPV might be the better options which can be explored further in due course.

The Council is currently having ecological surveys carried out on its land by Essex Place Services and Geosphere Environmental to determine what the 'baseline' ecological value of each site is, in order to be able to create and measure BNG increases in the future.

If the Council does set up Habitat Banks on its land, it will essentially be entering the market for the sale of BNG units as off-site biodiversity gains for developers to purchase and allocate to their development to meet the biodiversity objective, in competition with other landowners both in the district and outside of the district. There will of course be internal processes for the Council to seek Member approval for the use of certain sites for Habitat Banks.

#### Cross-boundary BNG

So long as a Habitat Bank falls within the same 'National Character Area' of the country as the developments that are delivering off-site BNG, it is possible for BNG units to be bought from Habitat Banks in other districts and for developers in other districts to buy BNG units from Habitat Banks in Tendring.

Officers have been in discussion with the Essex Wildlife Trust (EWT), which is in the process of setting up a Habitat Bank next to its headquarters and Abbots Hall in Great Wigborough, in Colchester. It is highly likely that the EWT site at Abbots Hall will be one of the first to be set up and ready to sell biodiversity units to developers – with a possibility that developments in Tendring could buy their off-site units there. The EWT is in the process of finalising its s106 agreement with Colchester City Council and has helpfully shared details of a similar agreement from another authority as an example of good practice.

Clearly for the Council and other landowners in Tendring to benefit from being able to set up Habitat Banks for the sale of BNG units, they will need to follow a similar process and, on registration, will be entering a market in competition with EWT in Colchester – so there is a degree of urgency now in progressing to a position by which Tendring landowners can seek registration – with the first of Tendring's planning permissions requiring BNG already in the system and under consideration.

#### Responsibility for Monitoring

For any Biodiversity Net Gain created in the District under the recent provisions:

- a) on-site (secured by planning condition or s106 agreement with the LPA);

- b) off-site by a developer on land in their ownership (secured by s106 agreement with the LPA); or
- c) off-site on third party land via a Habitat Bank (secured by s106 agreement with the LPA);

the Council will be responsible for the monitoring and enforcement of the creation, management and maintenance of BNG for 30 years where the land concerned is within our district.

Therefore, it is important that through s106 legal agreements – the arrangements for long-term monitoring and enforcement, over a 30-year period are put in place; and that the Council can secure funding to cover the cost of carrying out the necessary monitoring and enforcement of planning conditions and obligations. Monitoring is likely to involve a commitment from the landowners/developers to produce a survey and report on a periodic basis (possibly in years 1, 2 and 5 and every 5 years thereafter which are periods being considered by other authorities) for the Council to scrutinise and, with professional advice where necessary, agree.

The fee required to cover the cost of this work has been considered by Officers across the services, taking into account likely resource costs, the need for professional advice and levels of inflation over a 30 year-period – whether carried out in-house or out-sourced to another appropriate body with specialist knowledge. This work suggests that the cost of discharging this work per year (at 2024 levels) would be in the order of £500-£600 (rising to around £2,000 at anticipated 2054 levels). The total compounded cost of monitoring a 30-year project at the intervals suggested above would be in the order of £8,500 for a BNG site/Habitat Bank of up to 50ha; £12,500 for sites between 50 and 100ha; and £17,000 for sites greater than 100ha. For smaller BNG schemes related to smaller developments where £8,500 might not be affordable or viable, Officers are considering a set of lower fees that go up in stages up to circa £8,500 – which would be commensurate with scale and complexity of the proposals under consideration. Officers have considered the approaches and ranges of fees published by other authorities across England.

#### Local Nature Recovery Strategy (LNRS)

The Environment Act 2021 also introduced the requirement for Local Nature Recovery Strategies (LNRS) to be introduced by responsible bodies across the country (in our case Essex County Council) to set out coordinated strategies for bringing about nature recovery and BNG. Section 40(2A) of the Natural Environment and Rural Communities Act 2006 (duty to conserve biodiversity) makes provision about the duties of public authorities in relation to local nature recovery strategies. The primary purpose of the LNRS is to identify locations where the creation or enhancement of habitats has the potential to maximise the environmental benefits for people, nature climate adaptation and mitigation. There are three key aims across all habitats, increase their size, improve their quality and enhance connectivity between them.

The ECC Local Nature Recovery Strategy team have been working on county wide maps that indicate where these areas for nature recovery are. The data used to inform this map has come from existing open sources such as The Forestry Commission, the Environment Agency, Essex Wildlife Trust and Local Authorities. The consultation on the LNRS has recently commenced and closes on 25<sup>th</sup> October - officers at TDC are preparing a response. Throughout the consultation it is possible to access the Stakeholder Opportunity Maps that highlight spatial opportunities for nature recovery within the district. Whilst the maps are the headline element of the draft, the strategy itself offers an overview of the issues that have depleted biodiversity and proposes location specific measures to reverse the decline

The draft outlines how this strategy is designed around having the most positive impact possible on nature at a District and County level. It identifies habitat and species priorities and suggests practical ways to make them bigger, better and increase connectivity.

#### The proposed policy

The proposed policy entitled 'Biodiversity Net Gain in Tendring' has been drafted in the form of a planning policy for inclusion in the Council's Local Plan which sets out the approach recommended for the Council to adopt in respect of BNG and the setting up and monitoring of Habitat Banks. The policy essentially covers the following:

- the Council's obligations, under the Environment Act and the planning system, to secure 10% BNG – without unnecessarily duplicating the detail of legislation of national guidance;
- the ambition (which aligns with the ambition of ECC) to increase the BNG requirement to 20% through planning policies (albeit this would have to be justified, through evidence, as part of the Local Plan review process and is therefore suggested for 'phasing in' from April 2027 – at which point 1) the Council will know if it has succeeded in getting the Planning Inspector's approval; and 2) puts developers on a year's notice to get ready for the increased requirement. Naturally, if the Council fails to defend the soundness and viability of an increase to 20%, it will not feature in the Local Plan and the statutory 10% requirement will remain);
- the criteria under which the Council 'could' be willing to enter into a s106 legal agreement with a landowner for the purpose of setting up Habitat Banks for registration with Natural England and the selling of BNG units to developers on the open market (these include criteria from national guidance, but also include 'preferred' locations (without needing to identify specific sites in the Local Plan) for Habitat Banks which:
  - reflect the benefit of expanding and connecting up existing protected wildlife habitats;
  - promote a scale of site that could better foster the creation of viable habitats than smaller more vulnerable sites;

- support the objectives of the emerging Essex Local Nature Recovery Strategy (LNRS) and the locations identified for their opportunity for habitat creation in that strategy (it is proposed that these locations offer 15% greater BNG unit value than other locations);
- support Local Plan policy e.g. strategic green gaps and protected open spaces, and avoiding Habitat Banks in locations that could prejudice the proposals and policies in the Local Plan; and
- allows the Council to establish Habitat Banks on its own land, in due course, allowing time to carry out due internal processes in relation to assets and Member approvals – without holding up the opportunity for third-party private landowners to progress Habitat Banks on their sites, to the benefit of wildlife in the district and the diversification of the rural economy.

#### PREVIOUS RELEVANT DECISIONS

Planning Policy and Local Plan Committee 20 December 2023 – Minute No. 22. The Committee agreed to commence the Local Plan – the focus and approach for which to be underpinned by a set of agreed overarching ‘guiding principles’. One of the agreed guiding principles is:

***“ECOLOGY AND BIODIVERSITY NET GAIN: The Council will specifically review its policies on the protection and enhancement of ecology and biodiversity to ensure they properly reflect government requirements for Biodiversity Net Gain (BNG) with the aim of increasing BNG expectations to above 20%. This could include the identification of specific sites for the creation and enhancement of ecology and biodiversity.”***

#### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

#### APPENDICES

**Appendix 1: Proposed Policy on Biodiversity Net Gain in Tendring**

#### REPORT CONTACT OFFICER(S)

<b>Name</b>	<b>Gary Guiver</b>
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## **A.3 Appendix 1: Proposed Policy on Biodiversity Net Gain in Tending**

### **Biodiversity Net Gain in Tending**

Biodiversity Net Gain (BNG) is an approach to development that ensures habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under this legislation, developments are required, as a minimum, to deliver a BNG of 10% to meet the biodiversity gain objective (save where exemptions apply).

Relevant developments are deemed to have been granted subject to a pre-commencement condition that the biodiversity gain objective is met (the biodiversity gain condition). To discharge this condition developers will need to demonstrate that proposals can deliver a minimum 10% uplift in biodiversity value, when compared to the pre-development biodiversity value of the application site. Uplift is calculated with the statutory biodiversity metric, with biodiversity measured in standardised biodiversity units. Development cannot commence until BNG has been demonstrated and secured.

To achieve this, and discharge the biodiversity gain condition, developers will need to submit a biodiversity gain plan (BGP) to local planning authorities for approval prior to the commencement of development. The BGP document will evidence what measures are being provided to achieve the required uplift in biodiversity value demonstrating that the biodiversity gain objective is met. There are special modifications for phased development and the treatment of onsite irreplaceable habitats.

The Biodiversity Gain Hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions to deliver BNG:

- first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
- then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase from the government of statutory biodiversity credits.

Both significant onsite enhancements and registered offsite biodiversity gain must be maintained for 30 years and secured through planning condition, planning obligations or conservation covenant (as appropriate).

Local planning authorities must take into account how the biodiversity gain hierarchy has been applied when determining whether to approve the BGP.

The Council is committed to improving the natural environment of the district and contributing to nature's recovery more widely. Consistent with Council's corporate objectives and statutory duties placed on local authorities, the Council is taking action to facilitate the creation and enhancement of natural habitats where possible and appropriate.

Establishing Habitat Banks within the district will provide an efficient planning process, ensure best value for developers looking to discharge mandatory planning requirements, and deliver habitat creation and enhancement in areas subject to development pressure. Tendring District Council will support the creation of habitat banks to sell off site biodiversity units within the district. Those that encourage connectivity between existing sites in the Local Nature Recovery Strategy will be supported.

In the delivery of off-site BNG and the setting up of Habitat Banks, the Council will work with landowners and developers with the aim of delivering as much BNG as is possible within the Tendring District, recognising that BNG outside of Tendring, but within the same wider 'National Character Area' identified by Natural England can be achieved where options for BNG in Tendring are not available.

## **BIODIVERSITY NET GAIN IN TENDRING**

Alongside the requirements in relation to Biodiversity and Geodiversity set out in Policy PPL4 [of the Council's existing Local Plan], development in Tendring will be subject to the legal and national requirements for 'Biodiversity Net Gain' (BNG). For planning applications submitted to the Council on or before 31 March 2027, development proposals that qualify for BNG will be expected to deliver a minimum 10% increase in biodiversity value relative to the pre-development biodiversity of onsite habitat within the development site to meet the biodiversity objective in line with the national minimum requirement. From 1 April 2027 onwards, the requirement will be a minimum of 20%, as established through this policy.

The method by which developers are required to calculate the existing biodiversity value of a site and thereafter calculate and deliver BNG are set out in full within national guidance.

In line with the Biodiversity Gain Hierarchy as set out in legislation and national guidance, the Council will expect as much of the necessary BNG as possible to be delivered on-site (within the red line boundary of a development site), through measures that will be secured through legal agreement and/or planning condition.

Any residual BNG requirement that cannot be met on-site can be delivered off-site either on land in the control of the developer/landowner outside of the development site (to be tied into a legal agreement and registered), or by the purchase of offsite biodiversity units from a registered site. In both cases the offsite BNG must be allocated to the development and the Council would need to be provided with official certification of registration of that allocation to the development.



If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government as a last resort. The government may then use the revenue to invest in habitat creation anywhere in England.

To enable off-site BNG provision to be delivered in a coordinated way that brings about the creation of bigger, better and more connected habitats that are resilient, manageable and contribute effectively to the aims and objectives of the Essex Local Nature Recovery Strategy; the Council will support the setting up of 'Habitat Banks' in the District from which biodiversity units can be bought – so long as:

- 1) the applicant has the legal right to sell biodiversity units for the purpose of mandatory BNG;
- 2) the habitat creation/enhancement proposals are appropriate and likely to succeed;
- 3) the uplift in biodiversity units is genuinely additional (i.e. there is no double-counting with conservation schemes in place or funded by other means):
- 4) the applicant enters into a legal agreement with the Council or a conservation covenant with a responsible body, detailing the arrangements for provision, management, monitoring, remediation and enforcement;
- 5) the location would not prejudice either the integrity of existing habits or the planned growth of the District proposed in the Local Plan; and
- 6) the site meets the criteria for registration and is subsequently registered on the biodiversity gain site register.

The Council will give particular support to the establishment of Habitat Banks in the following locations:

- a) on land adjoining existing sites designated for their international, national or local importance that will bring about expansion of and/or connectivity between those habitats;
- b) on land within the District's 'Strategic Green Gaps' (see Policy PPL6);
- c) on land at or adjoining the District's Registered Parks and Gardens, Local Green Spaces and safeguarded open spaces; and
- d) sites within locations identified in the Essex Local Nature Recovery Strategy as strategic opportunities for habitat creation.

To formalise these Habitat Banks, they need to be officially registered with Natural England which would first require landowners to either enter into a legal agreement with the Council (that, amongst other things, will define the nature of proposed habitat creation and put in place long-term arrangements for management and monitoring); or enter into a 'conservation covenant' with another responsible body recognised by Natural England.

Any legal agreements or covenants required either to discharge the BNG requirements for individual planning permissions or to establish Habitat Banks where the Council is the responsible for monitoring and enforcement will include the provision for the payment of

monitoring fees which will be used by the Council, or a nominated body, to cover the cost of monitoring BNG over a minimum 30-year period, in line with legislative requirements.

## CABINET

21 OCTOBER 2024

### REPORT OF THE PORTFOLIO HOLDER RESPONSIBLE FOR HOUSING AND PLANNING

#### A.4 – MAKING (ADOPTION) OF THE ARDLEIGH NEIGHBOURHOOD PLAN

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

For Cabinet to agree to ‘make’ (adopt) the Ardleigh Neighbourhood Plan as part of the Council’s statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This follows a local referendum in which a clear majority of residents that turned out were in favour of the plan.

###### EXECUTIVE SUMMARY

###### Key Points:

- Ardleigh Neighbourhood Plan has been through formal and informal consultation processes.
- The Plan was the subject of an independent examination where a number of modifications were suggested.
- The modifications were agreed by TDC and the Parish Council, allowing the Plan to proceed to referendum.
- The public voted in favour of adopting the Neighbourhood Plan to help in the determining of planning applications.

Ardleigh Parish Council has prepared a ‘Neighbourhood Plan’ for its area that has passed through all the necessary stages of the plan-making process set out in the Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended) including public consultation, independent examination and a referendum.

In an official referendum held on Thursday 12th September 2024 and administered by Tendring District Council, residents of the Parish of Ardleigh were asked “Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Ardleigh to help it decide planning applications in the neighbourhood area?” With an overall turnout of 13%, 257 residents voted ‘YES’ and 40 residents voted ‘NO’ – a vote of 86.5% in favour of the plan.

If the majority of those who vote in a referendum are in favour of the Neighbourhood Plan, it must be ‘made’ (adopted) by the Local Planning Authority within 8 weeks of the referendum.

An Order must be made by the local authority before it has effect. Decisions in relation to the making of Neighbourhood Plans are an executive function and it therefore falls to the Cabinet to confirm the making or adoption of the Neighbourhood Plan. It will then become part of the 'Development Plan' and will be a material consideration, alongside the District Council's Local Plan, in the determination of planning applications and in making other planning decisions.

#### **RECOMMENDATION(S)**

**That Cabinet notes the result of the referendum held on Thursday 12th September 2024 and duly agrees that the Ardleigh Neighbourhood Plan (attached as Appendix 1) be 'made' and that the necessary publicity and notifications are administered in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

To comply with the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012 – ensuring that the Council, as Local Planning Authority, has made (adopted) the Neighbourhood Plan within 8 weeks of the successful referendum held on 12 September 2024.

#### **ALTERNATIVE OPTIONS CONSIDERED**

None – as the Council is compelled to agree to the making of the Neighbourhood Plan following the local referendum.

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

#### **DELIVERING PRIORITIES**

The Neighbourhood Plan will support the Corporate Plan 2024-28 (aligned with the core themes of Tendring4Growth and Community Leadership) in the following areas:

- 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, attracting visitors and encouraging them to stay longer
- Listening to and delivering for our residents and businesses

**OUTCOME OF CONSULTATION AND ENGAGEMENT** (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to

the Budget and Policy Framework)

The Ardleigh Neighbourhood Plan has been subject to all the necessary consultation stages required under the Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended). The referendum on the final version of the Neighbourhood Plan resulted in a majority vote in favour of the Neighbourhood Plan being adopted by Tendring District Council.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	13 May 2024

The ability for a town or parish council to produce a Neighbourhood Development Plan is contained within the Localism Act 2011. The Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended) provide the statutory process as to how a Neighbourhood Development Plan will be developed and implemented. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, introduced new statutory timescales by which decisions relating to Neighbourhood Planning had to be made.

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

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

adoption.	
<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
No additional comments.	
<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>	
<p>Neighbourhood Plans are usually prepared by their respective Parish or Town Council. The responsibilities for resourcing this project lies principally with the Parish Council as the 'qualifying body'. However, this Council has statutory duties in regards to the preparation of the Local Plan and Neighbourhood Plans and these have been discharged by the Planning Team and any additional expenses funded through the Local Plan Budget.</p> <p>A Neighbourhood Plan, once formally adopted, carries the same legal status as a District Local Plan (and other documents that form part of the statutory 'development plan') and therefore becomes a material consideration in the determination of planning applications. Applications for planning permission would therefore be determined in accordance with the development plan (including any Neighbourhood Plan), unless material considerations indicate otherwise</p> <p>It is important that Neighbourhood Plans support and supplement the policies and proposals in the District Local Plan. To ensure this, Officers have worked constructively with the Parish Council in an advisory capacity in the preparation of their Neighbourhood Plans.</p> <p>Although Tendring District Council does not currently apply Community Infrastructure Levy (CIL) at present, if CIL is introduced in the future alongside the review of the Tendring Local Plan, Town and Parish Councils can receive 25% of CIL income secured from developments in their area (15% would apply in locations where there is no Neighbourhood Plan). Decisions around the future introduction of CIL are a separate matter that will be considered in due course alongside the Local Plan review.</p>	
<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
No additional comments.	
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The production of the Neighbourhood Plan has been funded mainly by the Parish Council with TDC providing support and assistance at key stages of the process.

<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Decisions in respect of the Neighbourhood Plan have been made in accordance with the Council’s constitution at all key stages. Going forward, the Neighbourhood Plan will be a material consideration in planning decisions in the Ardleigh area alongside the policies in the District Local Plan.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The Ardleigh Neighbourhood Plan will be the second made in Tendring following Alresford and the Council has learned, and will continue to learn, from previous experience of navigating the process and providing the best advice.</p>
<p><b>MILESTONES AND DELIVERY</b></p>	
<p>On agreement of the Cabinet, the Ardleigh Neighbourhood Plan will be ‘made’ and its policies will become a material consideration in planning decisions alongside the policies in the District Local Plan.</p>	
<p><b>ASSOCIATED RISKS AND MITIGATION</b></p>	
<p>The making of the Neighbourhood Plan is a decision that could be subjected to a legal challenge by third parties – for which an application for Judicial Review would need to be made within six weeks of the decision. Any legal challenge would have to relate to law and procedure as opposed to the policy content of the Neighbourhood Plan. Officers have worked closely with the Parish Council at all stages of the process to carefully ensure the correct procedures have been followed.</p>	
<p><b>EQUALITY IMPLICATIONS</b></p>	
<p>The Neighbourhood Plan will sit alongside the District Local Plan as part of the overall ‘development plan’ against which planning decisions are taken. The policies in the development plan aim to address matters of equality and deprivation and equality considerations are taken into account in making planning decisions.</p>	
<p><b>SOCIAL VALUE CONSIDERATIONS</b></p>	
<p>Alongside the policies in the District Local Plan, the policies in the Ardleigh Neighbourhood Plans seek to achieve sustainable development that, amongst other things, seeks to address the needs of society and quality of life considerations.</p>	
<p><b>IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2050</b></p>	
<p>Alongside the policies in the District Local Plan, the policies in the Ardleigh Neighbourhood Plans seek to achieve sustainable development that, amongst other things, seeks to address the fight against climate change and measures aimed at reducing carbon emissions.</p>	
<p><b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b></p>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	

<b>Crime and Disorder</b>	Alongside the policies in the District Local Plan, the policies in the Ardleigh Neighbourhood Plan seek to achieve sustainable development that, amongst other things, is designed to minimise the opportunities for crime and disorder.
<b>Health Inequalities</b>	Alongside the policies in the District Local Plan, the policies in the Ardleigh Neighbourhood Plan seek to achieve sustainable development that, amongst other things, creates the conditions for good health and wellbeing – including the promotion of green infrastructure and quality development.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	No implications.
<b>Area or Ward affected</b>	Ardleigh Parish and Ardleigh and Little Bromley District Ward.

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

#### **BACKGROUND**

##### Background

The Neighbourhood Area of Ardleigh was designated on 8 June 2020 for the purpose of preparing a Neighbourhood Plan. The Neighbourhood Area follows the boundary of Ardleigh Parish. The Ardleigh Neighbourhood Plan has been prepared by Ardleigh Parish Council.

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 Plan also contains six planning Policies, these are:

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

Following submission of the Neighbourhood Plan to Tendring District Council, a consultation under Regulation 16 took place between the 15th May and 26th June 2023.



## Examination in Public

In June 2023, Ms Ann Skippers MRTPI was appointed by Tendring District Council, with the consent of the Parish Council, to undertake the examination of the Ardleigh Neighbourhood Plan and to prepare a report of the independent examination. The examination commenced on Wednesday 12th July 2023.

On the 18<sup>th</sup> August 2023, the Examiner issued a note of interim findings. This was followed by a follow-up from the Examiner on the 6<sup>th</sup> November, in which she identified three areas of concern on procedural matters as well as a number of points of clarity. The Examiner considered that a focused consultation on specific matters should be undertaken.

A focussed Regulation 16 Consultation took place between 22<sup>nd</sup> January and the 4<sup>th</sup> March 2024, with comments being invited on:

- the Significant Modifications proposed by the Examiner;
- the Council's Decision on HRA and SEA; and,
- the implications of the newly published NPPF.

Following the additional consultation, the Examiner concluded the examination of the Plan. The Examiner's report concludes that subject to making the minor modifications recommended, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

The Examiner recommended a wide variety of modifications to the Plan. These included consequential changes and items of a minor nature. Only the key modifications are therefore listed below:

- Clarification is now given as to which parts of any Policy in the Neighbourhood Plan relate to the Tendring Colchester Borders Garden Community project. Section 1 of the Plan is therefore revised to accommodate this.
- Within Section 5 a change is made to differentiate between Safeguarded Open Spaces and Local Green Spaces.
- Policy GDP is updated to reflect the Garden Community issue raised above.
- Changes to Policy CFP for clarity.
- Within Policy HP, changes are made to prevent the building's energy efficiency going beyond Building Regulations.
- Amongst others, a change is made in Policy EP to clarify the weight of the Village Design Statement and the Green Spaces Assessment which are Appendices and do not have the same weight as the Neighbourhood Plan.
- Changes are made to Policy LGT to remove three spaces which do not accord with the criteria set out in the NPPF.
- Policy TP is also amended to clarify certain aspects and to remove some references to

the Garden Community in line with the issue above.

These changes have been agreed by the Parish and District Councils and the amended Plan can be found at Appendix 1.

On 13<sup>th</sup> May 2024, the Director of Planning in consultation with the Portfolio Holder for Housing & Planning determined that the Neighbourhood Plan, with the necessary modifications, could proceed to a local referendum which was duly held on Thursday 12<sup>th</sup> September 2024. In the referendum which was administered by Tendring District Council, residents of the Parish of Ardleigh were asked “Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Ardleigh to help it decide planning applications in the neighbourhood area?” With an overall turnout of 13%, 257 residents voted ‘YES’ and 40 residents voted ‘NO’ – a vote of 86.5% in favour of the plan.

The Neighbourhood Plan must now be ‘made’ (or adopted) within 8 weeks of the referendum – at which point it will form part of the statutory development plan and will become a material consideration alongside the Local Plan in the determination of planning applications and other planning matters. On making the Neighbourhood Plan, the document will be made available on both the District Council and Parish Council’s websites, and stakeholders will be notified, in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

#### **PREVIOUS RELEVANT DECISIONS**

8 July 2020 – Planning Policy and Local Plan Committee – Minute 10: that the application from Ardleigh Parish Council to designate the whole of the Ardleigh Parish as a Neighbourhood Plan Area (NDPA) be noted and that designation be approved.

17 March 2023 – Cabinet – Minute 136: authorises the Director (Planning) to carry out a six week consultation on the Ardleigh Neighbourhood Plan and other related documents in accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012.

22 December 2023 – Decision of the Director of Planning: Confirmation that the Neighbourhood Plan would meet the requirements of Regulations 9(2)(b) and 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004.

13 May 2024 – Decision of the Director of Planning: For the Ardleigh Neighbourhood Plan to proceed to referendum.

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

#### **APPENDICES**

Appendix 1 – Ardleigh Neighbourhood Plan

<b>REPORT CONTACT OFFICER(S)</b>	
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<b>Job Title</b>	<b>Director of Planning</b>
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# **Ardleigh Neighbourhood Plan 2020 - 2033**



**Prepared by Ardleigh Parish Council**

**May 2024**

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## **Appendices**

- Appendix A: Proposals maps

## **Annexes**

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

## **Additional supporting documents**

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

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

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

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

# Foreword

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

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

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

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

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



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

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

**August 2022**

# 1. Introduction

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

## 2. Neighbourhood Plan Area

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



*Fig 1. Neighbourhood Plan Area [blue line]*

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

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

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

## 4. Planning policy context

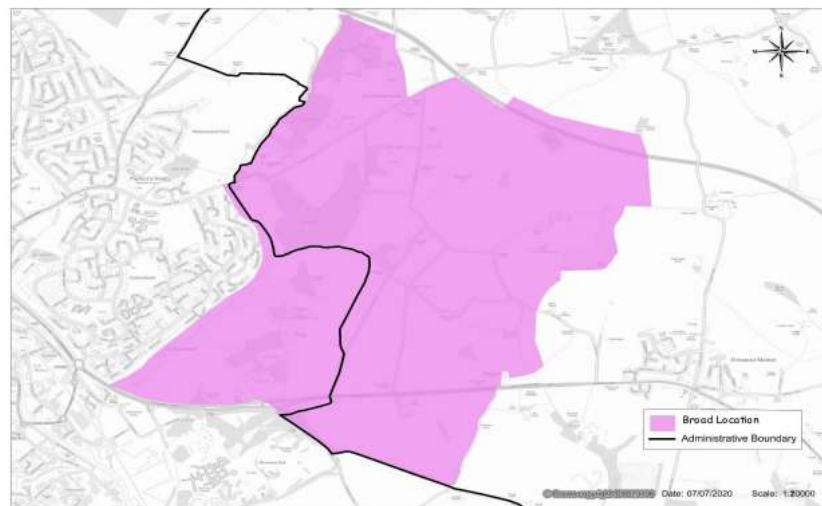
4.1. The Development Plan for Ardleigh is currently made up of:

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

### Section 1

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

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



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

- 4.4. LP1 Policy SP 3 sets out the spatial strategy for North Essex. Existing settlements are the focus for growth and development is accommodated within and adjoining settlements depending on their scale, role and sustainability. It is this policy which contains the new Tendring/Colchester Borders Garden Community (GC) proposal.
- 4.5. LP1 Policy SP 4 indicates that Tendring has a minimum housing requirement of 11,000 over the plan period of LP1 to 2033. LP1 Policy SP 5 supports a strong, sustainable and diverse economy with at least 12 hectares of employment land sought in Tendring.
- 4.6. LP1 Policy SP 6 sets out the requirement for a Development Plan Document (DPD) for the GC and identifies the strategic transport infrastructure that requires planning permission and funding before any permission is granted for the GC.
- 4.7. LP1 Policy SP 8 identifies 2,200 – 2,500 homes, seven hectares of employment land and provision of Gypsies and Travellers that are to be provided within the permission for the GC within this Plan period (as part of the expected overall total of 7,000 – 9,000 new homes, 25 hectares of employment land to be delivered beyond 2033. It identifies what the DPD will cover and indicates that no part of the GC will obtain permission before the DPD is adopted. It sets out principles for the GC.
- 4.8. LP1 Policy SP 9 sets out further details for the DPD including the definition of the boundary and the amount of development.
- 4.9. The new community is proposed to be sited on the Tendring/Colchester border, extending into the southernmost portion of Ardleigh Parish where the small historic hamlet of Crockleford Heath<sup>1</sup> is located.
- 4.10. The DPD has now been prepared by TDC and Colchester City Council. The draft DPD includes the identification of an “Area of Special Character” at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character.
- 4.11. The DPD has been subject to two formal periods of consultation. The DPD, and other accompanying documents, was submitted to the Secretary of State for examination on 21 September 2023. Hearing sessions are, at the time of writing, currently being held.”

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<sup>1</sup> LP2 page 35

## Section 2

- 4.12. Section 2 of the 2013-2033 Local Plan contains policies relating solely to Tendring District. It was adopted on 25/01/2022. Section 2 allocates the homes and jobs required for the plan period. It also contains place-shaping policies. These policies steer and guide development to ensure that Tendring's natural and built assets are enhanced and protected, its communities are well connected both by broadband and travel choices, and new development is designed to promote healthy living, adaptability of homes and safety from flood risk.
- 4.13. The Vision includes reference to the GC. LP2 helpfully sets out which policies are regarded as 'strategic' in nature<sup>2</sup>. LP Policy SPL1 states that the GC is at the top of the settlement hierarchy alongside Clacton-on-Sea and Harwich and Dovercourt. It identifies Ardleigh as a Smaller Rural Settlement.
- 4.14. LP2 Policy LP1 identifies 1000 homes to be delivered at the GC by 31 March 2033. This aligns with the plan period for this Plan which is to 2033.

## Local Plan Strategy for Ardleigh

- 4.15. Ardleigh village is defined as a Smaller Rural Settlement. It sits at the lowest tier of the settlement hierarchy.
- 4.16. The Smaller Rural Settlements are considered to be the least sustainable locations for growth. Nevertheless these villages are under pressure to grow and some small-scale development, sympathetic to the rural and often historic character of the settlement, can help to sustain these communities.
- 4.17. To plan for this, Settlement Development Boundaries have been drawn flexibly to accommodate a range of sites within and on the edge of the villages enabling them to be considered for small-scale residential infill development.
- 4.18. LP2 Policy SPL 2 identifies settlement development boundaries including one for Ardleigh village. It is clear that the GC sits outside this and will be subject to a

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<sup>2</sup> LP2 page 35



separate DPD containing its own policies designed to guide the location of development in the broad location identified on Diagram 10.2 in LP 1 and Map B.7.

- 4.19. This is important because some of the policies in this Plan refer to the settlement development boundary. As yet the GC is not a settlement with a settlement development boundary and is treated as a discreet location in LP2 Policy SPL 2. Therefore it is important for those policies, or elements of those policies, in this Plan which do not apply to the GC, that this is made explicit on a policy by policy basis.
- 4.20. LP2 Policy SPL 2 states there is a general presumption in favour of new development subject to detail consideration within the Settlement Development Boundary.
- 4.21. Outside the Settlement Development Boundary, planning applications will be considered in relation to the pattern and scales of growth in the settlement hierarchy and relevant policies. For instance LP2 Policy PP 13 sets out a number of specific circumstances where, in the interest of supporting growth in the rural economy, planning permission may be granted in the countryside.
- 4.22. Development over 10 dwellings is only permitted where there is support from a Parish Council or an approved neighbourhood plan advocates additional growth or there is an identified local need for affordable housing that could be addressed on a rural exception site, subject of Policy LP 6 (section 3.3.1.4.4).
- 4.23. Rural Exception Sites will be permitted on sites adjoining Ardleigh's defined Settlement Boundary provided:
  - i. Sufficient evidence is provided of a shortage of council/affordable housing within the Parish; and
  - ii. The scheme is supported by Ardleigh Parish Council.
- 4.24. The Plan also provides a flexible policy for self-build houses. These schemes may be permitted in the countryside subject to meeting specific criteria (policy LP 7).
- 4.25. The development of new care homes and extra care housing is also promoted by the Plan (policy LP 10).
- 4.26. Retail growth in Ardleigh is expected to be limited to small-scale developments

intended to serve the day-to-day needs of the local community only (policy PP3).

- 4.27. In terms of employment growth, the Plan encourages sustainable development proposals for farm and other land-based diversification schemes that would benefit the rural area. Further support for rural-based enterprises is provided by local policy PP 13.
- 4.28. Tourism-related proposals of the right kind are also strongly encouraged, including the provision of appropriate outdoor recreational facilities that would strengthen the function and protection of the undeveloped countryside (policy PP 8).
- 4.29. In terms of visitor accommodation, any growth in hotels or guesthouses should be limited to established sites or to ancillary accommodation at appropriate venues such as public houses (upper floors), residential health and beauty facilities and function/conference centres (policy PP 9). New or extended camping and touring caravan sites are also encouraged but will be subject to holiday occupancy restrictions (policy PP 10).
- 4.30. The policies of this Neighbourhood Plan are intended to support and complement the general spatial strategy outlined above.
- 4.31. Not all policies or some elements of policies will apply to the Tendring/Colchester Borders Garden Community. Where this is the case, it has been made clear in the policy itself. Ardeleigh Parish Council intends to work closely and proactively with the partner councils to progress the design and development of the GC.

## 5. Background to the Parish

- 5.1. The Parish lies within the Ardleigh & Little Bromley Ward, part of the District of Tendring situated within the County of Essex.
- 5.2. Ardleigh is a small rural Parish which comprises largely of good quality agricultural land, supported by dispersed farmsteads. The main point of settlement is the historic nucleated village of Ardleigh which lies at the heart of the Parish. Other smaller hamlets, including Ardleigh Heath, Burnt Heath and Crockleford Heath intersperse the wider rural area. It is believed that the Parish has been settled in excess of 3000 years.
- 5.3. The 2011 Census recorded 849 households and 2058 usual residents throughout the Parish<sup>3</sup>.
- 5.4. Ardleigh village is defined as a smaller rural settlement in the Local Plan. It comprises a nucleated village which has grown around the crossroads of Station Road, Dedham Road, Colchester Road and Harwich Road. These key arterial routes extend throughout and beyond the Parish, connecting Ardleigh to various lower and higher-level settlements including Colchester, Manningtree and Brightlingsea.
- 5.5. The Parish lies in very close proximity of the historic city of Colchester<sup>4</sup>, being directly adjoined to the defined town settlement boundary in places. The heart of Ardleigh village lies approximately 7km, or a 12-minute drive, from the city centre.
- 5.6. Since 1981, a substantial proportion of Ardleigh village has been formally designated as a Conservation Area. Significantly, the Parish also contains the remains of a later Bronze Age urnfield cemetery which was designated a Scheduled Ancient Monument in 1976 (list entry no. 1002146).
- 5.7. Ardleigh Reservoir lies to the south-west of Ardleigh village and covers an

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<sup>3</sup> Unless otherwise stated, all statistics in this document are derived from 2011 census data.

<sup>4</sup> Colchester was awarded city status in May 2022 to mark the Queen's Platinum Jubilee.

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

## Socio-economic profile

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

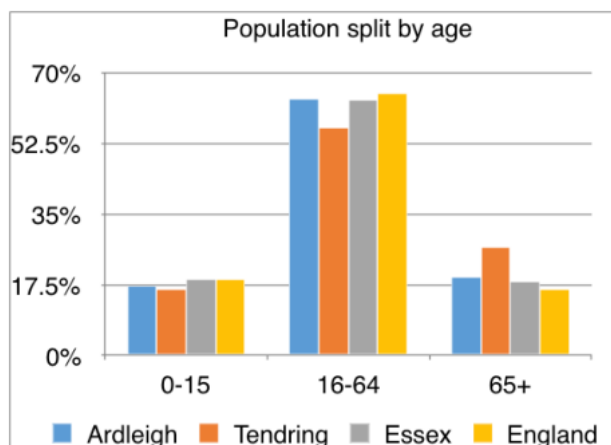


Fig. 3.

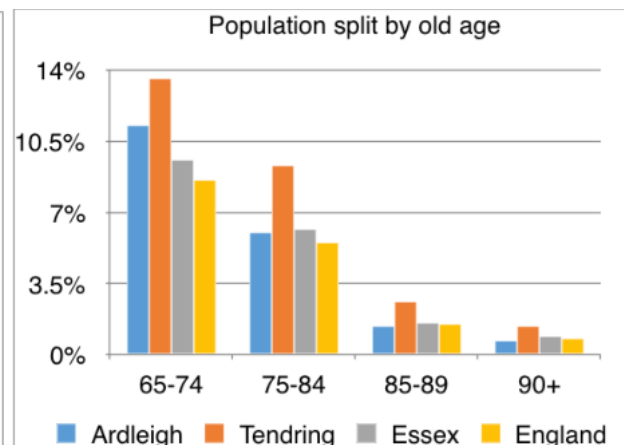


Fig. 4.

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

economically active<sup>5</sup>, compared to 61.7% for the district, 71.1% for the county and 69.9% for the country as a whole. The below chart provides a break down of economically active residents by activity. As indicated, Ardleigh contains a statistically significant number of self-employed workers and proportionately fewer short-term unemployed residents than the district, county or country as a whole.

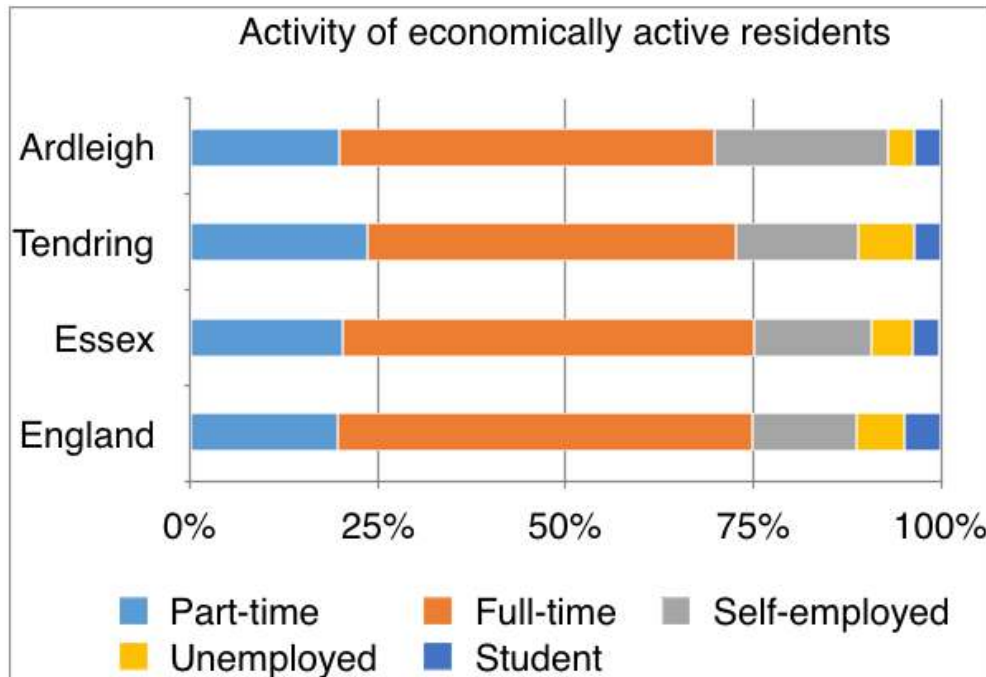


Fig. 5.

5.13. Following from the above, approximately 30.9% of Ardleigh’s population is economically inactive<sup>6</sup>, compared to 38.3% for the district, 28.9% for the county and 30.1% for the country as a whole. The below chart provides a break down of economically inactive residents by activity. As indicated, Ardleigh contains proportionately fewer retired residents than its host district, although this remains above the county and national findings.

<sup>5</sup> “economically active” is a term used in the 2011 Census to refer to those persons either in employment or unemployed but available and actively seeking work.

<sup>6</sup> “economically inactive” is a term used in the 2011 Census to refer to those persons not in employment or actively seeking and available for work due to being retired, looking after home or family, long-term sick or disabled, students or other reasons.

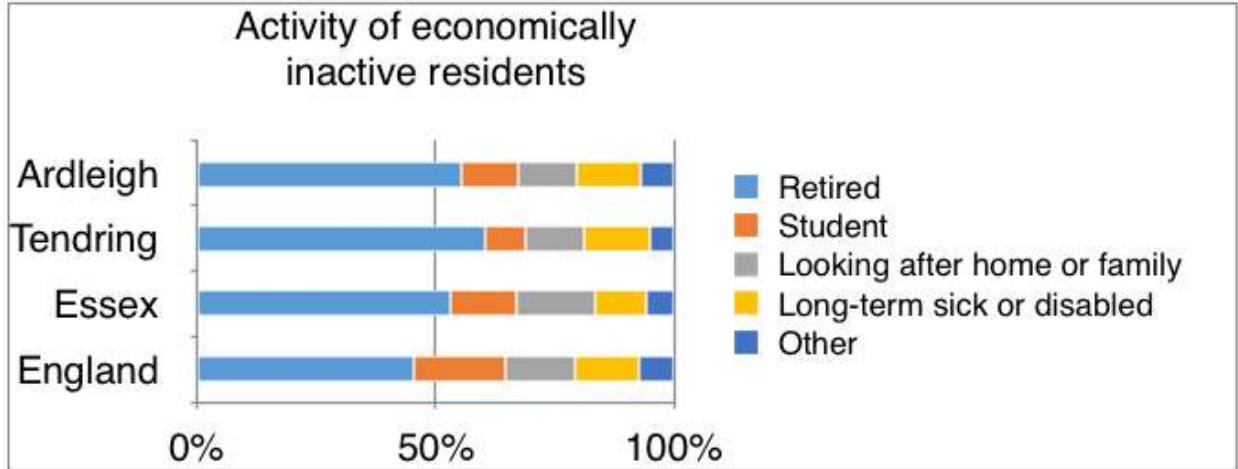


Fig. 6.

- 5.14. The Parish of Ardleigh is predominantly occupied by agricultural land uses and this is reflected in the statistically significant proportion of working residents employed in the industries of agriculture, forestry and fishing.
- 5.15. Ardleigh also contains a statistically significant proportion of working residents employed in administrative, professional, scientific and technical industries.
- 5.16. Compared to findings for the host district, Ardleigh contains proportionately fewer residents employed in the industries of wholesale, retail, vehicle repair, health care or social work. This is indicated by the below chart which provides a break down of the main industries in which the working residents of Ardleigh are employed<sup>7</sup>.

<sup>7</sup> For the purposes of this chart, only industries employing more than 4% of the total working population of Ardleigh have been individually noted. All other industries are grouped into the “other” category.

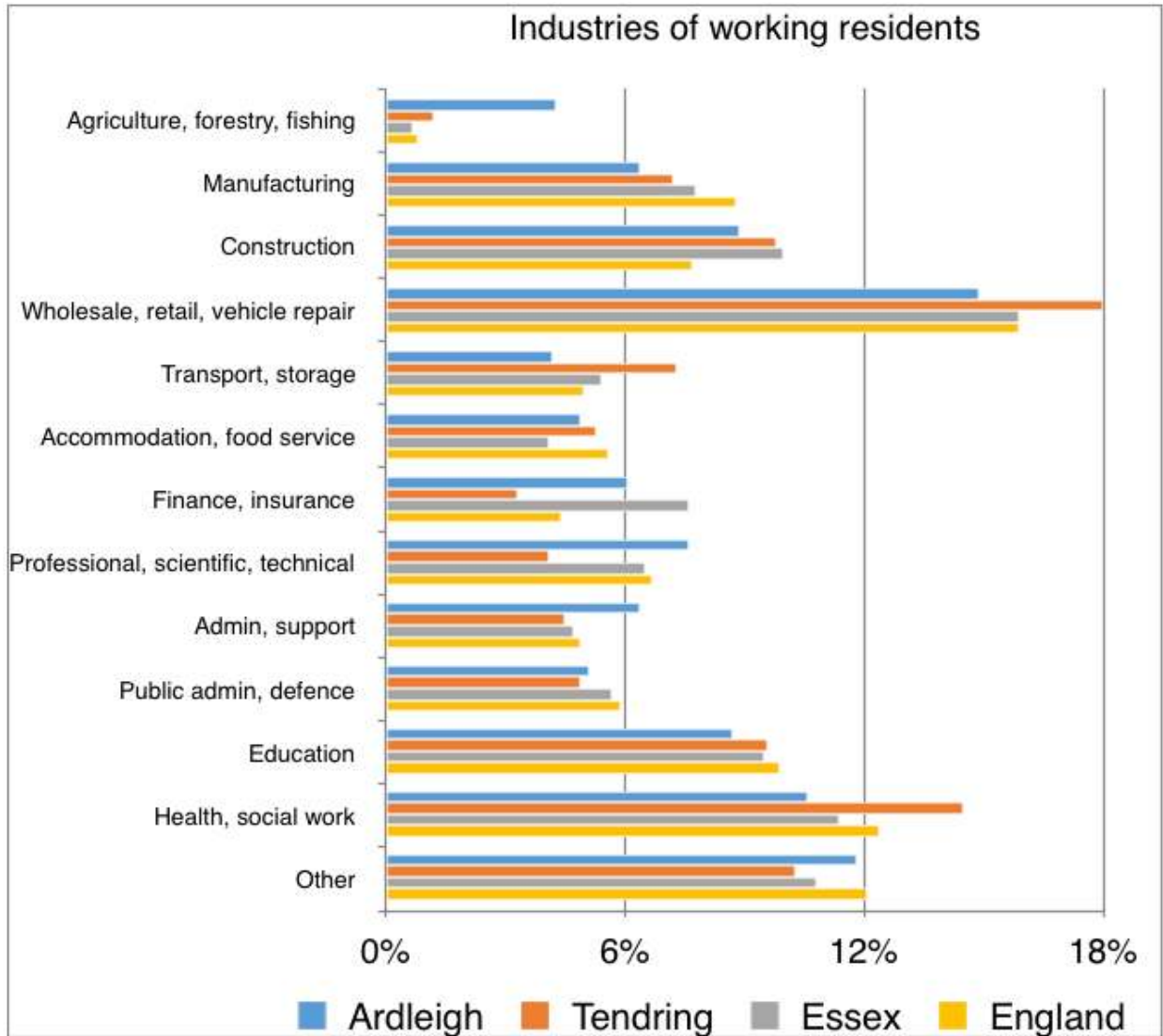


Fig. 7.

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



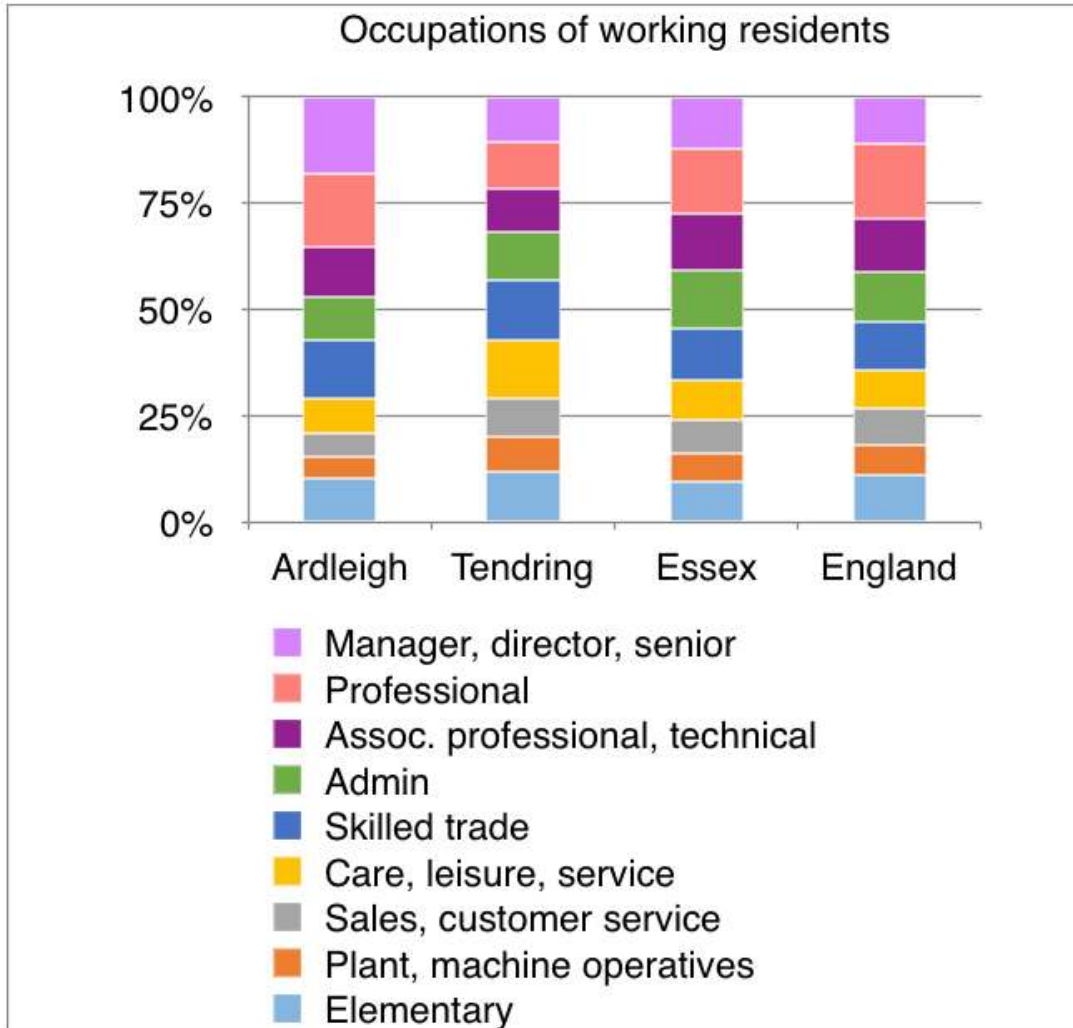
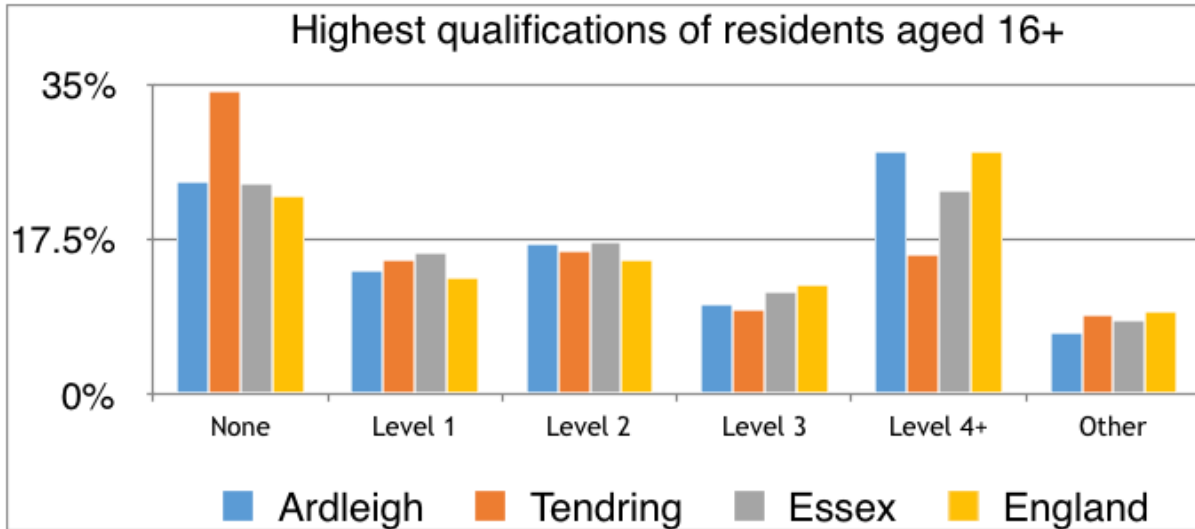


Fig. 8.

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



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

Fig. 9.

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

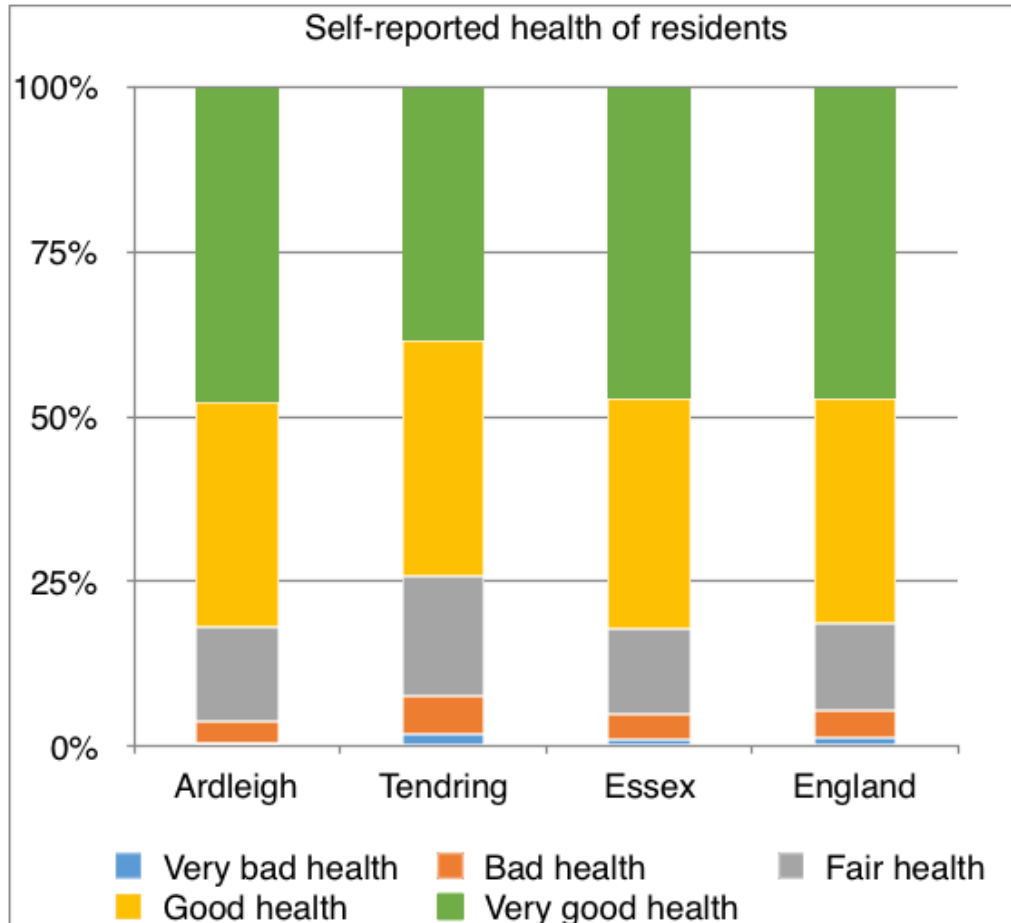


Fig.10.

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

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

## Housing profile

- 5.23. The 2011 census recorded 849 households and 2058 usual residents in the Parish<sup>8</sup>.
- 5.24. The average household size of the Parish stands at 2.5 persons which is only very slightly greater than the averages for the district (2.2), county and country (both at 2.4).
- 5.25. There are high levels of home ownership throughout the Parish. 80.9% of all Ardleigh's households own their homes, with approximately 54% of these owned outright and 46% owned with a mortgage (or loan). This compares very favourably to statistics for the county and the country where, respectively, 71.3% and 63% of all households own their homes. It also exceeds levels of home ownership throughout Tendring (at 73.7%).

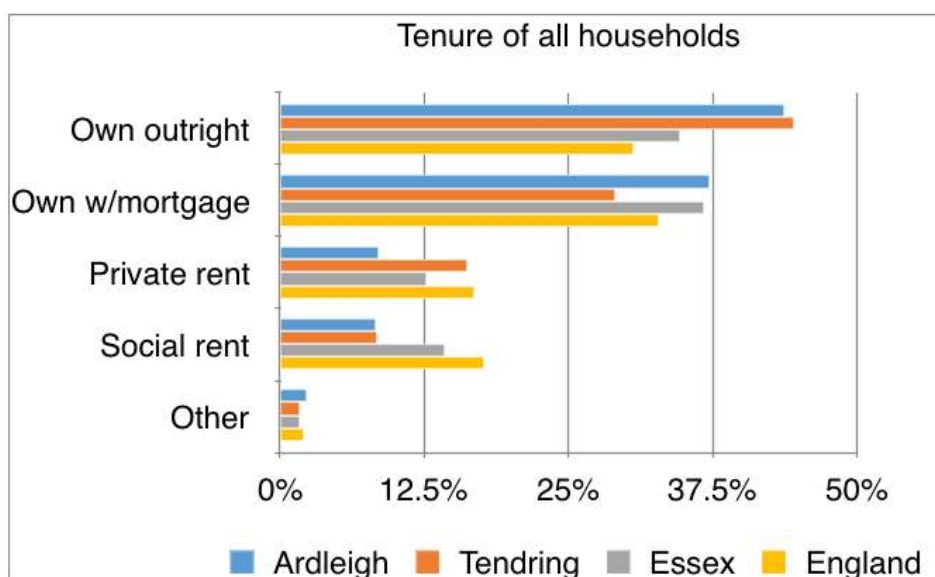


Fig.11.

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

<sup>8</sup> In April 2020, Tendring District Council estimated that there were approximately 1000 dwellings in the Parish (taking account of recent development), with a further 230 dwellings expected on sites with planning permission. This suggests a rather significant increase in housing stock since 2011

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

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

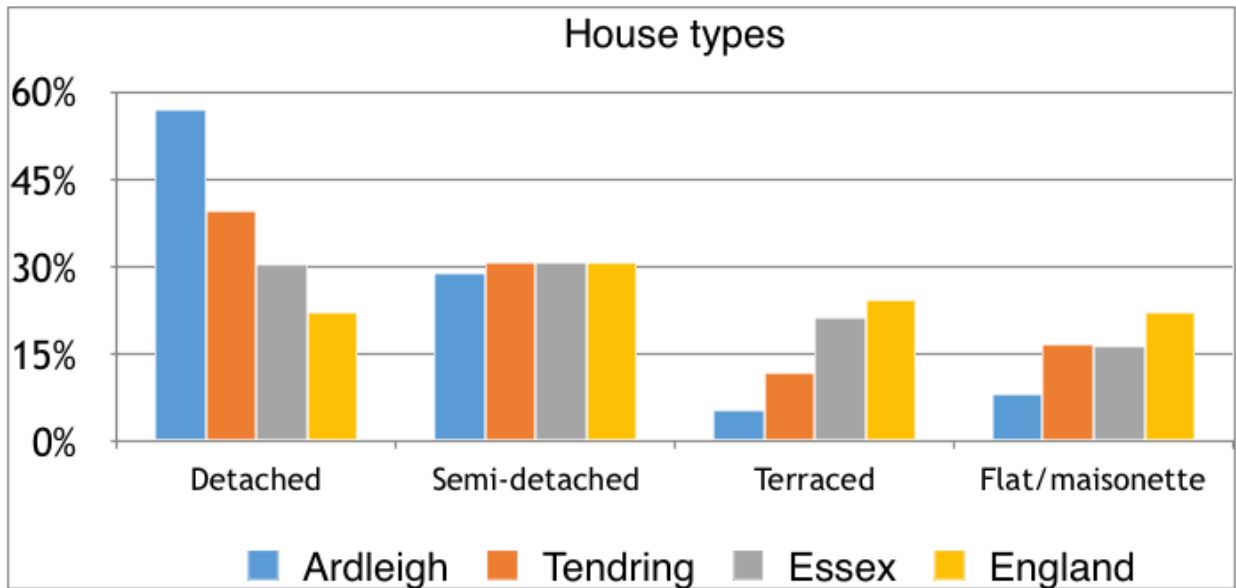


Fig.12.

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

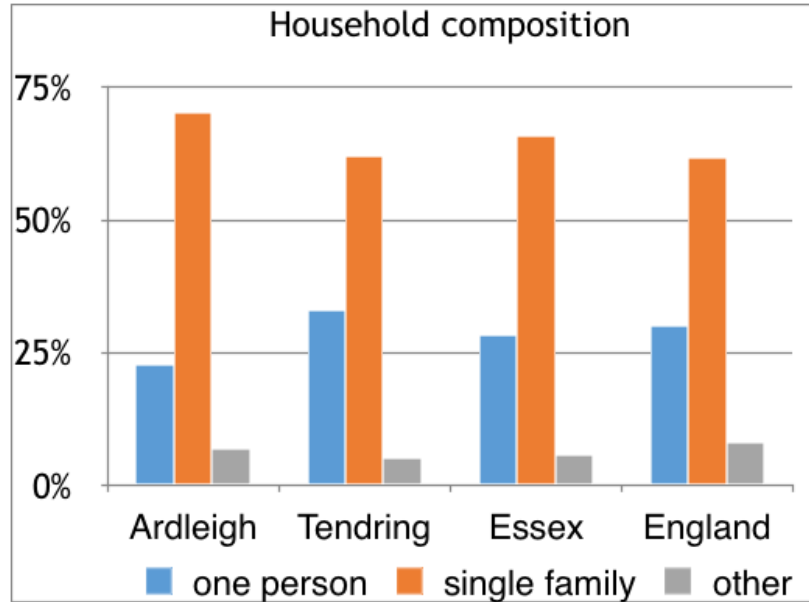


Fig.13.

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

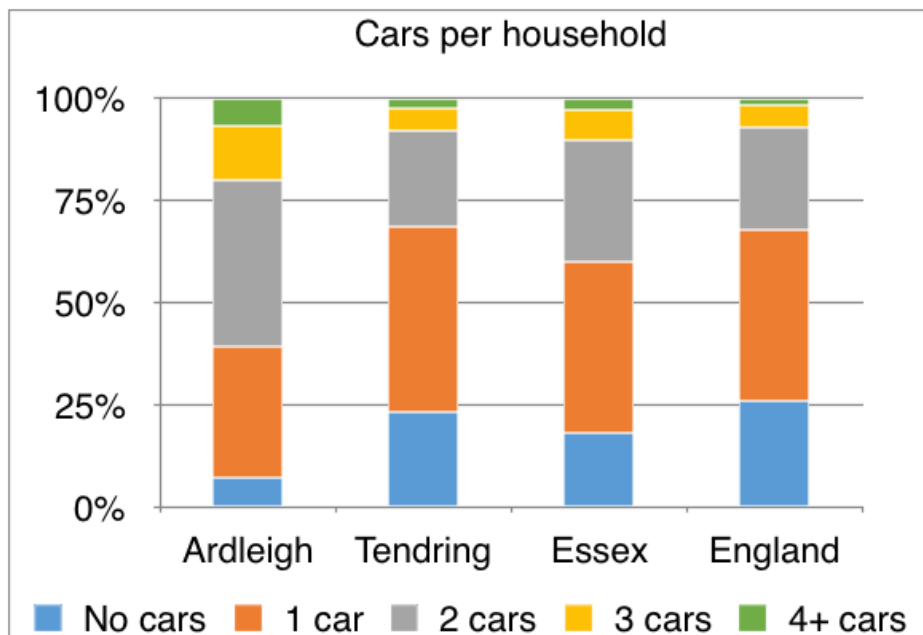


Fig.14.

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

## Landscape & Natural Environment

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

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

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





*Fig. 15. Ardleigh Reservoir from Wick Lane*

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

- 5.39. There are two Sites of Special Scientific Interest<sup>9</sup> (SSSIs) in Ardleigh.
- 5.40. The first is Ardleigh Gravel Pit which sits just south of the village and is split over 2 units, occupying 1.22 total hectares. This site is considered to be of major geological importance, with deposits exposed here being of international significance. Ardleigh Gravel Pit is classified as being in “favourable condition”<sup>10</sup> by Natural England.

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<sup>9</sup>SSSIs are areas designated for special protection by Natural England due to their features of special interest, including their wildlife, geology and/or landform.

<sup>10</sup> Natural England’s objective is to achieve “favourable condition” status for all SSSIs. This means the habitats and features of the site are in a healthy state and being conserved by appropriate management.

5.41. The second is Bullock Wood, an ancient woodland<sup>11</sup> which straddles the Parish's boundary with Colchester. Only a small part of this 23.3 hectare SSSI is located in Ardleigh. This site is noted to contain a wide range of trees, including a number of nationally rare species. Bullock Wood benefits from "favourable condition" status.

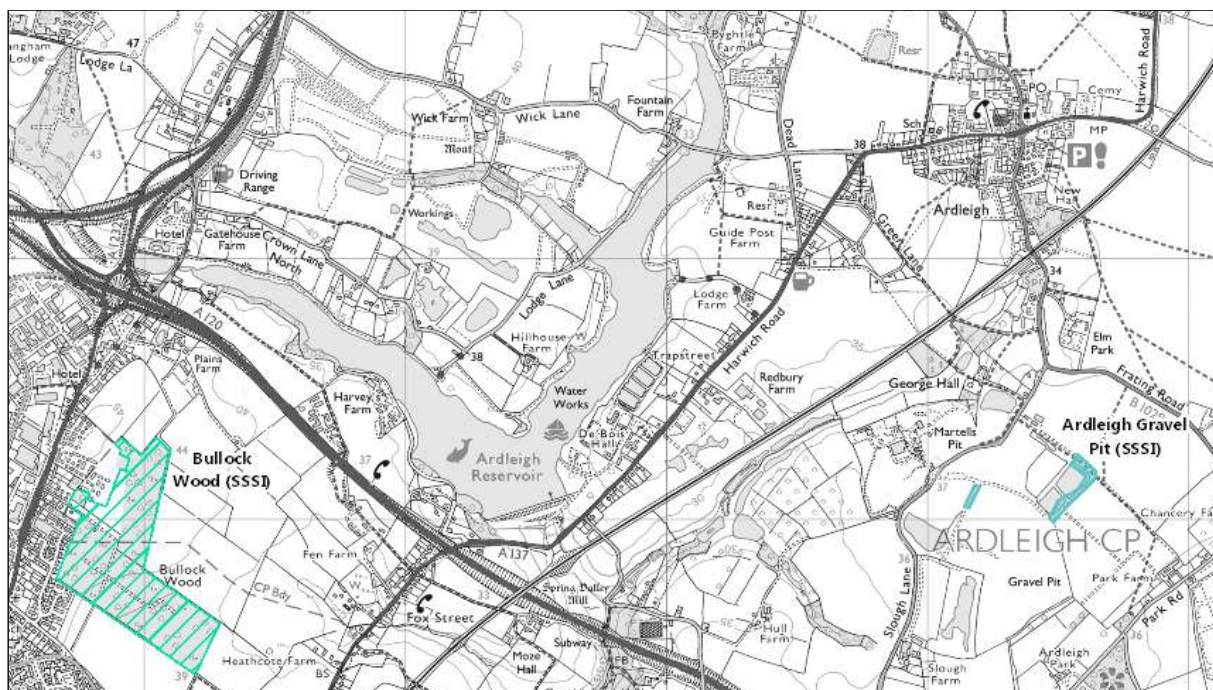


Fig. 16. The two SSSIs in the south of the Parish: Bullock Wood & Ardleigh Gravel Pit

5.42. In conjunction with Essex Wildlife Trust, the District Council has identified over 100 Local Wildlife Sites<sup>12</sup> (LoWS) in Tendring, 11 of which are in the Parish of Ardleigh.

<sup>11</sup> Ancient Woodlands are areas of woodland identified by Natural England as having had continuous woodland cover since 1600 AD resulting in the survival of certain rare plants and animals and are thereby afforded special protection. Ancient Woodland is a form of Irreplaceable Habitat.

<sup>12</sup> LoWS are areas of land with significant wildlife value which provide important wildlife refuges and a green infrastructure network. They are worthy of nature conservation and protected by the Local Plan.

<b>Local Wildlife Sites</b>			
<u>Code</u>	<u>Site Name</u>	<u>Area (ha)</u>	<u>Grid Ref.</u>
Te1	Ardleigh Reservoir Wood, Ardleigh	2.1	TM 026287
Te2	Birch Wood, Ardleigh	0.7	TM 028303
Te3	Ardleigh Reservoir Grassland, Ardleigh	3.1	TM 032284
Te4	Churn Wood Meadow, Ardleigh	1.3	TM 033256
Te5	Churn Wood, Ardleigh	26.3	TM 036259
Te6	Wall's Wood, Ardleigh	14.3	TM 037271
Te7*	Chapel Lane Verge, Ardleigh	0.03	TM 043254
Te9	Manor House Meadow, Ardleigh	1.6	TM 052288
Te10	Springhead Corner Meadow, Ardleigh	2	TM 053286
*Protected Verges			
<b>Local Wildlife Sites: Ancient Woodlands</b>			
<u>Name</u>		<u>Grid Ref.</u>	
Churn Wood, Ardleigh		TM 036258	
Walls Wood, Ardleigh		TM 038274	

Table 1.

5.43. The Local Plan also identifies a number of Safeguarded Open Spaces<sup>13</sup> throughout Ardleigh and affords these additional protection against development (see local policy HP 4).

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

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

<sup>13</sup> Safeguarded Open Spaces comprise of open spaces (including parks, churchyards, allotments and playing pitches) which make a considerable contribution to the quality of life of residents and visitors and which promote sustainable communities.

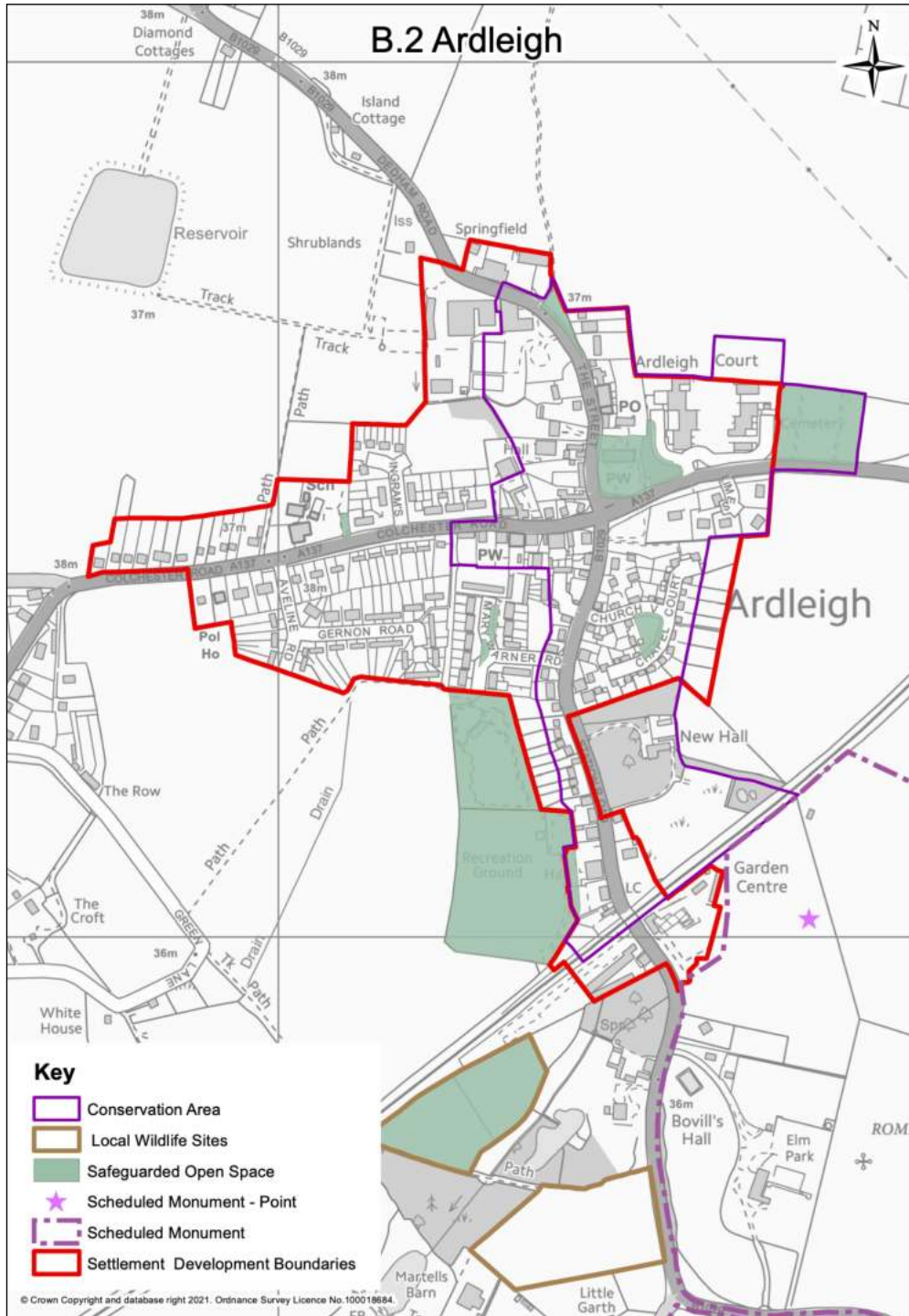


Fig. 17. Ardleigh's Safeguarded Open Spaces in green (Local Plan)

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

## History & Conservation

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



*Fig. 18. The Grade II\* listed St Mary's Church*

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

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

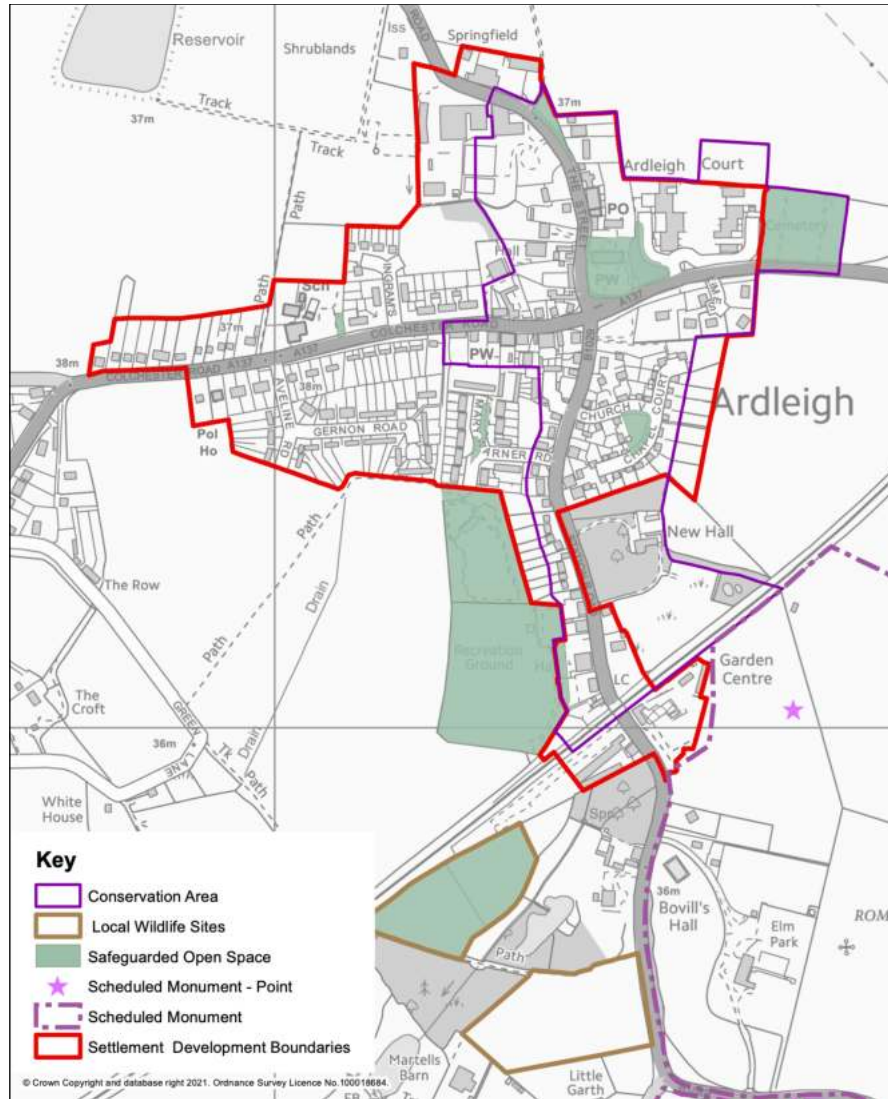


Fig. 19. Ardleigh Conservation Area in purple

## Notable Assets

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

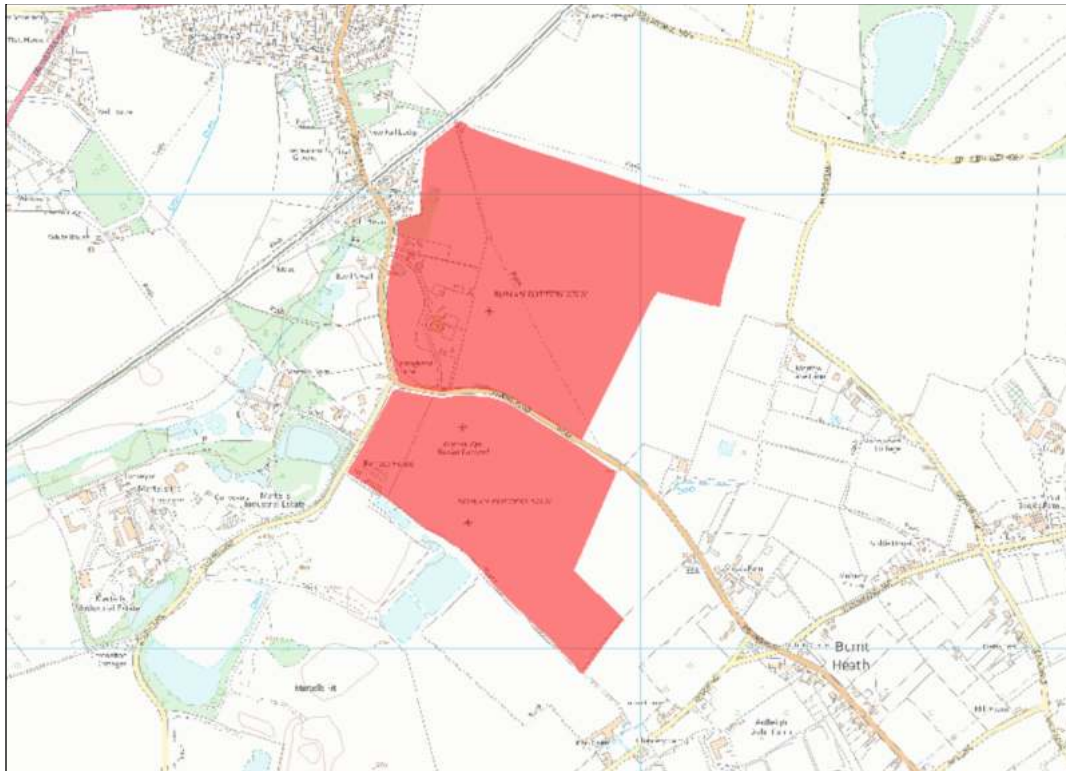


*Fig. 20. The Grade II\* listed Spring Valley Mill*

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

were first unearthed during a 1955 scheme of deep ploughing on Vince's Farm.

- 5.55. Other archaeological finds have since been uncovered here, including multi-period remains in 1995-96 as the successful result of a watching brief placed on the stripping of a new access road.



*Fig. 21. Scheduled Ancient Monument located just south of the railway line*

- 5.56. There are 9 Protected Lanes<sup>14</sup> throughout Tendring district and two of these - Lodge Lane/Crown Lane North and Spring Valley Lane - can be found in Ardleigh.

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<sup>14</sup> Protected Lanes are lanes designated by the County Council and afforded additional protection as a result of their heritage value (indicating ancient road patterns) and contribution to local character



## Services, facilities & infrastructure

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

### Overview

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



*Fig. 22. The Lion Inn, a Grade II listed public house at the heart of Ardleigh village, currently shut*

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

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

## Employment

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

## Leisure & Community Facilities

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



*Fig. 23. Ardleigh Fly Fishing Club*

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

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



*Fig. 24. Children's play equipment*

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

## Tourism

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

## Transport

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



*Fig. 25. Bus stop & shelter at the heart of Ardleigh village*

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

#### New A120/A133 link road

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

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

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

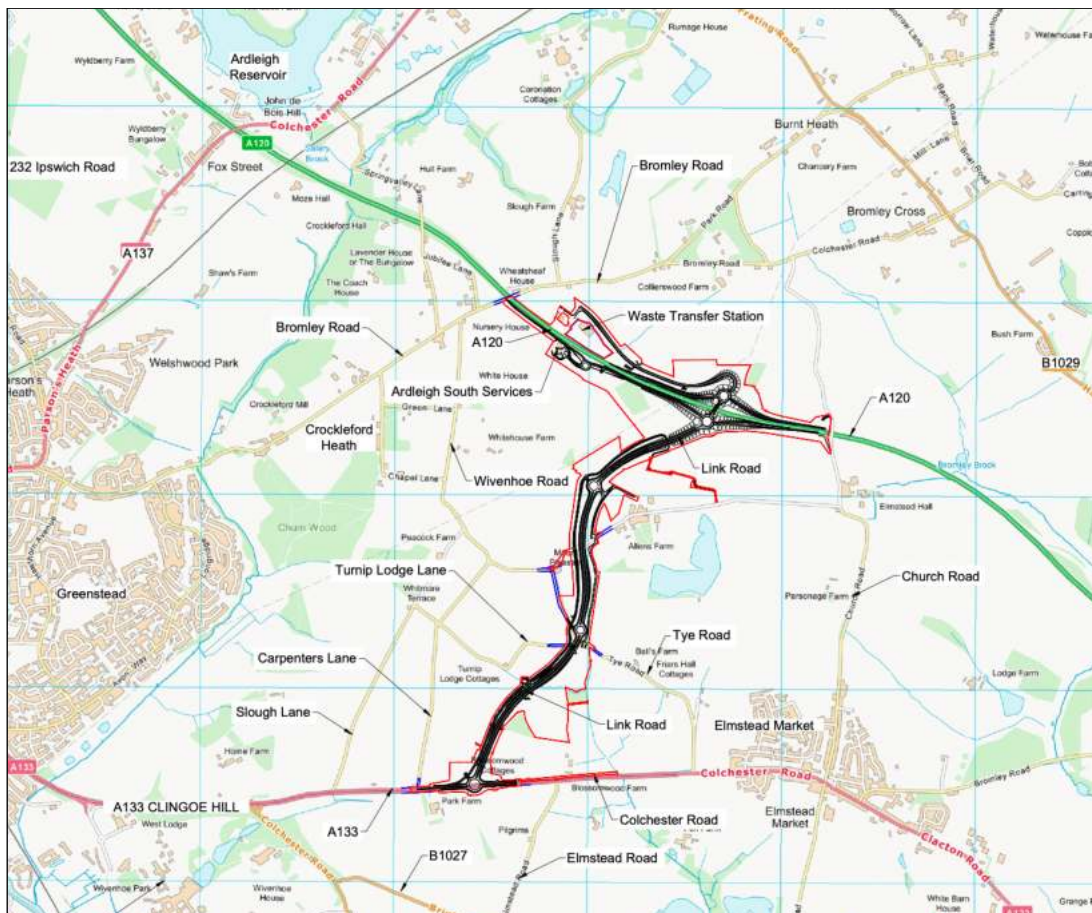


Fig. 26. Approved new link road & waste transfer station

## 6. Consultation & evidence base

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

### Summary

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

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

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

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

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

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

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

## First steps

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

## First 'SWOT' Questionnaire

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

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



## Second Questionnaire

- 6.23. Using the results of the initial SWOT Questionnaire, a more detailed Consultation Questionnaire was developed by Planning Direct with input from the Working Group. As the Government's pandemic restrictions persisted, there were no opportunities for face-to-face consultation events to be held. To counter this, every effort was made by the Working Group to inform the local community of the second consultation exercise.



- 6.24. The Consultation Questionnaire was launched on 18th November 2020 via Survey Monkey. A hard copy version was designed, printed and distributed throughout the Parish in the same manner as the SWOT questionnaire.
- 6.25. The village school, church, businesses and a number of local community groups were contacted by email and encouraged to participate.
- 6.26. Posters designed to emphasise different benefits of completing the questionnaire (to encourage as wide a take-up as possible) were displayed on Parish notice boards, in the usual village retail outlets and other local places frequented by parishioners.
- 6.27. The Consultation Questionnaire ran from mid-November to the end of January 2021. 300 responses were received, more than doubling the response to the SWOT questionnaire. This amounts to around 15% of the Parish population.

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

### Outcome of the consultation

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

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

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

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

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

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

### Evidence Base

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

- Annex 1:** Local Green Spaces Assessment; and
- Annex 2:** Updated Village Design Statement (2021).

## 7. Vision

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

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

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

## 8. Objectives

8.1. The objectives of this Neighbourhood Plan are simple:

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

# Neighbourhood Plan Policies



# 9. Policy GDP: General Approach to Development



## Explanatory text

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



- Affordable housing on Rural Exception Sites (in accordance with policy LP 6); and
  - Certain types of self-build and custom-built homes (in accordance with policy LP 7).
- 9.6. All of the above types of open countryside development permitted by the Local Plan are considered to be modest in scale and impact. Policy GDP provides additional support for similarly modest developments, provided specific criteria are met.
- 9.7. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.
- 9.8. Policy GDP reinforces the Local Plan approach to development within Ardleigh's Settlement Development Boundaries. It provides some additional flexibility outside of Settlement Development Boundaries in order to:
- support the retention, growth and new provision of a wide array of small businesses provided that these are compatible with their countryside settings; and
  - encourage the provision of replacement dwellings that would benefit local character and improve energy-efficiency/sustainability.

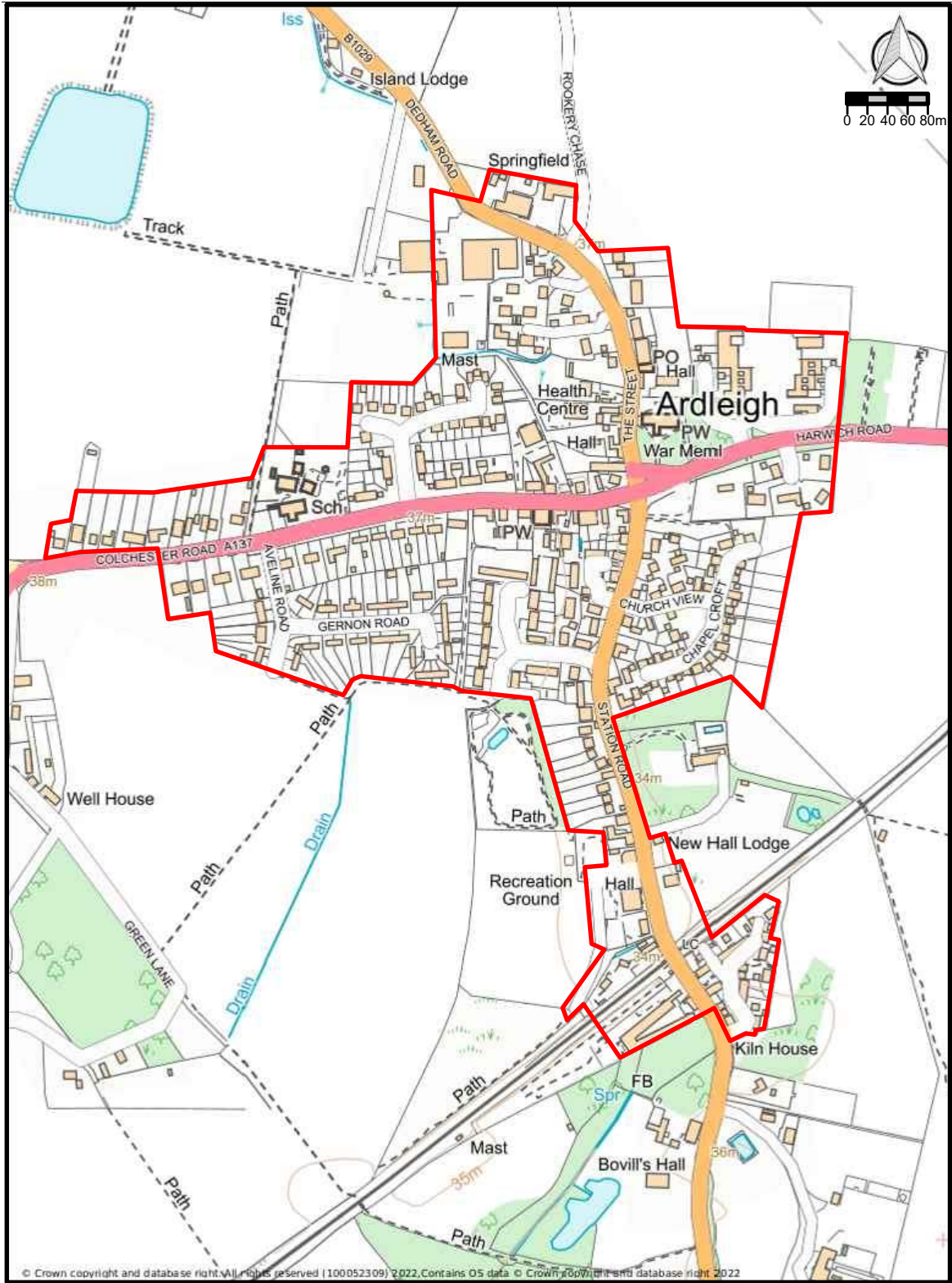


Fig. 27. Ardleigh's Settlement Development Boundaries in red

## Policy GDP - General Approach to Development

Within the Settlement Development Boundary, small scale development for no more than 10 dwellings or for community and employment uses will be supported in line with policies in the development plan.

Outside the Settlement Development Boundary and outside of the Tendring Colchester Borders Garden Community, new development will not generally be permitted unless it is consistent with all other relevant Development Plan policies and:

### *Housing development*

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

### *All other development*

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

All new residential development should also accord with any requirements specified in the Essex RAMS Supplementary Planning Document and local plan policy PPL 4.

# 10. Policy CFP: Community Facilities



## Explanatory text

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

### **Community consultation**

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

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

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

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

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

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

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

- 10.7. The Parish Council advises that The Ardleigh Recreation Ground recently contained a football pitch but this is no longer the case. The Parish Council would be keen to see this facility reinstated.
- 10.8. In addition, a significant number of local people wanted to see a ‘community hub’ of sorts introduced to Ardleigh, with perhaps another cafe, more restaurants and a greater variety of retail shops available too.
- 10.9. There was a feeling that young children were well catered for in relation to play areas, but that there were insufficient leisure/recreational facilities for older young people.
- 10.10. Overall, people were satisfied with the school and GP Surgery but some were concerned that both were under pressure from recent housing development.
- 10.11. This section of the Neighbourhood Plan seeks to provide clear encouragement for the retention and new development of community facilities in line with the expressed desires of the local community.
- 10.12. Further work would need to be done to explore options for the development of certain community facilities in the Parish, particularly in relation to a Community Hub and improved leisure/recreational facilities for young people.
- 10.13. It is known that there is currently a deficit of around 1.70 hectares of equipped play/open space in Ardleigh.
- 10.14. Based on statutory consultation responses to recent applications for new housing in Ardleigh<sup>15</sup>, it is also understood that:
  - Ardleigh’s GP Surgery is overcapacity<sup>16</sup>; and

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<sup>15</sup> see, for example, the consultation response to refused application 20/00592/OUT (appeal reference APP/P1560/W/20/3260443) for up to 50 dwellings on Land North of Wick Lane

<sup>16</sup> In June 2020, the NHS (North East Essex) reported that The Ardleigh Surgery (including its Branch The Dedham Surgery) has a “Spare Capacity (NIA m2)” of -207.29

- Ardleigh's Primary School is overcapacity<sup>17</sup> and likely to remain at or close to capacity in the near future.

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

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

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

10.17. Policy CFP reinforces the Local Plan approach to community facilities. It provides strong support for the new provision of certain community facilities for which there is an established local need<sup>18</sup>. All of these preferred facilities would make welcome contributions towards the Local Plan's ambitious goals to improve

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<sup>17</sup> In January 2020, there were 113 pupils on roll, compared to an indicated capacity of 105 places

<sup>18</sup> not precluding the delivery of other community facilities in Ardleigh, provided local need can be established

community health and wellbeing (policy HP 1).

10.18. The policy also provided necessary acknowledgement of the recent evidence concerning the total lack of capacity at Ardleigh's GP Surgery and Primary School. As a result of these vital facilities' evidenced lack of current capacity<sup>19</sup>, it is clear that any new housing development in Ardleigh of any size will need to make a proportionate contribution towards their expansion in line with part a. of local policy HP 2.

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*<sup>19</sup> and in the absence of any more recent evidence to suggest new capacity has been found*



## Policy CFP - Community Facilities

1. Applications for new or enhanced community facilities will be supported in appropriate locations where the proposal:
  - a. Provides a gym, swimming pool, squash/tennis/badminton courts and/or exercise related or leisure facilities; or
  - b. Provides on site enhancement of the Village Hall that would develop its role as a Community Hub; or
  - c. Is for a business with a clear community role or function such as meeting rooms, restaurant or café, shop, pub, dog training facility/walking area; or
  - d. Would contribute to meeting any identified deficiency in Ardleigh's equipped play/ open space.
2. New or improved community facilities should be designed to be accessible to all, including those with mobility restrictions. Community facilities that are intended or able to meet the needs of young people are particularly welcomed.
3. Proposals that would cause the loss or closure of existing community facilities will be refused unless they are in full accordance with local plan policy HP 2. In order to meet this policy, it will be expected that:
  - a. In relation to part b. of local plan policy HP 2, any existing community facility located within the Settlement Development Boundaries should be replaced by a facility also located within or within convenient walking distance of the Settlement Development Boundaries;
  - b. In relation to part c. of local plan policy HP 2, evidence provided by the Parish Council and/or members of the local community demonstrating that regular community use is made of a facility and/or the facility meets a clear community need, will be taken into account.
4. All housing applications outside of the Tendring Colchester Borders Garden Community that would result in a net addition of housing must be accompanied by:
  - a. Evidence that there is sufficient capacity at the GP Surgery and Primary School to meet the needs arising from the new household(s); or

- b. A proportionate financial contribution towards the enhancement or new provision of appropriate medical and primary education facilities within the parish confines.
5. Development (including cumulatively) that would lead to the closure or relocation of Ardleigh's GP Surgery or Primary School outside of the parish confines will be resisted unless satisfactory replacement or improved provision is provided.

# 11. Policy HP: Housing



## Explanatory text

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

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

### **Community consultation**

- 11.11. The community consultation exercises underpinning the preparation of this

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<sup>20</sup> 2000 total homes up to 2033 and a further 5500 homes post 2033

Neighbourhood Plan have made it clear that an overwhelming majority of local residents strongly object to any further housing development taking place over the plan period.

- 11.12. Many expressed concern in response to the Consultation Questionnaire that recent housing development has threatened the community. Concerns were specifically raised about harm to the rural environment arising from developments taking place away from the village confines and about impacts on the school and GP surgery which were widely agreed to be at breaking point.
- 11.13. There is clearly little community support for any form of housing development. However, in terms of size, 4+ bed dwellings were felt to be the least needed whilst 2 and 3-bed dwellings were the most needed, with 1-beds not far behind.
- 11.14. In terms of residential design, a small community preference was indicated for the inclusion of sustainable/eco-friendly design and construction techniques. Policy HP therefore provides support for housing schemes that achieve high levels of sustainability. This could include houses that achieve zero carbon status or meet the Living Building Challenge.
- 11.15. Also preferred were infill schemes<sup>21</sup> and designs that harmonise with the traditional architectural character of the area. There was clear consensus that if new residential development is to be allowed, it should only be within the Settlement Development Boundaries.
- 11.16. Whilst there was some limited local support for affordable housing in the Parish, any affordable housing needs are likely to be met in full by development already planned for and/or approved (such as the Tendring/Colchester Borders Garden Community). It is also the case that the existing number of socially-rented properties in Ardleigh is closely aligned with the figure for the district as a whole which includes the urban localities of Clacton, Harwich and Manningtree.
- 11.17. In the event that additional need arises, Local Plan policy LP 6 already provides scope for the delivery of suitable affordable housing schemes in the Parish over the plan period.
- 11.18. Where the Parish Council is satisfied that:

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<sup>21</sup> “infill” meaning small plots with development on both sides, usually forming part of an otherwise continually built-up road frontage of buildings

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

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

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

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

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

## Policy HP - Housing

1. Housing development will be supported within the Settlement Development Boundary where:

a. The proposal is for limited infilling\* of no more than 10 dwellings.

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

2. New housing development outside the Tendring Colchester Borders Garden Community, is encouraged to incorporate:

- a. Smaller units of 1 – 3 bedrooms to address local need;
- b. Sustainable design and construction features; and
- c. Accessibility features which would allow occupiers to remain in their homes over their lifetimes.

3. The creation of ancillary residential accommodation (e.g. granny annexes) within the curtilage of existing dwellings will be supported throughout the parish but outside the Tendring Colchester Borders Garden Community provided:

- a. Evidence is supplied that the accommodation is required to provide necessary care and/or support to a member of the site's immediate family or household; and
- b. A restrictive condition to prevent the future use of the ancillary accommodation as a separate or self-contained dwelling is applied to any grant of planning permission.

4. For developments that include the provision of affordable housing, it will be expected that affordable homes are interspersed appropriately throughout the market housing and are indistinguishable from the market housing in terms of their external appearance, design, standards and build quality.



# 12. Policy EP: Natural, Built & Historic Environment



## Explanatory Text

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

### **Built**

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

### **Natural**

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

## Historic

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

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

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

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

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

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

relevant planning applications in the Parish.

- 12.9. The VDS (see Annex 2) has been updated as part of the preparation of this Neighbourhood Plan. The update is based on detailed desk- and field- based assessments. It seeks primarily to identify and assess developments undertaken in the Parish since 2011. For example, it evaluates the design success of these recent developments, including the extent to which they have complied with the former VDS and its design requirements. Where relevant, the guidance of the VDS has been updated to describe changes to local character, to clarify design expectations and/or to provide necessary additional protection against the design shortcomings of developments implemented in the Parish since 2011.
- 12.10. The desirable and undesirable design features for new development in Ardleigh outside the Tendring Colchester Borders Garden Community are set out in the tables below.

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

*Table 2.*

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

Rendered walls, ideally finished with traditional limewash or other truly matte finish	“Shiplap” style weatherboarding (machined with face profiles or bevels)
Sawn or feathered weatherboarding with black stain or matte paint finish	
White “Suffolk” handmade bricks	
Pebbledash render, ideally finished with traditional limewash or other truly matte finish	
Any arches or decorative features to use fine joints	

Table 3.

<b>Windows</b>	
<b>Desirable</b>	<b>Undesirable</b>
Windows in extensions to match windows of existing building	Large unrelieved areas of glazing
Glazing bars, if added for effect, to be no wider than 25mm	UPVC windows
In semi-detached and terraced housing, unity in window style should be achieved throughout the building	Obscure glazing with large-pattern designs
Honest, simple glazing in wood (or metal) frames based on traditional sizes	
Cottage' pattern side-hung, multi-pane windows ('landscape' format) based on traditional sizes, without small fanlights and with glazing bars no wider than 25mm	

Where double or secondary glazing is proposed, narrow glazing bars should be added as an applied grid to the exterior and not inserted between double-glazing OR incorporated as a functional part of traditional single-glazed windows alongside internal secondary glazing.	
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Table 4.

<b>Doors</b>	
<b>Desirable</b>	<b>Undesirable</b>
Doors in extensions to match doors of existing building	Non-vernacular design, especially where visible from the public realm
In semi-detached and terraced housing, unity in door style should be achieved throughout the building	UPVC doors
Solid timber	
Where metal windows are provided (and appropriate), matching metal doors may be considered	
Ideally, the door colour should take its cues from the historic local usage of traditional mineral or vegetable paint colours (which characterise many of the houses in the village).	

Table 5.

<b>Landscaping &amp; boundary treatments</b>	
<b>Desirable</b>	<b>Undesirable</b>
For hardstandings, clay (brick), stone or concrete individual 'setts' of square or rounded non-geometric design (if brick or concrete, batches should be well-mixed to avoid colour patches), gravel	For hardstandings, large unrelieved areas of tarmac, monolithic concrete, or geometric pavers
Hedges using native species such as hawthorn, especially in country lanes	Patterned concrete (e.g. monolithic concrete with surface designs to mimic real stone finishes)
Low brick walls as for buildings, with brick copings	'Suburbanisation' of country lanes with expansive sections of close-boarded fencing and overly elaborate or ornate tall brick walls and metal fences
Timber picket and post-and-rail fencing (again stained, not painted)	Hedges of non-native or generic species such as laurel
Simple modern or genuinely traditional light fittings	Poorly sited, intrusive or excessive exterior lights
Traditional timber joinery gates	
Traditional low iron fences and gates in simple styles, without too much ornamentation	
New housing developments that include electric vehicle charging points within the residential curtilage(s) will be looked on more favourably than those that do not	

*Table 6.*

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



## Community consultation

- 12.12. In response to the community consultation exercises, an overwhelming majority of local residents reported that they value and wish to preserve the Parish's rural character, including its open spaces, trees, hedgerows and the visual qualities of its buildings. Respondents did not wish to see the Parish's cherished footpaths, bridleways or rural lanes adversely affected by any new development. Some concern was also expressed about the Tendring/Colchester Borders Garden Community, particularly the harm this might cause to the rural environment of Crockleford Heath.
- 12.13. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.
- 12.14. Policy EP reinforces the Local Plan approach to the natural, built and historic environments of the District. It provides valuable guidance to enable applicants to understand Ardleigh's specific character and identify how new development can be designed to maintain or enhance this. Given the considerable importance of working agricultural land to the character and appearance of Ardleigh's historic rural landscape, it directly resists any unnecessary loss of best and most versatile agricultural land to non-compatible uses.

## Policy EP - Natural, Built & Historic Environment

1. Outside of the Tendring Colchester Borders Garden Community, development will be supported provided:
  - a. Its design is of a high quality and takes account of the Village Design Statement or any successor document, paying particular attention to appropriate:
    - i. Siting;
    - ii. Layout;
    - iii. Form and scale;
    - iv. Architectural style
    - v. Materials;
    - vi. Relationship to surrounding development;
    - vii. Impact on important built and landscape features;
    - viii. Landscaping and boundary treatments;
    - ix. Car parking provision; and
    - x. Accessibility.
  - b. It does not result in a harmful urbanising effect on a rural lane or street (for example, as a result of hedgerow removal or loss of an open view);
  - c. There is no urban intrusion (including as a result of light or noise pollution or increased vehicular traffic) into currently tranquil rural areas;
  - d. There is no net loss of good quality green landscape features (including trees, hedges and shrubs) and all new green landscape features are of appropriate local or native species;
  - e. Appropriate opportunities are incorporated to support local biodiversity and wildlife including net gain;
  - f. There is no unnecessary loss of best and most versatile agricultural land to non compatible uses (the onus will be on the developer to establish the quality of any agricultural land proposed for other uses);
  - g. Development in the Conservation Area or within its setting preserves or enhances its character or appearance and takes the Conservation Area Appraisal into account; and
  - h. Development affecting a Listed Building or its setting preserves or enhances its significance and is supported by a proportionate Heritage Impact Assessment.

# 13. Policy LGP: Local Green Spaces



## Explanatory Text

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

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

13.5. This Neighbourhood Plan is able to designate Local Green Spaces (LGS) provided the national criteria are met.

13.6. Locality<sup>22</sup> has also published a toolkit for neighbourhood planners entitled “Neighbourhood Planning Local Green Spaces”. This contains more detailed guidance concerning the identification and designation of LGSs as well as the drafting of relevant neighbourhood plan policies for their protection.

## Locality toolkit

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

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

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

### Community and Stakeholder engagement:

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

### Policy themes:

*Purposes and themes for policies addressing green space and infrastructure could*

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<sup>22</sup> *Locality is an organisation providing support to neighbourhood planning groups on behalf of the Department for Levelling Up, Housing & Communities. They provide both grant (financial) and technical (assistance and advice) support*

include -

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

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

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

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

13.8. A comprehensive LGS Assessment was carried out as part of the preparation of this Neighbourhood Plan and comprises an important aspect of its evidence base<sup>23</sup>. A total of 24 spaces were nominated for consideration by the local community. Each of these spaces was then subject to a desk-based assessment, leading to 6 of the nominations being discounted from further consideration.

13.9. Field assessments were then conducted of the 18 remaining spaces to enable a more detailed appraisal of their accordance with the national criteria. The field assessments led to more sites being discounted or amended, with a total of 7 LGSs carried forward for nomination in the Neighbourhood Plan.

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<sup>23</sup> *This section of the Neighbourhood Plan provides an overview of its key contents. However, for a detailed understanding of the assessment process and public consultation responses, regard should be had to the separate LGS Assessment at Annex 1*

13.10. The 7 LGSs carried forward for nomination in the Neighbourhood Plan are:

- 1. Fishing lake north of Colchester Road
- 2. Manor House meadow
- 3. Woodlands attached to Birch Wood
- 4. Hart's Lane orchard
- 5. Car park land
- 6. Glebe Corner land
- 7. Harwich Road allotments.

13.11. A brief summary of the special community value and local significance (e.g. beauty, historic significance, recreation value, tranquility, richness of wildlife) of each LGS appears below<sup>24</sup>. These are the qualities which any new development in or adjacent to the space should seek to preserve or enhance. Development that would cause material harm to these features will be considered “inappropriate” in relation to policy LGP.

1. Fishing lake north of Colchester Road



Fig. 28. Space 1

<sup>24</sup> these summaries are not exhaustive - for full descriptions, reference should always be made to the separate LGS Assessment at Annex 1

13.12. The site comprises a fishing lake. Parts of the site support beautiful, far-reaching public views to be had both across the arable landscape and back towards the settlement edge. These views are genuinely representative of the Landscape Character Area and largely unchanged since historic times. The space is emblematic of the historic (and, in other places, eroded) abrupt spatial relationship between the medieval nuclear village of Ardleigh and the surrounding working countryside. It has been used for recreational walking by villagers for hundreds of years. It provides the only glimpse of open countryside available from Colchester Road (within the built-up area of the village). The fishing lake is replete with local wildlife, including a variety of birds and bats. Given its close proximity to the village centre, it is a surprisingly tranquil place with a perceptible sense of being far away from people and settlement. It is subject to regular recreational use by a local fishing club.

Space 2 Manor House meadow



Fig. 29. Space 2

13.13. The site is long-preserved amenity land enclosed by public footpaths and containing ancient woodlands. It is subject to daily recreational use by villagers. Part of the site is designated Local Wildlife Site Te10 in recognition of its significant value to wildlife. Salary Brook also passes through the area, supporting a wide variety of habitats. It has visual presence on the approach to



Ardleigh village along the B1029.

### Space 3 Woodlands attached to Birch Wood



*Fig. 30. Space 3*

13.14. Space 3 comprises two small but dense sections of woodland located along the historic and picturesque Hart's Lane. The woodlands appear as natural extensions of the adjacent Birch Wood which is a designated Local Wildlife Site. Their trees appear to be of some maturity and good quality. In common with the adjacent Birch Wood, the space supports a wide variety of wildlife. Birch Wood is identified to be suffering from piecemeal conversion to residential garden. Given this ongoing threat, the retention of these sections of adjoining woodland is considered to be all the more important for both landscape and biodiversity reasons. The sites also make a notable positive contribution towards the special rural and sylvan qualities of the historic Hart's Lane and the setting of nearby listed buildings.

## Space 4 Hart's Lane orchard



*Fig. 31. Space 4*

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

## Space 5 Car park land



*Fig. 32. Space 5*

13.16. This space comprises a small section of public amenity land that sits adjacent to the village's central car park. It consists of undulating grassed land containing various trees and a well-used pedestrian pathway. It is located within the Conservation Area, in close proximity and in view of the landmark, Grade II\* listed village church. It is also close to and overlooked by the nearby residential estate, providing a well-used informal play area for children living there. The land is considered to make a very valuable contribution towards the landscape qualities of the Conservation Area. In particular, it greatly softens the hard-edged character of the public car park, provides a welcome gap in built form and confers maturity on the adjacent modern housing estate.

## Space 6 Glebe Corner land



*Fig. 33. Space 6*

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

## Space 7 Harwich Road allotments



*Fig. 34. Space 7*

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

13.19. The location and boundary of each LGS is indicated on the proposals maps (appendix A).

### **Community consultation**

13.20. The local community and the landowners of the 7 remaining LGSs were provided with an opportunity to submit written representations on the nominations. In total, 9 written representations were received. Of the 6 landowner responses received, only 1 was supportive. A summary of the public/landowner comments, including the Parish Council's responses to objections raised, appears in the LGS Assessment (Annex 1). Ultimately, the Parish Council does not consider that any of the objections received weigh against designation of any of the 7 LGSs. The Parish Council would emphasise that designation of the sites:

- Will not confer any public rights of access over and above those already in

existence and the Parish Council will continue to support landowners to deal with any trespassing issues;

- Will not prevent any development on or around the space. In fact, development that is compatible with the space's established use and/or special community value will be encouraged; and
- Will not place any additional burdens or requirements on landowners other than to continue to maintain the space's special value as they do at present.

## Policy LGP - Local Green Spaces

The following spaces are designated as Local Green Spaces:

- Space 1: Fishing lake north of Colchester Road
- Space 2: Manor House meadow
- Space 3: Woodlands attached to Birch Wood
- Space 4: Hart's Lane orchard
- Space 5: Car park land
- Space 6: Glebe Corner land
- Space 7: Harwich Road allotments.

In the LGSs, new development will be managed in a way that is consistent with national policy on Green Belts.

Development adjacent to a LGS will be supported provided it is compatible with the LGS.

# 14. Policy TP: Transport & Parking





## Explanatory Text

- 14.1. The National Planning Policy Framework (NPPF) expects transport issues to be considered from the earliest stages of plan-making. Amongst other matters, plans should seek to address potential impacts on existing transport networks and identify opportunities for walking, cycling and public transport use (paragraph 104).
- 14.2. The NPPF also provides that:
- significant development should be focused on locations that are or can be made sustainable by both limiting the need to travel and offering a genuine choice of transport modes (paragraph 105); and
  - development that will generate significant amounts of movement should be accompanied by a Travel Plan and Transport Statement or Transport Assessment (paragraph 113)<sup>25</sup>.
- 14.3. Due to its position at the lowest possible rung of the Settlement Hierarchy, Ardleigh is only anticipated to deliver “small-scale development” over the plan period (per paragraph 3.3.1.4.2 of the Local Plan Part 2). Consequently, it is not anticipated that any significant/major development likely to generate significant amounts of movement or to have significant transport implications will be delivered anywhere in Ardleigh over the plan period.
- 14.4. Local policy CP 1 requires that all new development is sustainable in terms of transport and accessibility. To achieve this, new development should include and encourage opportunities for access to sustainable transport modes (including walking, cycling and public transport).
- 14.5. Local policy CP 2 provides support for new development that contributes towards the safety and efficiency of the transport network and that offers a range of sustainable transport modes.

### Community consultation

- 14.6. In response to consultation, the majority of local people felt that the roads in and around Ardleigh are adequate overall. However, a large number of people

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<sup>25</sup> *Local policy CP 1 sets similar requirements for “major development likely to have significant transport implications”*

reported concerns about congestion and parking on certain Parish roads, particularly Old Ipswich Road and The Street at the heart of the village.

- 14.7. Since public consultation closed, the Parish Council advises that parking controls have been introduced to The Street in the form of double red lines. It is anticipated that this recent feature will mitigate at least some of the parking pressures and congestion along this street.
- 14.8. There were also concerns about the speed of traffic through the Parish and the general flouting of weight restrictions on the small roads and lanes. It was felt that greater efforts are needed to ensure these restrictions are enforced.
- 14.9. A lot of local people would also like to see the local transport network enhanced by improved cycle and walkways.
- 14.10. It is acknowledged that the Neighbourhood Plan is limited in what it can achieve in relation to certain local concerns. It cannot, for example, introduce policies to require motorists to abide by weight restrictions that are already in place. Essex Highways is the Authority responsible for enforcing Weight Restriction Orders and the Parish Council will continue to liaise with this body directly to address local concerns.
- 14.11. In respect of parking, the Parish Council is concerned that recent development throughout Ardleigh has given insufficient consideration to both the design and quality of car parking facilities. Recently, developers have not been providing parking in accordance with the adopted guidance and the serious harmful implications of this are plain to see. In many of Ardleigh's modern housing estates, the parked car is by far the most dominant feature in the streetscene and this is truly unfortunate.
- 14.12. These recent developments in Ardleigh have failed to provide the parking facilities required to meet the basic needs of their occupants at the point of their construction, let alone into the future. As cars inevitably grow in size and the number of cars per household inevitably increases too, the failure of these recent developments to incorporate sufficient well-designed parking will only become more apparent and the implications for local character and local road networks more severe.
- 14.13. This Neighbourhood Plan therefore seeks to ensure that parking provision is henceforth designed in accordance with the adopted regional guidance and also considered from the earliest stages of a development's design as an integral

feature. The provision of undersized garages, undersized or poorly arranged spaces and/or an inadequate number of in-curtilage spaces will no longer be entertained anywhere in Ardleigh.

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

14.15. Policy TP complements the provisions of the NPPF and the policies of the Local Plan. In particular, it reinforces the Local Plan approach of resisting significant and major development in the Smaller Rural Settlement of Ardleigh and its surrounding countryside. It also identifies specific ways in which new development can contribute towards the safety and efficiency of Ardleigh's transport network, in accordance with local policy CP 2. Given the parking inadequacies of a number of recent developments in Ardleigh, it also seeks to reinforce the importance of well-designed parking facilities and the need to comply with established parking guidance.

## Policy TP - Transport & Parking

1. Outside the Tendring Colchester Borders Garden Community, new development that has an unacceptable impact on highway safety or have residual cumulative impacts on the local road network will be resisted.
2. Outside the Tendring Colchester Borders Garden Community, development that otherwise complies with the development plan will be supported where it:
  - a. Improves highway safety;
  - b. Takes every available opportunity to improve parking provision including through innovative approaches to parking that contribute to modal shift;
  - c. Retains and enhances the existing footpath and cycleway networks including through the provision of new routes or connections.
3. Outside the Tendring Colchester Borders Garden Community, parking provision should be designed as an integral feature of a development's layout. New development should provide parking in accordance with the Essex Parking Standards and the Essex Design Guide or any successor guidance as well as considering modal shift opportunities.

# 15. Implementation, Monitoring and Review

## Implementation

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

## Monitoring

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

## Review

- 15.7. The Plan will be subject to review every five years. As part of the five-year review, the views of residents will be sought and the Neighbourhood Plan will be updated as necessary. As part of its ongoing monitoring of the Neighbourhood Plan, the Parish Council will consider undertaking an early review if any of the following circumstances apply:
  - Material change in local circumstances;
  - Monitoring of the plan reveals an issue with policy wording; or
  - There is an update to the Local Plan, the NPPF or a Ministerial Statement (etc.) that affects the Neighbourhood Plan.

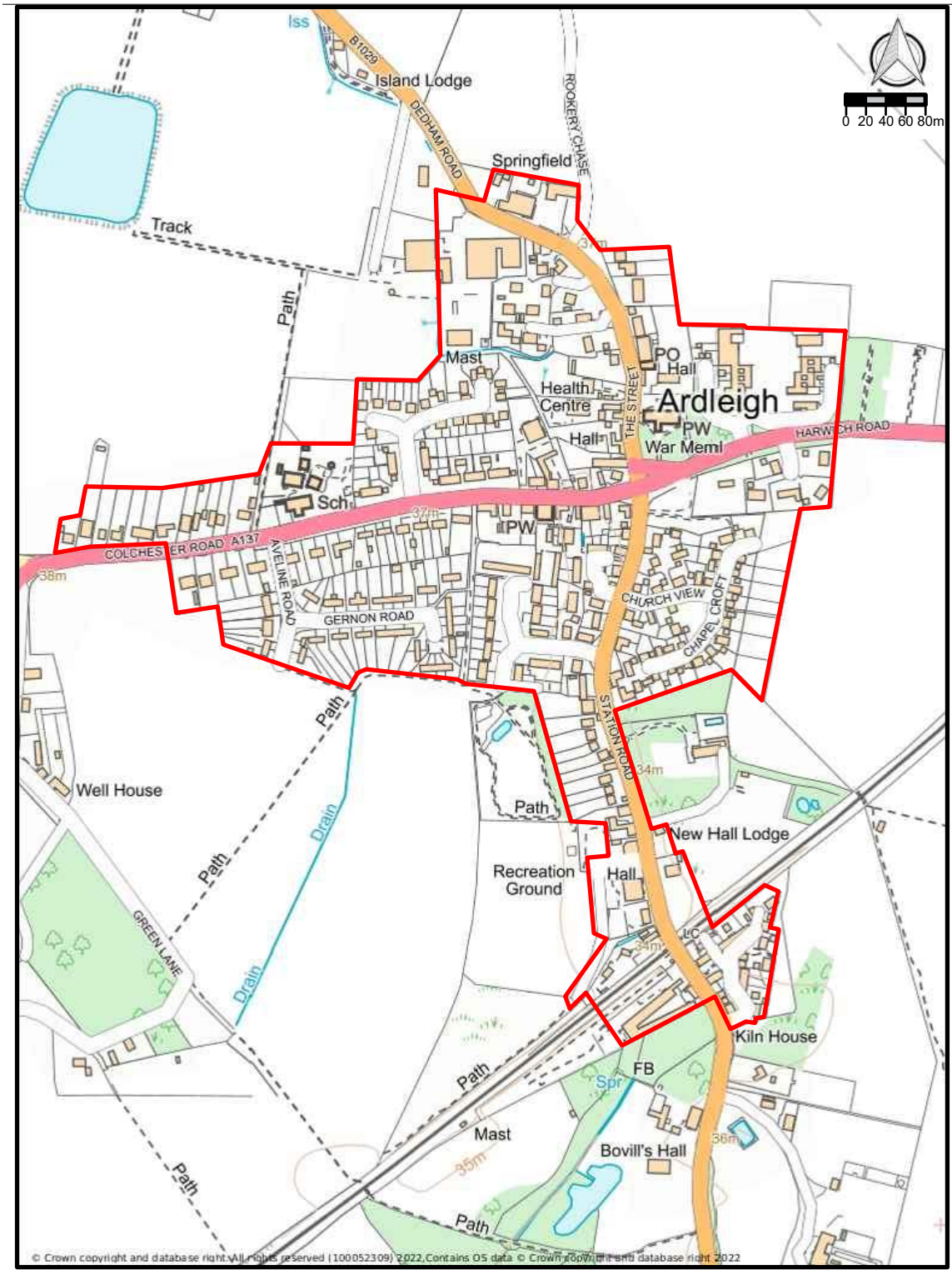
15.8. The Parish Council will also pay close attention to the progress of the Tendring/ Colchester Borders Garden Community. In particular, they will work alongside the partner councils to identify any changes to the Neighbourhood Plan that might be necessary or appropriate in the light of advancements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

# Appendix A: Proposals maps

## Key

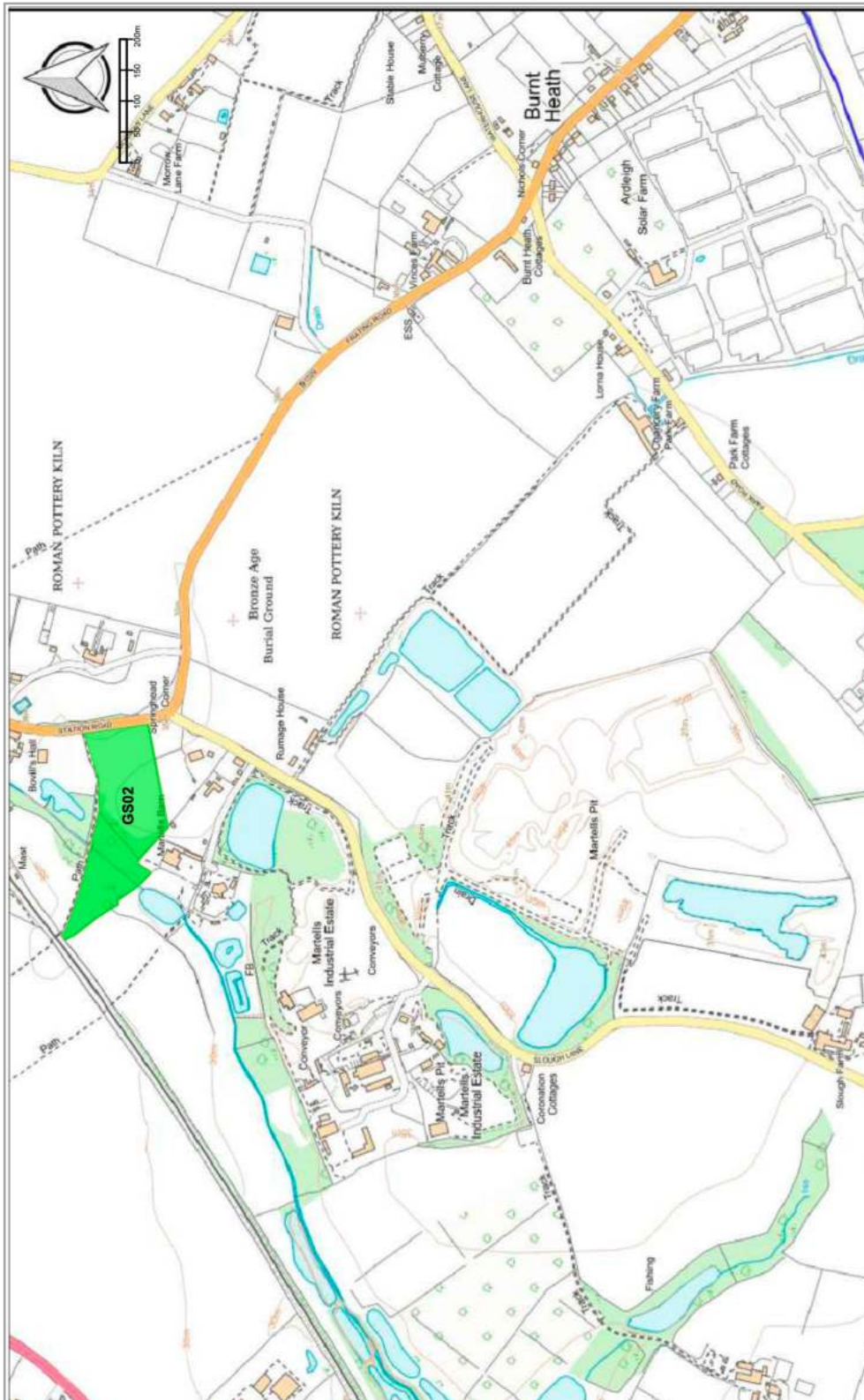


# Map 1: Settlement Development Boundary

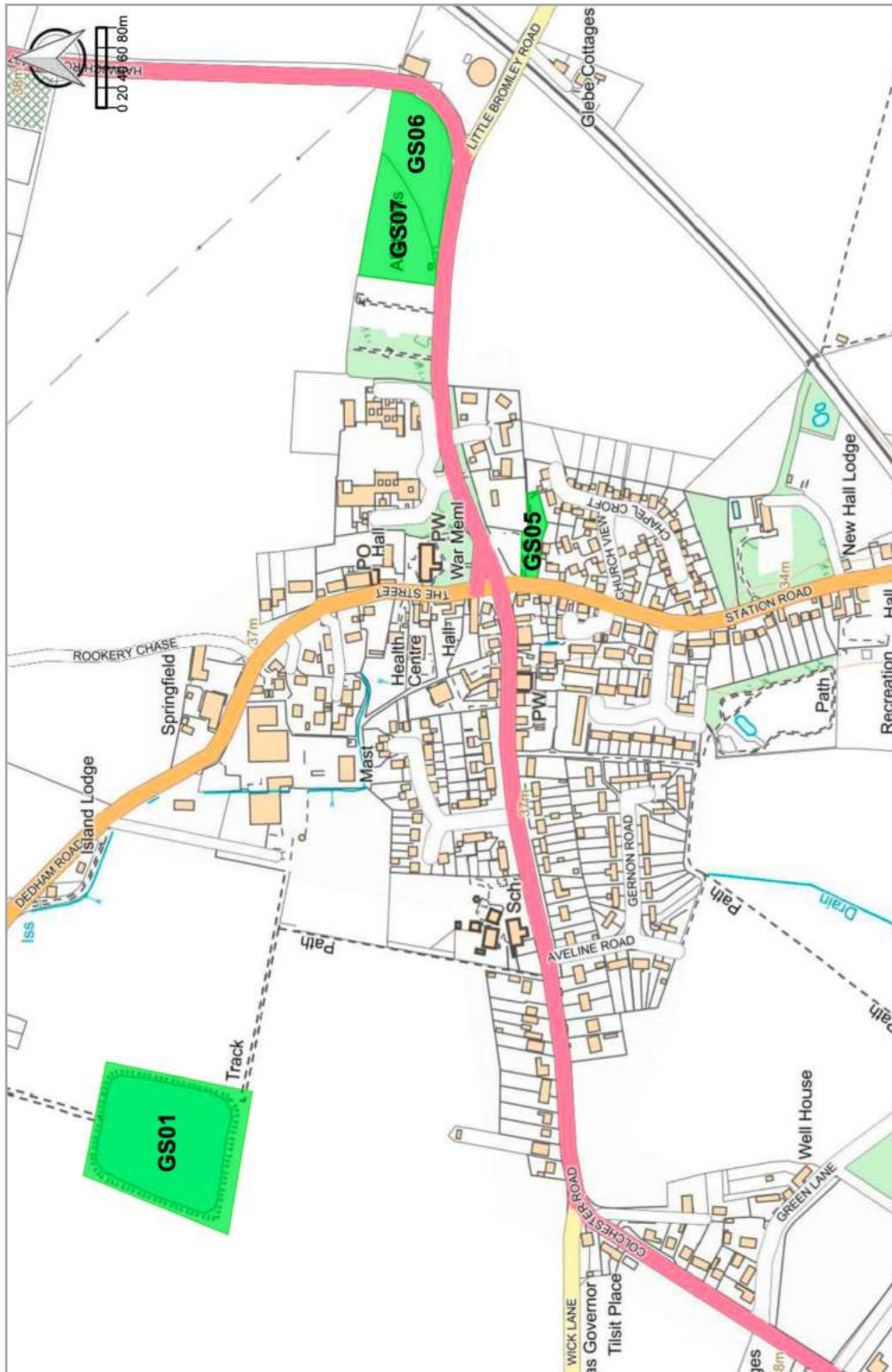




## Map 2: Local Green Space 2



### Map 3: Local Green Spaces 1, 5, 6 and 7





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## CABINET

21 OCTOBER 2024

### REPORT OF THE PORTFOLIO HOLDER RESPONSIBLE FOR HOUSING AND PLANNING

#### A.5 – MAKING (ADOPTION) OF THE ELMSTEAD NEIGHBOURHOOD PLAN

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

For Cabinet to agree to ‘make’ (adopt) the Elmstead Neighbourhood Plan as part of the Council’s statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This follows a local referendum in which a clear majority of residents that turned out were in favour of the plan.

###### EXECUTIVE SUMMARY

###### Key Points:

- Elmstead Neighbourhood Plan has been through formal and informal consultation processes.
- The Plan was the subject of an independent Examination where a number of modifications were suggested.
- The modifications were agreed allowing the Plan to proceed to referendum.
- The public voted in favour of adopting the Neighbourhood Plan to help in the determining of planning applications.

Elmstead Parish Council has prepared a ‘Neighbourhood Plan’ for its area that has passed through all the necessary stages of the plan-making process set out in the Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended) including public consultation, independent examination and a referendum.

In an official referendum held on Thursday 12th September 2024 and administered by Tendring District Council, residents of the Parish of Elmstead were asked “Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Elmstead to help it decide planning applications in the neighbourhood area?” With an overall turnout of 21.4%, 389 residents voted ‘YES’ and 31 residents voted ‘NO’ – a vote of 92.6% in favour of the plan.

If the majority of those who vote in a referendum are in favour of the Neighbourhood Plan, it must be ‘made’ (adopted) by the Local Planning Authority within 8 weeks of the referendum.

An Order must be made by the local authority before it has effect. Decisions in relation to the making of Neighbourhood Plans are an executive function and it therefore falls to the Cabinet to confirm the making or adoption of the Neighbourhood Plan. It will then become part of the 'Development Plan' and will be a material consideration, alongside the District Council's Local Plan, in the determination of planning applications and in making other planning decisions.

#### **RECOMMENDATION(S)**

**That Cabinet notes the result of the referendum held on Thursday 12th September 2024 and duly agrees that the Elmstead Neighbourhood Plan (attached as Appendix 1) be 'made' and that the necessary publicity and notifications are administered in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

To comply with the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012 – ensuring that the Council, as Local Planning Authority, has made (adopted) the Neighbourhood Plan within 8 weeks of the successful referendum held on 12 September 2024.

#### **ALTERNATIVE OPTIONS CONSIDERED**

None – as the Council is compelled to agree to the making of the Neighbourhood Plan following the local referendum.

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

#### **DELIVERING PRIORITIES**

The Neighbourhood Plan will support the Corporate Plan 2024-28 (aligned with the core themes of Tendring4Growth and Community Leadership) in the following areas:

- 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, attracting visitors and encouraging them to stay longer
- Listening to and delivering for our residents and businesses

**OUTCOME OF CONSULTATION AND ENGAGEMENT** (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to

the Budget and Policy Framework)

The Elmstead Neighbourhood Plan has been subject to all the necessary consultation stages required under the Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended). The referendum on the final version of the Neighbourhood Plan resulted in a majority vote in favour of the Neighbourhood Plan being adopted by Tendring District Council.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	2 August 2024

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

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

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

adoption.

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

No additional comments.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

Neighbourhood Plans are usually prepared by their respective Parish or Town Council. The responsibilities for resourcing this project lies principally with the Parish Council as the 'qualifying body'. However, this Council has statutory duties in regards to the preparation of the Local Plan and Neighbourhood Plans and these have been discharged by the Planning Team and any additional expenses funded through the Local Plan Budget, with the assistance of government funding which has been secured to support the process.

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

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

Although Tendring District Council does not currently apply Community Infrastructure Levy (CIL) at present, if CIL is introduced in the future alongside the review of the Tendring Local Plan, Town and Parish Councils can receive 25% of CIL income secured from developments in their area (15% would apply in locations where there is no Neighbourhood Plan). Decisions around the future introduction of CIL are a separate matter that will be considered in due course alongside the Local Plan review.

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

No additional comments.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The production of the Neighbourhood Plan has been funded mainly by the Parish Council with TDC providing support and assistance at key stages of the process.
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<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Decisions in respect of the Neighbourhood Plan have been made in accordance with the Council’s constitution at all key stages. Going forward, the Neighbourhood Plan will be a material consideration in planning decisions in the Elmstead area alongside the policies in the District Local Plan.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The Elmstead Neighbourhood Plan will be the third made in Tendring following Alresford and Ardleigh and the Council has learned, and will continue to learn, from previous experience of navigating the process and providing the best advice.</p>

**MILESTONES AND DELIVERY**

On agreement of the Cabinet, the Elmstead Neighbourhood Plan will be ‘made’ and its policies will become a material consideration in planning decisions alongside the policies in the District Local Plan.

**ASSOCIATED RISKS AND MITIGATION**

The making of the Neighbourhood Plan is a decision that could be subjected to a legal challenge by third parties – for which an application for Judicial Review would need to be made within six weeks of the decision. Any legal challenge would have to relate to law and procedure as opposed to the policy content of the Neighbourhood Plan. Officers have worked closely with the Parish Council at all stages of the process to carefully ensure the correct procedures have been followed.

**EQUALITY IMPLICATIONS**

The Neighbourhood Plan will sit alongside the District Local Plan as part of the overall ‘development plan’ against which planning decisions are taken. The policies in the development plan aim to address matters of equality and deprivation and equality considerations are taken into account in making planning decisions.

**SOCIAL VALUE CONSIDERATIONS**

Alongside the policies in the District Local Plan, the policies in the Elmstead Neighbourhood Plans seek to achieve sustainable development that, amongst other things, seeks to address the needs of society and quality of life considerations.

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

Alongside the policies in the District Local Plan, the policies in the Elmstead Neighbourhood Plans seek to achieve sustainable development that, amongst other things, seeks to address the fight against climate change and measures aimed at reducing carbon emissions.

**OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of**

<b>the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	Alongside the policies in the District Local Plan, the policies in the Elmstead Neighbourhood Plan seek to achieve sustainable development that, amongst other things, is designed to minimise the opportunities for crime and disorder.
<b>Health Inequalities</b>	Alongside the policies in the District Local Plan, the policies in the Elmstead Neighbourhood Plan seek to achieve sustainable development that, amongst other things, creates the conditions for good health and wellbeing – including the promotion of green infrastructure and quality development.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	No implications
<b>Area or Ward affected</b>	Elmstead

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

#### **BACKGROUND**

##### Background

The Neighbourhood Area of Elmstead was designated on 30th November 2020 for the purpose of preparing a Neighbourhood Plan. The Neighbourhood Area follows the boundary of Elmstead Parish. The Elmstead NDP has been prepared by Elmstead Parish Council. Following submission of the Neighbourhood Plan to Tendring District Council, a consultation under Regulation 16 took place between the 18th September and 30th October 2023.

As well as the Neighbourhood Plan, the Parish Council had also prepared a Neighbourhood Development Order. This NDO sought outline planning permission for the demolition of the community centre and the erection of nine apartment's on that site. At the same time as the Regulation 16 consultation was running for the Plan, a Regulation 21 consultation ran for the NDO.

The Neighbourhood Plan promotes four key objectives, these are:

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

The Plan then contains eighteen planning Policies, these are:

**POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARIES** – This policy defines the Settlement Development Boundary (SDB) for Elmstead village and a new SDB for Landswood Park.

**POLICY ELM2: PROTECTING THE SETTING OF ELMSTEAD MARKET** – This policy reflects the landscape buffer between Elmstead and the Garden Community

**POLICY ELM3: GAPS BETWEEN SETTLEMENTS** – This policy promotes a landscape buffer between the village of Elmstead and Landswood and defines a number of ‘Corridors of Significance’

**POLICY ELM4: THE FORMER ELMSTEAD COMMUNITY CENTRE** – This policy supports the delivery of the NDO.

**POLICY ELM5: AFFORDABLE HOUSING** – This policy defines the tenure split for affordable homes.

**POLICY ELM6: FIRST HOMES** – this policy defines the provision for first homes in the Parish.

**POLICY ELM7: HOUSING MIX** – This policy defines the bedroom mix for new dwellings in the Parish.

**POLICY ELM8: ZERO CARBON BUILDINGS** – This policy provides for energy efficient buildings to a high standard in the Parish.

**POLICY ELM9: DESIGN CODES** – This policy supports good design in the Parish.

**POLICY ELM10: IMPORTANT VIEWS** – This policy identifies important views in the Parish and seeks their protection.

**POLICY ELM11: THE VILLAGE CORE** – This policy defines the kinds of uses to be supported within the village core.

**POLICY ELM12: MOVEMENT AND CONNECTIVITY** – This policy promotes an active travel network throughout the village and aims to protect it.

**POLICY ELM13: MANAGING TRAFFIC** – This policy promotes public realm improvements and supports traffic reduction in the Parish.

**POLICY ELM14: LOCAL GREEN SPACES** – This policy designates a number of protected green spaces.

POLICY ELM15: GREEN RING – This policy promotes a ‘green ring’ around the village which will support active travel modes such as cycling and walking.

POLICY ELM16: NATURE RECOVERY – This policy supports the production of a biodiversity network.

POLICY ELM17: HEALTH AND WELLBEING SERVICE PROVISION – This policy supports the local healthcare provision and requires that all new development assist in this.

POLICY ELM18: LOCAL COMMUNITY USES – This policy identifies a number of community facilities and promotes new facilities.

### Examination and Public Hearing

On the 22nd September 2023 Mr John Slater BA(hons) DMSMRTPI FRGS was appointed by Tendring District Council, with the consent of the Parish Council, to undertake the examination of both the Elmstead NDP and accompanying Neighbourhood development Order (NDO) and to prepare a report of the independent examination. The examination commenced on 9th November 2023.

On the 27th November 2023, the Examiner issued a note of interim findings. This was followed by a follow-up from the Examiner on the 2nd January 2024, in which he required a public hearing. The Examiner’s Notice of Public Hearing detailed a number of specific issues for both the NDP and NDO which needed further consideration in a public setting. These included:

- Settlement boundaries at Lanswood Park
- Policy wording for land in the green buffer to the west of the village
- Questions around the quantum of development on the NDO site
- Questions around the conditions attached to the NDO

Other matters arising from the Public Hearing included the Council’s approach to Habitats Regulations Assessment (HRA) and the newly published National Planning Policy Framework (NPPF).

After the close of the hearing the Council held a focused consultation on these HRA and NPPF matters. Responses were forwarded to the Examiner on the 8th April 2024,

The Examiner required amendments to the NDO in line with what was discussed at the Public Hearing. However, it was agreed that these amendments were so significant to not be included within the existing NDO and that the NDO should be withdrawn and resubmitted. Confirmation of the withdrawal was submitted to the Council on the 20th May and the Examiner produced his final report on the same day.

Following the additional consultation, the Examiner concluded the examination of the Plan. The Examiner's report concludes that subject to making the minor modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

Having considered each of the recommendations made within the Examiner's report and the reasons for them, Tendring District Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to below (and fully detailed within the Examiner's final report) to ensure that the draft plan meets the basic conditions set out in legislation.

The Examiner has recommended a wide variety of modifications to the Plan. These include consequential changes and items of a minor nature. Only the key modifications are therefore listed below. The key modifications include:

- The amendment of the settlement boundary at the southeast corner of Lanswood.
- Removing reference to technical requirements related to space heating demands and remove all reference to post occupancy evaluation conditions, whole lifecycle carbon emission assessment and energy and climate statements.
- Removing key views 19-23.
- Amending requirements in the Village Core to ensure that they only relate to the construction of new buildings and requires that development does not result in the loss of existing open space unless it relates to community uses.
- Requires contributions under the Managed Traffic policy to those that meet Regulation 122 tests and are triggered by development that leads to a *significant* increase in traffic on Clacton Rd
- Remove policies covering the protection of the green and blue infrastructure network in the areas inside the Garden Community.
- Contributions to health and well-being facilities to have to be triggered by a request from the North East Essex Clinical Commissioning Group.

The above changes have been agreed by the Parish and District Councils and the amended Plan can be found at Appendix 1.

The local referendum was held on Thursday 12th September 2024. In the referendum which was administered by Tendring District Council, residents of the Parish of Elmstead were asked "Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Elmstead to help it decide planning applications in the neighbourhood area?" With an overall turnout of 21.4%, 389 residents voted 'YES' and 31 residents voted 'NO' – a vote of 92.6% in favour of the plan.

#### **PREVIOUS RELEVANT DECISIONS**

17 November 2020 – Decision by the Corporate Director of Economy and Place: that the

application from Elmstead Parish Council to designate the whole of the Elmstead Parish as a Neighbourhood Plan Area (NDPA) be approved.

21 July 2023 - Cabinet – Minute 25: authorises the Director (Planning) to carry out a six week consultation on the Elmstead Neighbourhood Plan, the NDO and other related documents in accordance with Regulations 16 and 21 of the Neighbourhood Planning Regulations 2012

1 May 2024 - Decision of the Director of Planning in consultation with the Portfolio Holder responsible for Planning and Housing: Confirmation that the Neighbourhood Plan would meet the requirements of Regulations 9(2)(b) and 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004.

12 July 2024 - Decision of the Director of Planning in consultation with the Portfolio Holder responsible for Planning and Housing: For the Elmstead Neighbourhood Plan to proceed to referendum.

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

#### **APPENDICES**

Appendix 1 – Elmstead Neighbourhood Plan

#### **REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Gary Guiver</b>
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# ELMSTEAD NEIGHBOURHOOD PLAN

## 2013 – 2033 Referendum Plan

PUBLISHED BY Elmstead Parish Council for examination under the  
Neighbourhood Planning (General) Regulations 2012 (as amended).

JULY 2024

Page 255



# GUIDE TO READING THIS PLAN

Of necessity, this Neighbourhood Plan is a detailed technical document. The purpose of this page is to explain the structure and help you find your way around the Plan.

## 1. INTRODUCTION & BACKGROUND

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This section explains the background to this Neighbourhood Plan.

## 2. THE NEIGHBOURHOOD AREA

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This section details many of the features of the designated area.

## 3. PLANNING POLICY CONTEXT

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This rather technical section relates this Plan to the National Planning Policy Framework and the Planning Policies of Tendring District Council.

## 4. COMMUNITY VIEWS ON PLANNING ISSUES

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This section explains the community involvement that has taken place.

## 5. VISION, OBJECTIVES & LAND USE POLICIES

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This key section firstly provides a statement on the Neighbourhood Plan Vision and Objectives. It then details Policies which are proposed to address the issues outlined in the Foreword and in Section 4. These Policies are listed in Table 1. There are also Policy Maps at the back of the Plan.

## 6. IMPLEMENTATION & MONITORING

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This section explains how the Plan will be implemented and future development guided and managed and how the Parish Council will monitor the plan's effectiveness. It suggests projects which might be supported by the Community Infrastructure Levy which the Parish Council will have some influence over. Finally, it deals with a number of issues which although relevant are outside the scope of a Neighbourhood Plan.

1 Cover image: Elmstead Parish Memorial and Jubilee Flag and Bunting, June 2022 (Holly Ward)



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## FOREWORD

Elmstead is a small but thriving Parish centred on the historic Village of Elmstead Market, now a growing rural services centre, integrated into the surrounding agricultural and natural landscape setting.

This setting contains over a thousand hectares of prime arable land, a number of areas of woodland - both ancient and managed, multiple reservoirs, ponds, streams and brooks and through ancient byelaws extends south to encompass access to the River Colne. There is a wide variety of habitats supporting significant eco-systems of native wildlife.

Elmstead Parish currently consists of over 900 dwellings – a slow but increasing rate of growth from its first recorded history in the Domesday book when in 1086 it comprised 50 households. A number of heritage buildings survive from throughout this period, including the Parish Church of St Anne and St Laurence that dates back to at least 1310. Several thatched farm cottages around the Parish are at least 300 years old, while more farm cottages around the Village are brick-built in a distinct local style. The Village Centre holds a number of heritage dwellings in contemporary styles for their time. The majority of homes are however post-war, with waves of development from the 1960s onward.

Over the last decade, the Parish has seen many developments, which raised concerns in the local community that current planning practices were lacking a local process to ensure future development was sustainable, integrated, and beneficial to the wider community. Certain recurring issues were raised with the Parish Council regarding infrastructure.

In 2020 it was decided by the Parish Council that a Neighbourhood Plan would be in the Parish's best interests. A working party was established which was formalised as a steering group. Over the past 2 years we have held over 20 public meetings, and many more working party and tasks groups. Two public consultations were held in the neighbourhood area alongside a variety of other outreach and feedback methods to communicate with local stakeholders.

Challenges did arise due to the covid-19 pandemic, facilitating a greater reliance on virtual meetings and digital working, but great care has been taken to ensure maximum participation in a safe and accessible manner to all.

The emerging Masterplan for the Tendring/Colchester Borders Garden Community has emphasised a widespread sentiment amongst Elmstead's community that the Neighbourhood Plan works to protect Elmstead's Identity and to be efficient in minimising coalescence.

The Plan must consider and compromise to support the best outcomes for community stakeholders, ranging from local residents, small businesses, landowners, 2 schools and many more varied interested parties.

Elmstead's Community has proven to be passionate in both protecting its heritage as a neighbourhood and acknowledging the Parish's needs to adapt and change in a

controlled manner to continue to thrive – it is anticipated this Plan forms a part of the community's control to ensure that change is positive and sustainable.

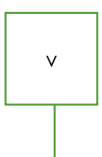
I thank the residents and stakeholders who have contributed their opinions to the Plan, and especially the volunteers who have worked so hard in its creation.

*Cllr Adam Gladwin,*

*Chair, Elmstead Parish Council Neighbourhood Plan Steering Committee*

# LIST OF POLICIES

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## 1. INTRODUCTION & BACKGROUND

- 1.1. Elmstead Parish Council is preparing a Neighbourhood Plan for the area designated by the Local Planning Authority, Tendring District Council (TDC), on 30 November 2020. The area coincides with the Parish boundary (see Plan A on page 4). The Plan is being prepared in accordance with the Neighbourhood Planning (General) Regulations of 2012 (as amended).
- 1.2. The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications in the area in the period to March 2033. The Plan will form part of the development plan for Tendring, alongside the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2, which has the same end of the Plan period.
- 1.3. Neighbourhood Plans provide local communities with the chance to manage the quality of development of their areas. Once approved at a referendum, the Plan becomes part of the Council's Statutory Development Plan and will carry significant weight in how planning applications are decided in the neighbourhood area. Plans must therefore contain only land use planning policies that can be used for this purpose. This often means that there are important issues of interest to the local community that cannot be addressed in a Plan if they are not directly related to planning. Although there is scope for the local community to decide on its planning policies, Neighbourhood Plans must meet all of the relevant basic conditions (see Figure 2 overleaf).
- 1.4. In addition, the Parish Council will need to demonstrate to an Independent Examiner that it has successfully engaged with the local community and stakeholders in preparing the Plan. If the Examiner is satisfied that it has, and considers the Plan meets the above conditions, then the Plan will go to a referendum of the local electorate. If a simple majority (over 50%) of the turnout votes in favour of the Plan, then it becomes adopted as formal planning policy for the neighbourhood area.

### THE LEVELLING UP AND REGENERATION BILL

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- 1.5. In May 2022 the Levelling Up and Regeneration Bill was introduced to Parliament which proposed to make changes to the planning system. The Bill is, at the time of writing, at the reporting stage with the House of Commons. It remains unknown when any proposed changes will be implemented. The latest version of the Bill indicates that the new system will still require local communities to engage in shaping how their settlements will develop and in ensuring their heritage and landscapes are given proper protection. It will also continue to enable communities to define local design standards, and the Neighbourhood Plan contains proposals in all of these respects.

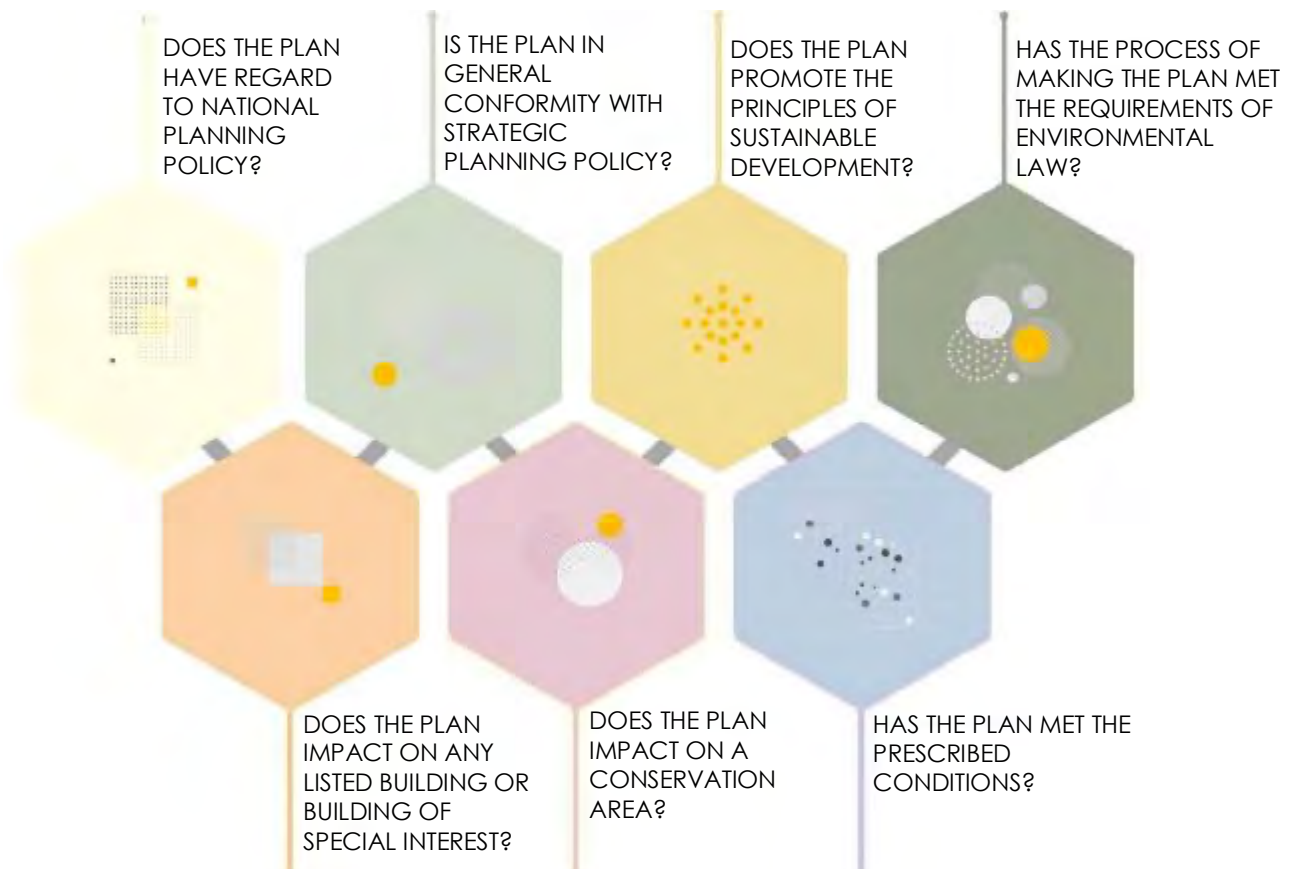


Figure 1 Neighbourhood Plan Basic Conditions

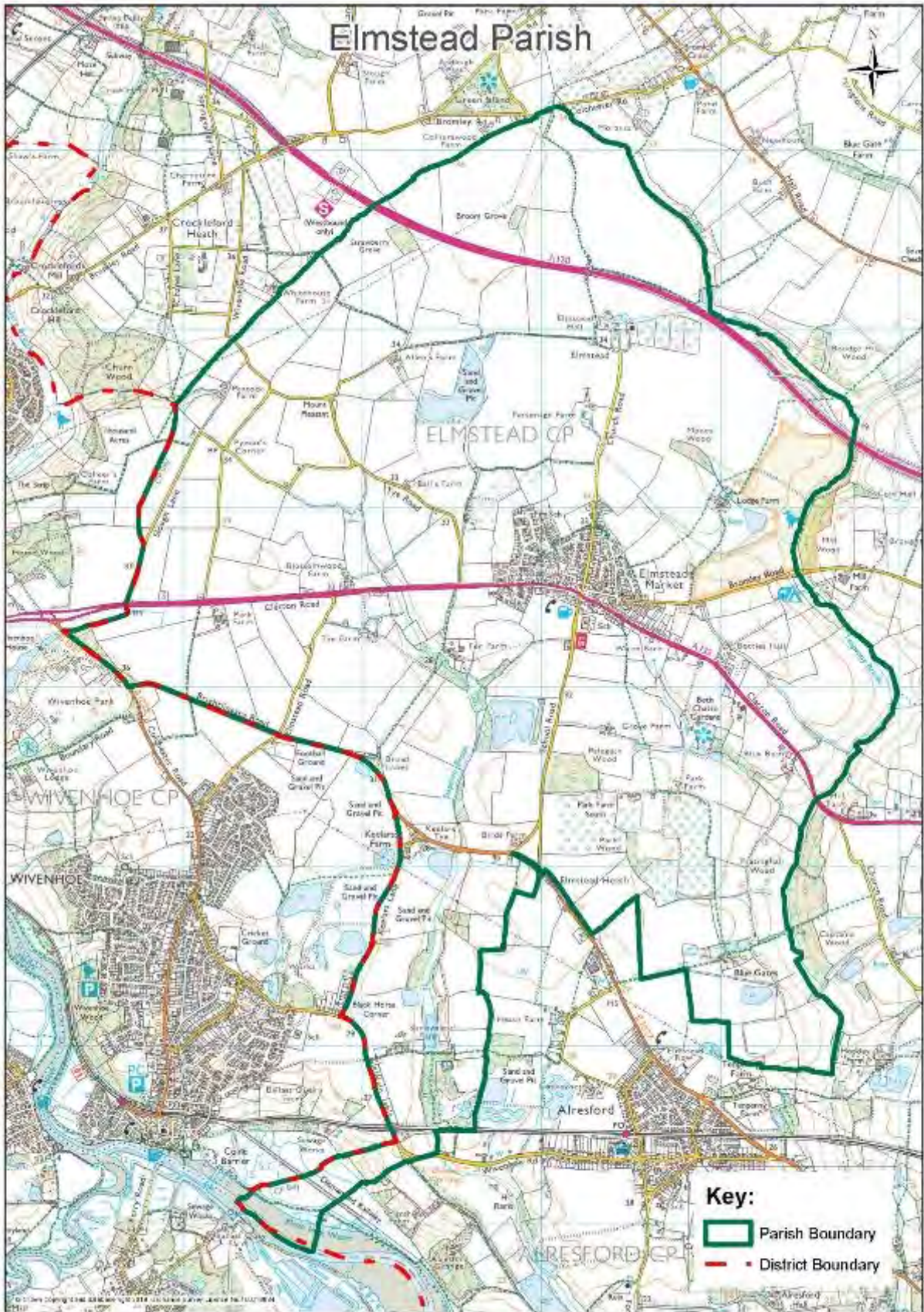
### THE PRE-SUBMISSION PLAN

1.6. A draft ("Pre-Submission") Plan was published for consultation 1 August – 25 September 2022. The Parish Council has reviewed the comments received from the local community and other interested parties, including TDC, and have made changes to this final version. They have also updated some of the other evidence reports published separately in the evidence base.

### STRATEGIC ENVIRONMENTAL ASSESSMENT & THE HABITATS REGULATIONS

1.7. A Strategic Environmental Assessment (SEA) assesses the environmental implications of a proposed policy or plan. It allows for the cumulative effects of development and policies to be assessed and addresses any identified issues at an early stage. In January 2022, TDC undertook a screening assessment to establish whether the scope of this Neighbourhood Plan is likely to lead to any significant environmental effects. The screening opinion confirms that the Neighbourhood Plan is not required to prepare an SEA in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). There have, since the screening, been no material changes to the scope of the Neighbourhood Plan.

1.8. The screening opinion also confirms that, subject to Natural England's confirmation, this Neighbourhood Plan is not predicted to have likely significant effects on the National Site Network (formerly Natura 2000 sites) and so no habitats regulations assessment would be required as per the Conservation of Habitats and Species Regulations 2017 (as amended). In February 2022, Natural England confirmed its agreement with TDC's opinion on this matter.



Plan A: Designated Neighbourhood Area



## 2. THE NEIGHBOURHOOD AREA

- 2.1 Elmstead is a small rural village located in the Tendring District, with the nearest villages being Frating and Great Bromley, but also bordering the village of Alresford and the small town of Wivenhoe. The original name for the village was Almestead and it existed in the time of the Saxon King Edward the Confessor. It is mentioned in the Domesday Book of 1086 and by the 13th Century it had become Elmstead. Elmstead was, and is still to some extent, a farming community with much of its history, landscaping and housing derived from its agricultural roots. The landscape surrounding the village is attractive and undulating with arable farmlands interspersed with small woodlands and ancient hedgerows.
- 2.2 The nearest large town is Colchester 2.6 miles to the West and the seaside resort of Clacton is 11.5 miles away. There is access to a limited number of shops and there are a variety of small businesses throughout the Parish including a petrol station. Elmstead is also unique in having ancient access rights to the River Colne approximately 3 miles away. There is a Grade I listed Church which is Saxon in origin, and one Grade II\* building within the Parish Boundary – Elmstead Hall, Church Road. There are 19 Grade II listed buildings within the Parish Boundary which are mainly on Colchester Road with the rest spread over The Green, Church Road, Old School Lane, School Road, Tye Road and Keelers Lane.

2 Diamond Jubilee Flag and Bunting, North Green, June 2022 (Holly Ward)





3 Beth Chatto's Water Gardens, 2021 (Sara White)

- 2.3 It has a primary school and a special needs school which covers a large catchment area beyond Elmstead and Tendring. There is also a part-time GP service. Historically there were two Anglican churches in the Village with the Methodist Chapel in Bromley Road having recently closed down. In 1908 St Paul's Mission Church opposite the Market Field School side of School Road was dedicated and services were held there up until 1976 when it was declared redundant. It has since been turned into a private dwelling.
- 2.4 By far the most important place of worship is The Church of St Anne and St Laurence, Church Road next to Elmstead Hall which originates from Saxon times and is a Grade I listed building. The walk from the Village Centre to the Church is much appreciated by villagers as it is one of the most pleasant walks available in the Village.
- 2.5 Elmstead has evolved into its current form through circumstances to meet local needs and demands. Historical development has resulted in the broad shape of the Village in terms of houses and amenities provided to meet the needs of residents, and this has largely determined the shape of the settlement boundary which has remained unaltered for many years.

- 2.6 Elmstead has a population of 1,855 and comprises of 813 dwellings which is a mixture of bungalows and houses (figures according to 2011 Census). However, there have been a number of approved planning applications for approximately a further 400 dwellings. There is predominantly an ageing population, however the demographics are slowly changing due to the increased development of large family-sized properties. Elmstead is an affluent village where the average house cost has risen from 2011 to 2020 by 56.7% which is above the national average. However, the provision of 1- and 2-bedroom dwellings falls well below the national average showing a lack of provision for second generation residents.
- 2.7 In all age groups the numbers are fairly stable with the largest age group being 45-64, accounting for nearly a third of the population of the village. Over the last few years there has been a slight decline in the 25-44 age group and a slightly higher increase in the 65-84 age group in comparison to England as a whole. Elmstead has fewer single-person households than the national average, but for over 65s the figure is higher than the national average. Elmstead Market has 20% less High and Intermediate and Intermediate managerial, administrative or professional households than the national average. The Housing Needs Assessment recently carried out to inform the preparation of the Elmstead Neighbourhood Plan, published in the evidence base, has more on the incomes of those living in the village.
- 2.8 The Parish's northern boundary runs along historic field edge hedgerows bordering the neighbouring Parish of Ardleigh. It converges with Great Bromley's parish boundary where Bromley Brook underflows Colchester Road, before running southeast along the centre of Bromley Brook's historic watercourse.
- 2.9 At a number of points along this course agricultural ditches and ponds have been constructed alongside the brook, causing the boundary to run adjacent from the northeast bank. Where Spring Brook meets Bromley Brook to form Tenpenny Brook the boundary turns south, across the A120, following the centre of Tenpenny Brook through Lodge Farm nature reserve and across Bromley Road.
- 2.10 Further southeast it converges with the Great Bromley/Frating boundary at the previous location of Morehams stream, and for the next half mile in a southwest direction the boundary is approximately 30 feet east of the stream's contemporary location, due to the waterway meandering over time.
- 2.11 Crossing Clacton Road, the boundary with Frating continues to follow the historic waterway south, at times straying a small distance to either side of the stream's current path. Due to an offset convergence of 4 boundaries, Elmstead's limits border that of Thorrington for less than one mile, before veering west along the banks of Heath Brook, bordering the Parish of Alresford – the village of which is close to the south. For around 0.3 miles the boundary follows ancient hedgerows and field

boundaries northwest, before running parallel to the northern edge of the B1027 to Elmstead Heath.



4 Elmstead Brook (Sara White)

- 2.12 From here the boundary crosses the B1027 south, following a historic cattle path right of way, crossing railway tracks and Wivenhoe Road, before angling southwest crossing the Colne marshes and sea wall and entering the River Colne.
- 2.13 For around 0.18 miles the boundary runs along the centre of the river – as defined by half the width of the river at chart datum tide, during which it borders Fingringhoe on the river's south bank. Where this boundary meets Wivenhoe (and is therefore the

border between Tendring and Colchester) it veers northeast, running almost parallel to the other boundary forming a spur of the Parish historically protected by byelaws to retain river rights.

- 2.14 The Parish and District Boundary returns across both a disused and a functional railway to meet Wivenhoe Road, running along the northern edge of the road to Black Horse Corner, to turn north and proceeds along the centre of Keelars Lane, to Brightlingsea Road, where it further runs along the northern roadside for nearly a mile northwest. Shortly before reaching the junction with the A133 the boundary veers east, following historic district limits along an unnamed water way associated with Wivenhoe House.
- 2.15 Crossing the A133 north, for a distance it follows Slough Lane's western curb, before diverging further west, following historic field boundaries that have since been deleted until it reaches Peacocks Stream, where the district boundary turns west, but Elmstead's Parish Boundary commences northeast now bordering Ardleigh and the hamlet of Crockleford. The border follows ancient hedgerows along field boundaries northeast until it crosses the A120 having encircled the Village.
- 2.16 Lying on the A133 road between Colchester and Clacton and close to the A120 trunk road between the A12 and the major port of Harwich, the Village is well connected to a number of larger centres of population. Originally a thriving farming community with associated agricultural businesses Elmstead today has changed more into a dormitory village with residents travelling to work in neighbouring large towns. Some even commute as far as London. However, with this natural decline in agricultural employment, commercial and employment areas have evolved over time.
- 2.17 On the east of the village there is a large commercial/residential development, Lanswood/Chattowood, which houses small independent business units and a mixture of residential dwellings. Next to this is the internationally renowned Beth Chatto's Plants and Gardens spread over 7.5 acres. It is known for its specialisation of dry gardens and outstanding beauty and is part of Historic Gardens.
- 2.18 Some day-to-day convenience shopping is provided for in the Village plus some specialised services, but the community is able to access a wider range of retailers in Colchester and Wivenhoe some 2-3 miles away. Throughout the whole Parish of Elmstead there are a variety of small- and medium-sized commercial developments plus many small businesses which operate from people's homes. These all provide local employment whilst harmonising with village life.



5 South Green, Elmstead (Holly Ward)

2.19 There is a Primary School whose catchment area currently relies on attracting children from a wider area, but this may change with the increase in the now approved residential development. There is also Market Field School which is a special needs school serving a wider area for children aged 5-19 with approximately 350 on roll and is the largest building in the Parish. The nearest secondary school is in Colchester, but the feeder school is in Brightlingsea 6 miles away.

2.20 There is currently a small GP part-time surgery operating in the Village which is part of a bigger GP Trust with 2 full-time surgeries in Colchester. The Community Centre on School Road is small and unable to meet the needs of a larger population but there is a planned replacement going to be constructed on the Charity Field site opposite. New allotments, public open spaces and play areas will be provided on Charity Field, School Road, Church Road and Tye Road housing development sites.

- 2.21 The NPPF refers to housing delivery and housing supply tests for Local Planning Authorities. There are penalties when these tests are not being met. These penalties applied in the Tendring district for some time and as a result the Village has seen a number of speculative housing schemes consented across the Village leading to approximately a 20% population growth. The result of this is that it has been difficult to co-ordinate housing delivery to improve local infrastructure as the cumulative effects have not been measured. It is recognised that services and facilities are operating at capacity with traffic issues throughout the village and that developer interest in the Village remains high with a number of speculative applications awaiting appeal outcomes.
- 2.22 The recent development of Market Field School into a larger premise has increased the traffic substantially at the beginning and the end of the school day, with a pinch point at the junction of School Road, Church Road and the A133. The majority of the students are from out of area so necessitate being transported to and from the school.
- 2.23 The development of the various residential developments has impacted on the demand for local services e.g., the GP practice and the Primary School. Traffic throughout the Village has increased dramatically with the increased numbers of dwellings but without any traffic calming measures being put into place. It should also be noted that there is a cross-borders Garden Community planned on the borders of Tendring District Council and Colchester Borough Council, which will be to the West of Elmstead Market. This will incorporate up to 9,000 predominately high-density dwellings, businesses, a rapid transport system and a travellers' camp. The construction of this will commence after the completion of a new link road between the A133 and the A120 to the west and north of the Village. Completion is due in 2025.
- 2.24 Whilst there are currently no conservation areas within the Parish of Elmstead, the Woodland Trust has 103 acres of rejuvenating ancient woodland on Bromley Road which is classed as a woodland refuge. The last report for this area showed there is a population of buzzards, barn owls and water voles.
- 2.25 Historically there were three distinct areas of the Village. Elmstead, Elmstead Market and Elmstead Heath. In 1900 the Parish Boundary was 16 miles. Elmstead Heath, at the southern end of School Road, was ceded to Alresford in the 1940s. Elmstead was the area by the Church and Elmstead Hall and Elmstead Market was the area by the crossroads, which is now considered to be the centre of the Village.
- 2.26 The centre of the Village would be considered to be what is termed as the 'North Green' where the flagpole is situated. The 'South Green' is a strip on the southern side of the road where the Village sign is erected.

- 2.27 This crossroads is the site of the original Market. In 1253 Sir Richard de Tany, as Lord of the Manor, obtained a weekly market and an annual fair about a mile south of his Manor House (Elmstead Hall). This encouraged the building of houses and cottages around the Village Green (which was much larger in those days). It is this area of housing which depicts much of the Village character.
- 2.28 The A133 running west to east divides the village with the majority of housing being to the north of the A133. Ribbon development has recently taken place along the A133 which runs west to east through the centre of the Village.
- 2.29 Turnip Lodge Lane in Elmstead is one of 9 protected lanes within the Tendring District Council area. These lanes are an important feature in the landscape providing insights into past communities and their activities. They have the archaeological potential to give evidence about past human activities and to prove an insight into the development of a landscape and the relationship of features within it over time. They also have considerable ecological value as habitats for plants and animals, servicing as corridors for movement and dispersal for some species and acting as vital connections between other habitats.
- 2.30 The Agricultural Revolution in the 18th century would have had an impact on Elmstead with new farming techniques and improved livestock breeding leading to better food production, which meant the population grew and health improved. Following on from this was the Enclosure Movement where land that had formerly been owned in common by all the members of a village to graze animals and grow food, was changed to privately owned land surrounded by walls, fences or hedges. Although this was very practical in organizing the land, many small farmers were forced to give up farming and either moved to cities to look for work or became tenant farmers. Today in Elmstead the majority of the agricultural land is still owned by only a few landowners.
- 2.31 The area has an extensive arable landscape of large productive fields divided by low hedgerows with intermittent gaps, interspersed with oaks which stand out against the skyline. Areas of former heath have been converted to smallholdings or areas of regenerated woodland. A network of narrow lanes connects the scattered farms and small holdings.
- 2.32 Elmstead Hall would have been built as a rural manorial hall with surrounding settlement and agricultural outbuildings. Elmstead Market is the modern rural village settlement located around the Village Green, away from the Hall and Church. The heath has been lost with infill altering the character of the settlement although its rural character has remained. The Church is the oldest building in the Village with the Manorial Hall being an elegant building of a grand design.
- 2.33 There are no designated sites of extraction within the Parish. However the Wivenhoe Gravel Pit is situated on the border of the Parish. There are also various areas of



ancient woodlands within Elmstead. Ardleigh reservoir, Salary Brook and Fingringhoe reserve are all within a mile of the boundary of Elmstead. The Beth Chatto Gardens to the east of the village on the A133 is an internationally renowned Registered Park and Garden developed over many years by Beth Chatto. The Woodland Trust has developed woods and green spaces to the northeast of the Village. Regrettably there is no nearby parking which means this is an underused feature of the village.

2.34 The construction of the A133 connecting Colchester to Clacton-on-Sea divides the Village of Elmstead. The original road was built in 1933 as the A12 to bypass Colchester town centre. It was later renumbered as the A604 then in the 1990s it became the road we know today, the A133. The A12 now bypasses Colchester and joins the A120 at the Ardleigh roundabout. The traffic using the A133 through the Village has grown over the years as more residential and commercial development has taken place. The impact to the Village has been huge as the road goes from 70mph to 30mph as it crosses the Village Boundary but there are no traffic calming measures in place to allow the residents to navigate the road safely. The approved plans for the new A133/A120 Link Road to the west of the Village will too impact on the Village especially during the construction process as mentioned in paragraph 2.23.

### 3. PLANNING POLICY CONTEXT

3.1 The Parish lies within the Tendring District situated in the county of Essex. TDC is the Local Planning Authority for the area.

#### NATIONAL PLANNING POLICY

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3.2 The National Planning Policy Framework (NPPF) published by the Government is an important guide in the preparation of local plans and neighbourhood plans. The following paragraphs of the latest NPPF version published in July 2021 are considered especially relevant:

- Neighbourhood planning (§28 - §30)
- Housing Type and Tenure (§62)
- Affordable Housing (§64)
- Small- and Medium-sized Sites (§70)
- Healthy and Safe Communities (§92)
- Community facilities (§93)
- Open Space and Recreation (§98)
- Local Green Spaces (§101 - §103)
- High quality design (§128)
- The Natural Environment (§174)
- Biodiversity (§179)
- The Historic Environment (§190)

3.3 The Government has also set out a requirement for the provision of First Homes in a Written Ministerial Statement on 24 May 2021. These requirements were subsequently incorporated into National Planning Practice Guidance. As the Parish is a 'Designated Rural Area', First Homes Rural Exception Sites are unable to come forward in The Parish. However, this does not preclude First Homes forming part of the affordable housing contributions through infill or Rural Exception Sites allowed for by the development plan and the Neighbourhood Plan seeks to include policies on First Homes.

#### STRATEGIC PLANNING POLICY

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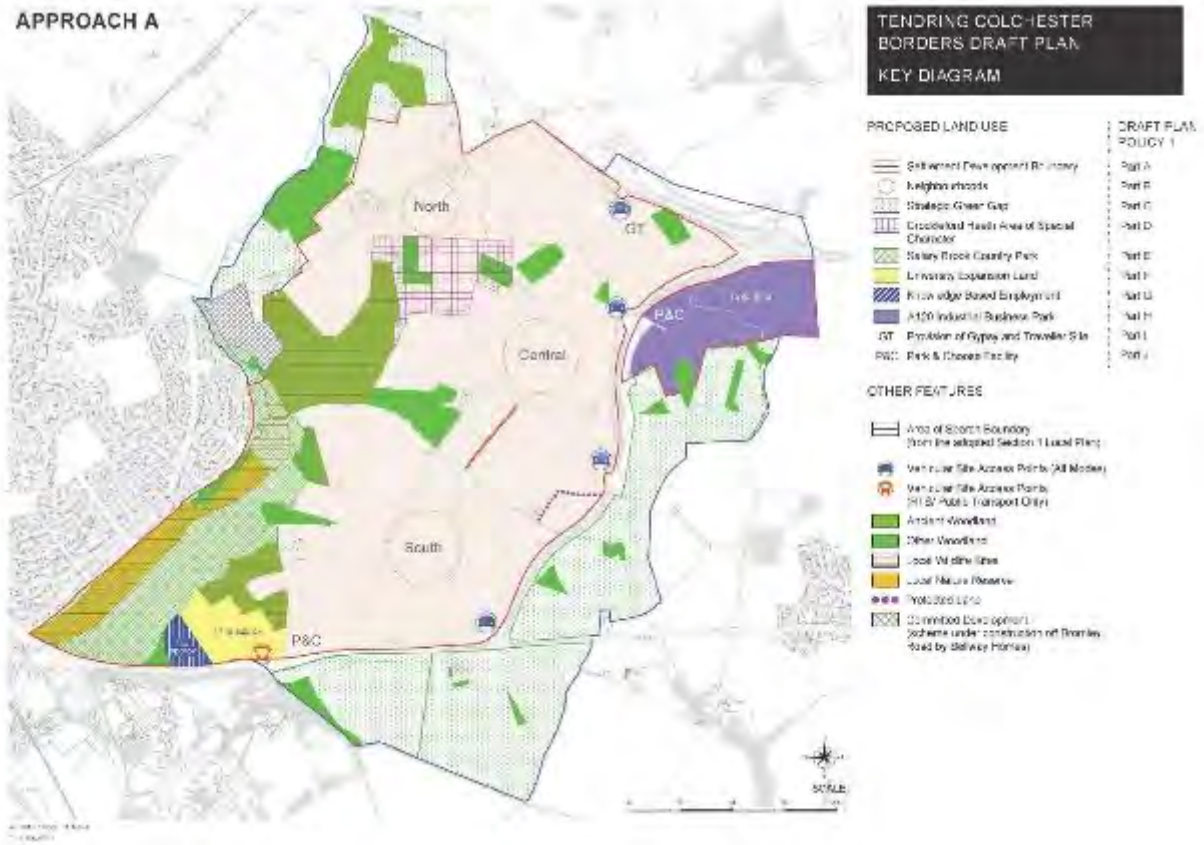
3.4 The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan which primarily comprises the adopted *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* and *Tendring District Local Plan 2013-2033 and Beyond Section 2*.

3.5 The *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* was adopted in January 2021 and contains a proposal for a Tendring/Colchester Borders Garden Community of eventually up to 9,000 homes, the majority of which lies within the Parish to the west of the Village (Policies SP8 and SP9).

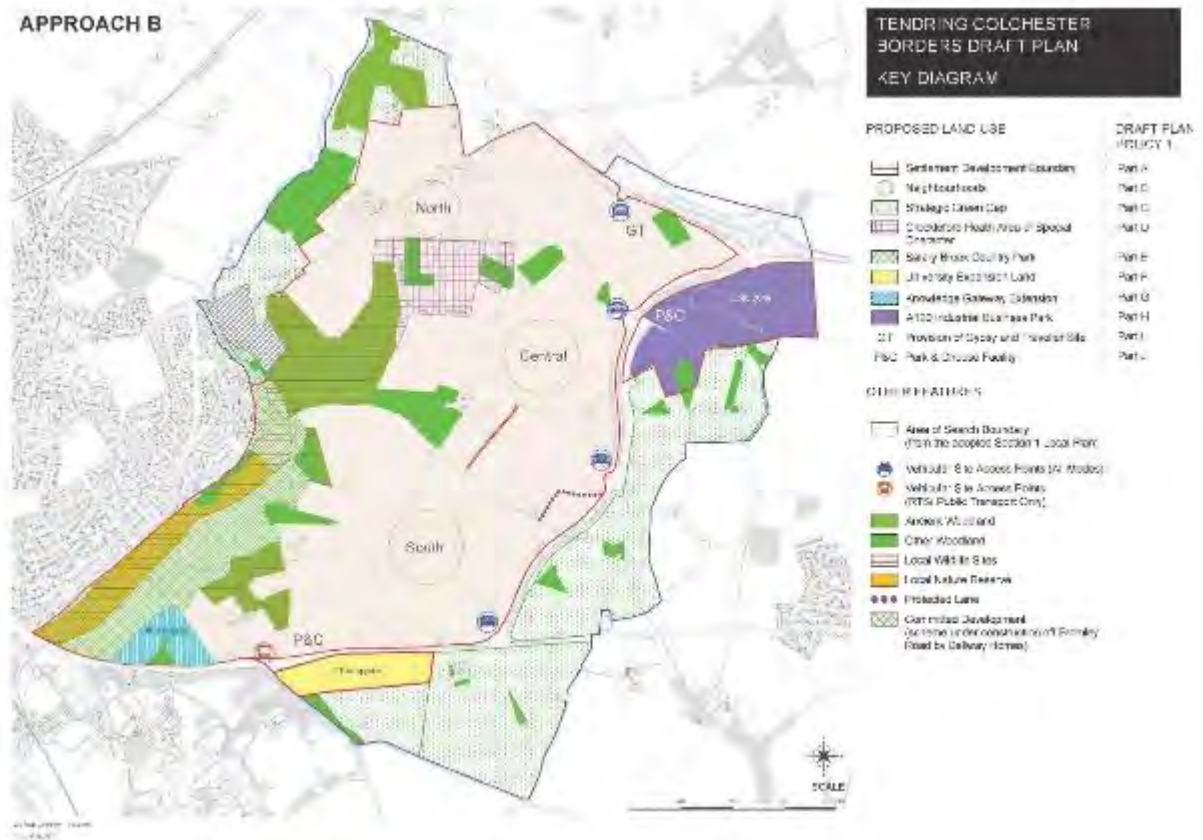
The proposal also includes new employment land, schools and services and a new link road between the A120 and A133.

- 3.6 Policy SP8 requires that the allocation is planned for through a development plan document (DPD) prepared by the planning authorities, which will provide the basis for the submission of planning applications, and which must have robust community engagement. The Parish Council continues to engage separately with the development of the DPD but have used the Neighbourhood Plan to put markers down for how the DPD should accommodate the Village interests.
- 3.7 A consultation on the draft DPD for the Tendring/Colchester Borders Garden Community is currently taking place and seeks an opinion on two approaches, Approach A and Approach B (see Plan B). An extract from the Spring 2022 Draft Plan detailing the differences between the 2 approaches is shown below:
- *“University Expansion Land is shown north of the A133 close to the University of Essex in Approach A. As an alternative, Approach B proposes University Expansion Land south of the A133 and east of Colchester Rd (B1028). Both approaches propose 11 ha for University uses. Under Approach B land to the north of the A133 not to be allocated for University Expansion could be used for other purposes related to the Garden Community.*
  - *Both approaches include a minimum of 3.5ha land for Knowledge Based Employment located to the north of the A133 close to the University of Essex. Approach B has an additional 4ha of land extended westwards to be located closer to the existing Knowledge Gateway and the A133/Clingoe Hill junction with the University Campus.”*
- 3.8 It is noted that the content set out above in relation to the Tendring/Colchester Borders Garden Community will need to be updated as the DPD progresses. The Parish Council has worked closely with TDC and the new Garden Community Manager to agree the relationship between the emerging DPD and the policies in this Neighbourhood Plan.
- 3.9 The Village has seen a number of speculative housing schemes consented in and around the Parish, as shown on Plan C. All but one of the schemes are on site and the other is likely to commence within the next couple of years. As a result, it has been more difficult to coordinate housing delivery to improve local infrastructure as the cumulative effects have not been measured.

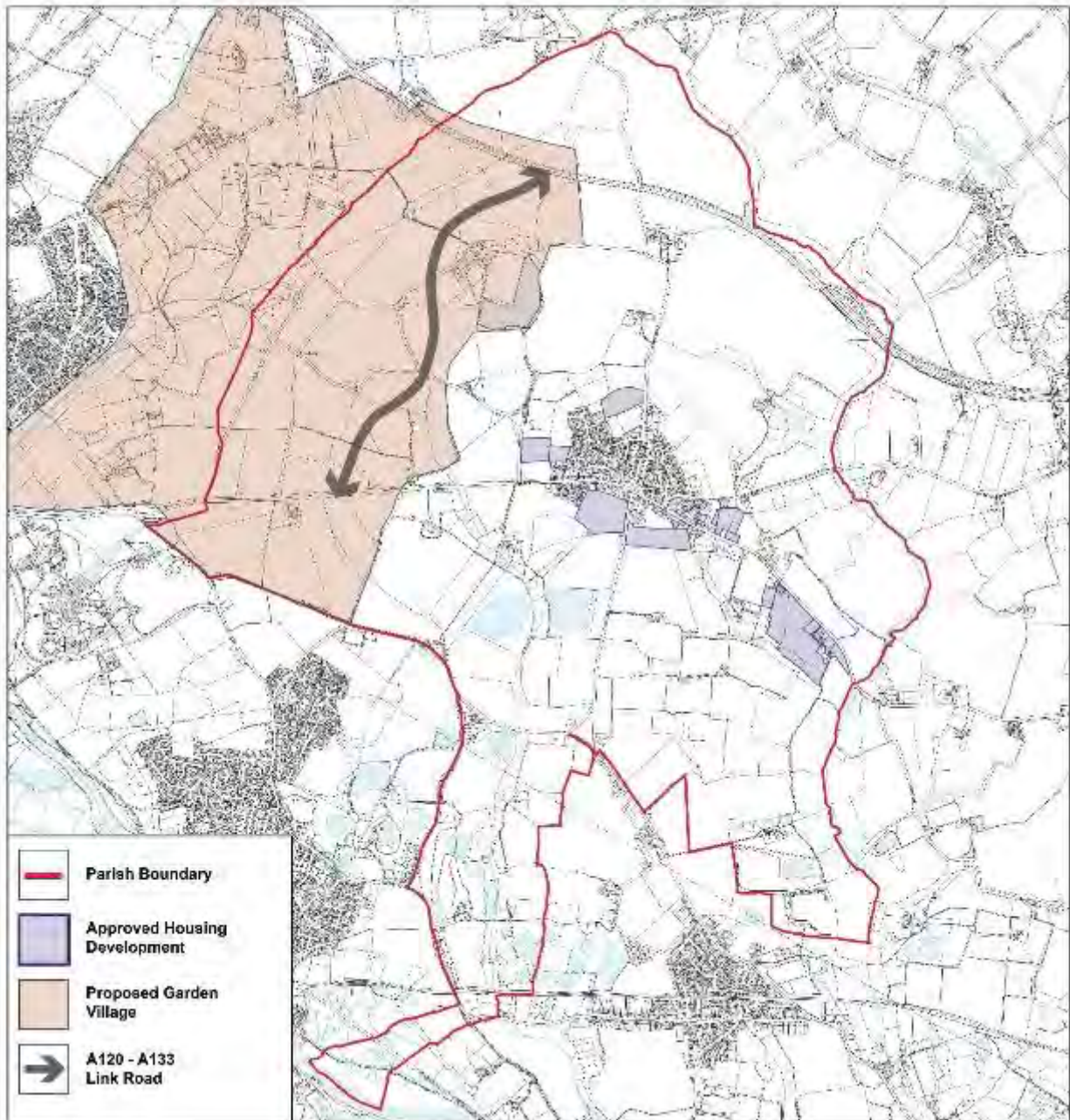
**APPROACH A**



**APPROACH B**



**Plan B: Tendring/Colchester Borders Garden Community Key Diagram – Approach A and Approach B ([link](#))**



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### Plan C: Development locations in the Parish

3.10 The *Tendring District Local Plan 2013-2033 and Beyond Section 2* was adopted 25 January 2022. As a result of recent housing schemes, the new Local Plan Section 2 does not allocate housing sites in the Village. In this respect, TDC has confirmed that the Neighbourhood Plan's housing requirement figure for the plan period is zero, as per §66 of the NPPF and Policy LP1 of the new Local Plan Section 2. This Neighbourhood Plan does not make any housing allocations but has supported a 100% affordable housing scheme coming forward as a Neighbourhood Development Order being prepared by the Parish Council, and has focussed its attention on preparing other development management policies. The Parish Council has also

confirmed that it will consider a review of the Neighbourhood Plan should this position change.

3.11 Policy SPL1 classifies Elmstead Market as a Rural Service Centre in the settlement hierarchy and Policy SPL2 establishes a settlement boundary for Elmstead Market as a planning policy tool to direct development (see Plans D and E). Other policies that may be relevant are listed below:

- SPL3 Sustainable Design – setting out general design criteria for new development
- HP2 Community Facilities – retaining, improving and supporting new community facilities
- HP3 Green Infrastructure – protecting and enhancing Green Infrastructure Assets
- HP4 Safeguarded Local Greenspace – protecting existing green spaces (not the same as NPPF Local Green Space designation)
- LP2 and LP5 Housing Choice and Affordable Housing – requiring a mix of dwelling types, sizes and tenures and affordable housing threshold of 30% from 11 or more dwellings, but no reference to First Homes or lowering the affordable housing thresholds for its 'Designated Rural Areas'.
- LP6 Rural Exception Sites – permitting such schemes on sites adjoining the settlement development boundaries of 'Rural Service Centres'.
- LP3, LP4 and LP8 Housing Density & Layout and 'Backland' Residential Development – securing appropriate densities, layouts and protecting amenity
- PP3 Village Centres – identifying a Village Centre at Elmstead Market
- PP6 Employment sites – protecting employment land at Lanswood Park
- PPL3 Rural Landscape – safeguarding the character and appearance of the rural landscape and non-designated heritage assets
- PPL6 Strategic Green Gaps – protecting the identities of settlements
- PPL9 Listed Buildings – protecting designated heritage assets
- CP2 Transport Network – requiring the new strategic link road between the A120 and A133 and a Rapid Transit System to serve the Tendring/Colchester Borders Garden Community

3.12 Additionally, the Essex Developer's Guide to Infrastructure Contributions ([link](#)) provides details on the range of infrastructure contributions the County Council in relation to its various functions may seek from developers and landowners in order to mitigate the impact of development.

3.13 Essex County Council is the Minerals and Waste Planning Authority for the Neighbourhood Plan Area and is responsible for the production of mineral and waste local plans. *The Essex and Southend-on-Sea Waste Local Plan 2017* and the *Essex Minerals Local Plan 2014* form part of the development plan that apply in the Parish. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and

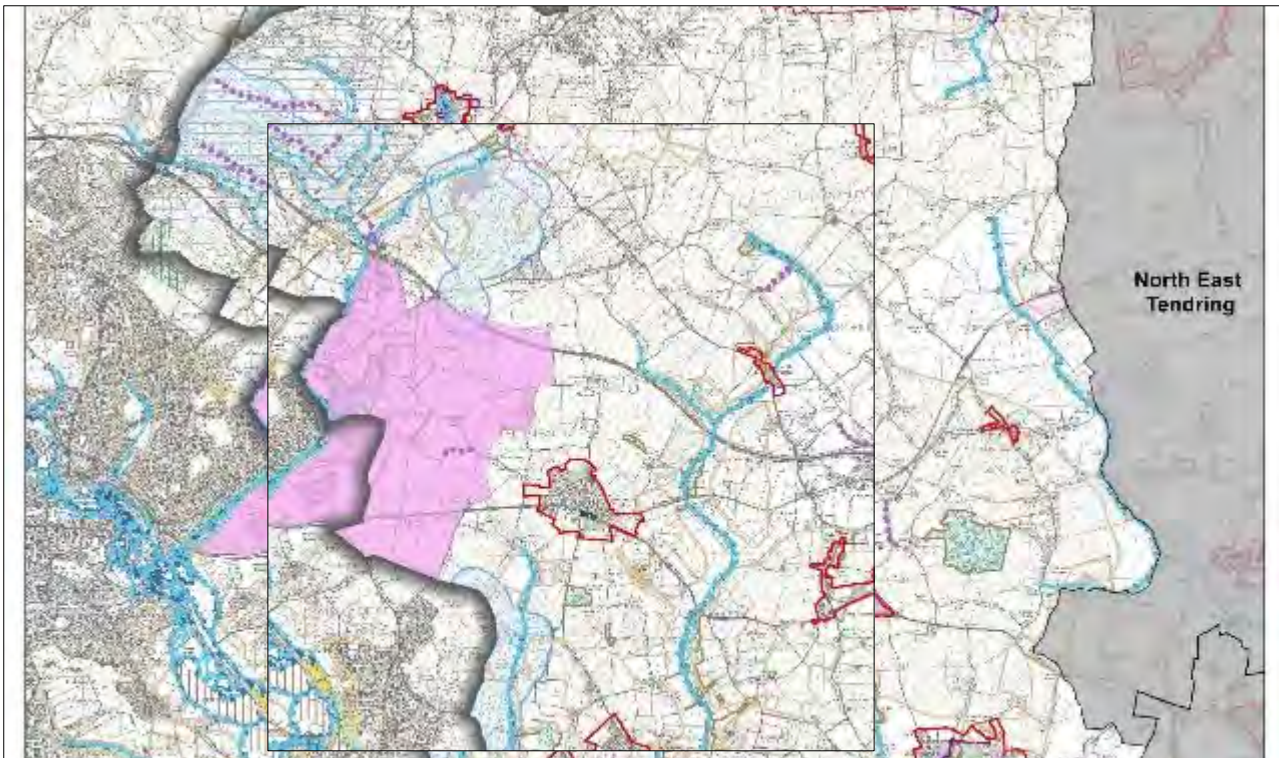
waste infrastructure from proximal development which may compromise their operation.

- 3.14 Most areas of the Neighbourhood Plan Area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing proposals contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.
- 3.15 Within the Neighbourhood Plan Area there are Mineral Consultation Areas in relation to Elmstead Hall Quarry and Wivenhoe Quarry. These areas are subject to Policy S8 of the Essex Minerals Local Plan, which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure. There is also a Waste Consultation Area in relation to Ardleigh Waste Transfer Station. This area is subject to Policy 2 of the Essex and Southend-on-Sea Waste Local Plan, which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-waste development proposed within these areas.
- 3.16 Essex County Council is currently undertaking a Minerals Local Plan Review. As mineral and waste matters are 'excluded development' for the purposes of neighbourhood planning, the Parish Council will continue to engage in this matter separately.

#### NEIGHBOURHOOD PLANNING POLICY

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- 3.17 The neighbouring Parish to the south of Elmstead, Alresford, has a made Neighbourhood Plan. The majority of the plan focuses on expressing local identity. Its policies also include enhancing walking and cycling to neighbouring villages, such as Elmstead Market.
- 3.18 The Town of Wivenhoe in the adjacent Colchester Borough also has a 'made' neighbourhood plan. The plan makes a number of housing allocations and includes policies to enhance walking, cycling and safeguards green spaces. Elmstead is able to access a wider range of retailers in Colchester and Wivenhoe and the made Wivenhoe Neighbourhood Plan supports more 'small' retail businesses.
- 3.19 To its north, the Parish of Ardleigh is also currently preparing a Neighbourhood Plan but it has not yet been made.



**The Tending District Local Plan  
2013 - 2033 and Beyond  
Map Key**


This flood zone shown on the map should only be used as a guide. The Environment Agency flood risk maps are a dynamic tool and the information they add is not static and is subject to change. Flood zones are not static.

It is important that the Maps and Keys are read in conjunction with the Written Statement.

**Plan D: Extract of Adopted Tending District Local Plan 2013-2033 and Beyond Section 2 Policies Map West Tending (link)**





## 4. COMMUNITY VIEWS ON PLANNING ISSUES

- 4.1 There have been two neighbourhood plan surveys carried out during 2021, looking at a number of topics, including the size and types of property residents' thought were needed in Elmstead Market. In addition, there were various traffic volume surveys completed on all roads within the Village. One rationale for these pieces of work was to gauge the village residents' housing needs for now and the future.
- 4.2 Concern was raised by residents that Elmstead could lose its village identity due to excessive large-scale developments that are approved and currently being completed, but also those planned for the future. Whereas some small-scale infill developments were deemed to be more acceptable.
- 4.3 It was evident from the survey that there were insufficient smaller affordable 1-,2- and 3-bedroom properties being built to allow younger generation residents to stay in the Village. It was also suggested that all new build properties have sufficient parking. Those that responded to the surveys also suggested all future developments should have green spaces incorporated into design / plans which included recreation areas. It was suggested that the old community centre site be developed to provide smaller affordable properties for local people.
- 4.4 A major concern is that due to the increase in traffic both within and through the village it was felt that road junctions needed to be improved and upgraded, with traffic calming measures to be installed and additional pedestrian crossings to be added.
- 4.5 It was recommended that green gaps such as country parks and/or public access land should be maintained on eastern and western approaches to the Village, which would enable the community to maintain its identity as a Village and avoid coalescence with neighbouring communities.
- 4.6 Of importance it was recognised that GP facilities should be improved with the increase in resident numbers. Other facilities were also requested such as a village pub, post office and a cafe. This suggests that there is a general lack of opportunities for villagers to meet and socialise.
- 4.7 In line with encouraging and maintaining a healthy lifestyle, it was suggested that additional footpaths continued through the housing estates without having to navigate the main road, particularly if walking with children. It was also suggested for footpaths to be created within the village boundaries providing an increased number of areas for people to walk. Shared walk and cycleways could be created linked to the proposed Garden Village to encourage residents to walk or cycle and help the county meet its zero carbon aims.

VISION

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

OBJECTIVES



## INTRODUCTION TO THE LAND USE POLICIES

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- 5.1 The following Policies relate to the Development and Use of Land in the designated Neighbourhood Area of Elmstead Parish. They focus on specific planning matters that are of greatest interest to the local community.
- 5.2 There are many parts of the Parish that are not affected by these policies, and there are many other policy matters that have been left to the adopted Tendring Local Plans to cover. This has avoided unnecessary repetition of policies between this Neighbourhood Plan and the adopted Local Plans, though they have a mutual, helpful inter-dependence.
- 5.3 Not all policy provisions are intended to apply to the Tendring/Colchester Borders Garden Community. Where this is the case, it has been made clear in the policy itself and the supporting text below the policy. There are also policy provisions and evidence which provide further detail on existing local circumstances which may influence the future masterplanning of the Tendring Colchester Borders Garden Community. The Parish Council will continue to engage with the process for bringing forward the Garden Community to ensure that safeguards for existing residents are reflected in proposals which may come forward.
- 5.4 Each policy is numbered and titled, and it is shown in bold. Where necessary, the area to which it will apply is shown on the Policies Map attached to the document. After each policy is some supporting text that explains the purpose of the policy, how it will be applied and, where helpful, how it relates to other development plan policies.



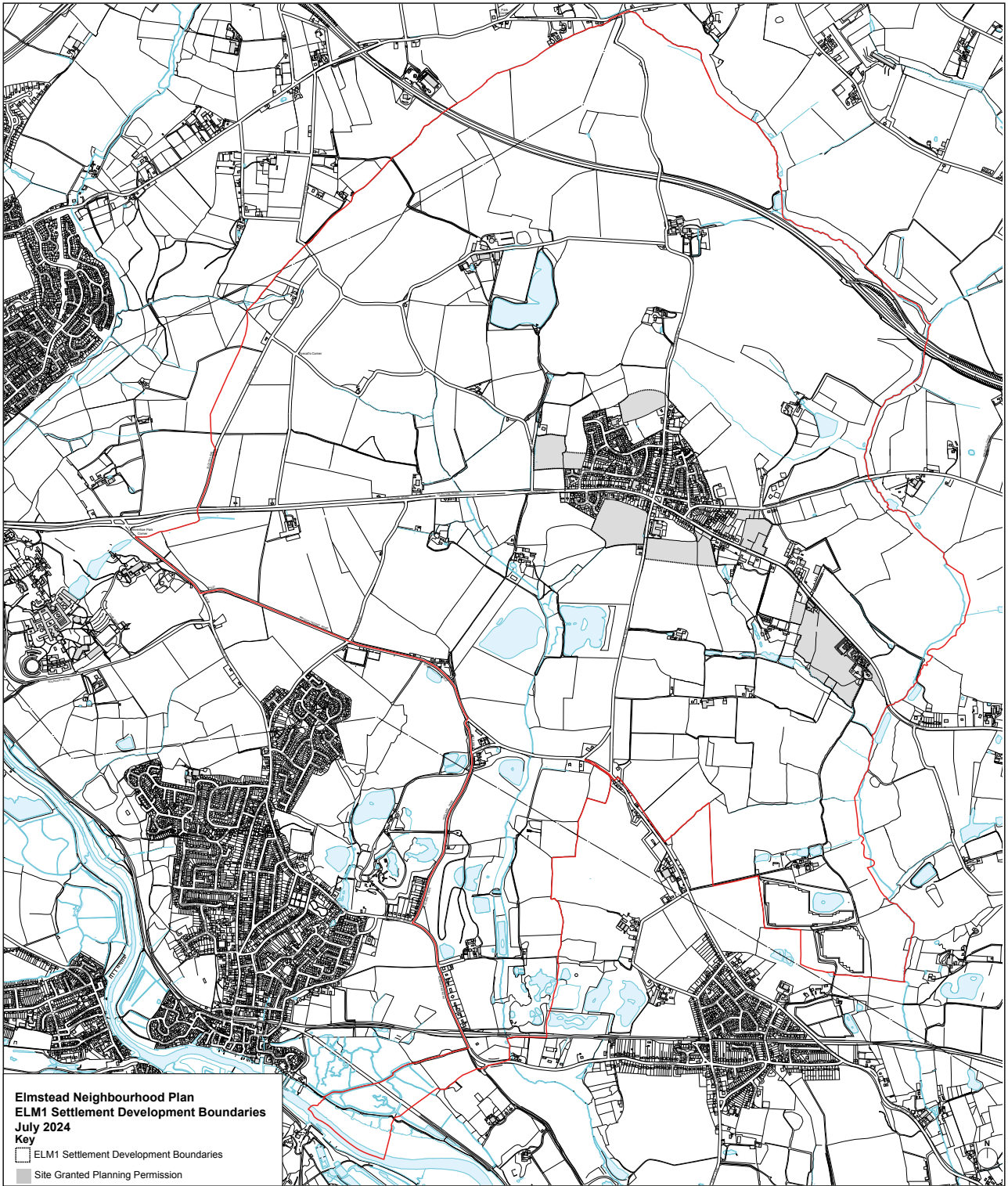
6 Elmcroft, Sara White

**POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARIES**

- A. The Neighbourhood Plan defines settlement boundaries at Elmstead Market and Lanswood, as shown on the Policies Map and Plan F, for the purposes of guiding development proposals outside of the Tendring/Colchester Borders Garden Community.**
- B. Proposals for development within the settlement boundaries will be supported provided they accord with the policies of the development plan. Schemes within and adjoining the defined settlement boundaries should provide defensible boundaries to create a definitive settlement edge.**
- C. Proposals for development outside the settlement boundaries will only be supported if they accord with development plan policies managing development in the countryside. Proposals which reinforce the physical and visual separation of Elmstead Market and Lanswood will be supported.**

- 5.5 The policy is intended to distinguish between the built-up areas of each of the two main settlements in the Parish and their surrounding countryside in order to manage development proposals accordingly. The policy does not relate to the development of land within the Tendring/Colchester Borders Garden Community.
- 5.6 Lanswood has not previously had a settlement boundary, but the quantum of the approved development at this location has effectively established an additional settlement in the Parish which relies on Elmstead Market for day-to-day services and facilities. The Parish Council also considers it appropriate to guide new development at this location given the prominent brownfield site on Clacton Road which may become available for development during the Plan period.
- 5.7 The policy therefore establishes a new settlement boundary at Lanswood following the observed settlement edge from buildings which have a clear functional relationship with the Lanswood settlement or have been given planning permission, and it includes the prominent brownfield site on Clacton Road but excludes buildings which are not fully integrated with the Lanswood settlement. This has allowed flexibility to accommodate residential 'infill' development provided it accords with other policies of the development plan in line with Tendring's Local Plan Part 2 approach to settlement development boundaries.

- 5.8 In the event the prominent brownfield site on Clacton Road becomes available for development in the Plan period the policy also guides its redevelopment to ensure that the part of the site which contains buildings which are not fully integrated with the Lanswood settlement is returned to open countryside and any residential 'infill' redevelopment scheme provides a defensible boundary creating a definitive settlement edge at this location.
- 5.9 The policy also updates the boundary of Elmstead Market, as shown on the Policies Map, to accommodate the approved development in the Parish. The definition of settlement boundaries remains an important feature of Tendring's Local Plan Part 2 in distinguishing how planning applications are considered if they relate to land inside or outside a boundary.
- 5.10 The policy is consistent with Local Plan Part 2 Policies SPL1 Managing Growth and SPL2 Settlement Development Boundaries in only supporting housing development within the newly defined boundaries, as Elmstead Market is defined as a Rural Service Centre where new development will occur through the completion of existing planning permissions, unidentified 'windfall' sites within settlement development boundaries or through Rural Exception Sites where a need has been identified.
- 5.11 The policy also refines Policy SPL2 Settlement Development Boundaries to make it clear that outside of these defined settlement boundaries development will only be supported if they accord with policies managing development in the open countryside to provide certainty to applicants and the community and to recognise the valued function of the countryside in shaping the rural character of Elmstead. Development coming forward within the Tendring/Colchester Borders Garden Community will be guided by the emerging DPD currently being prepared.



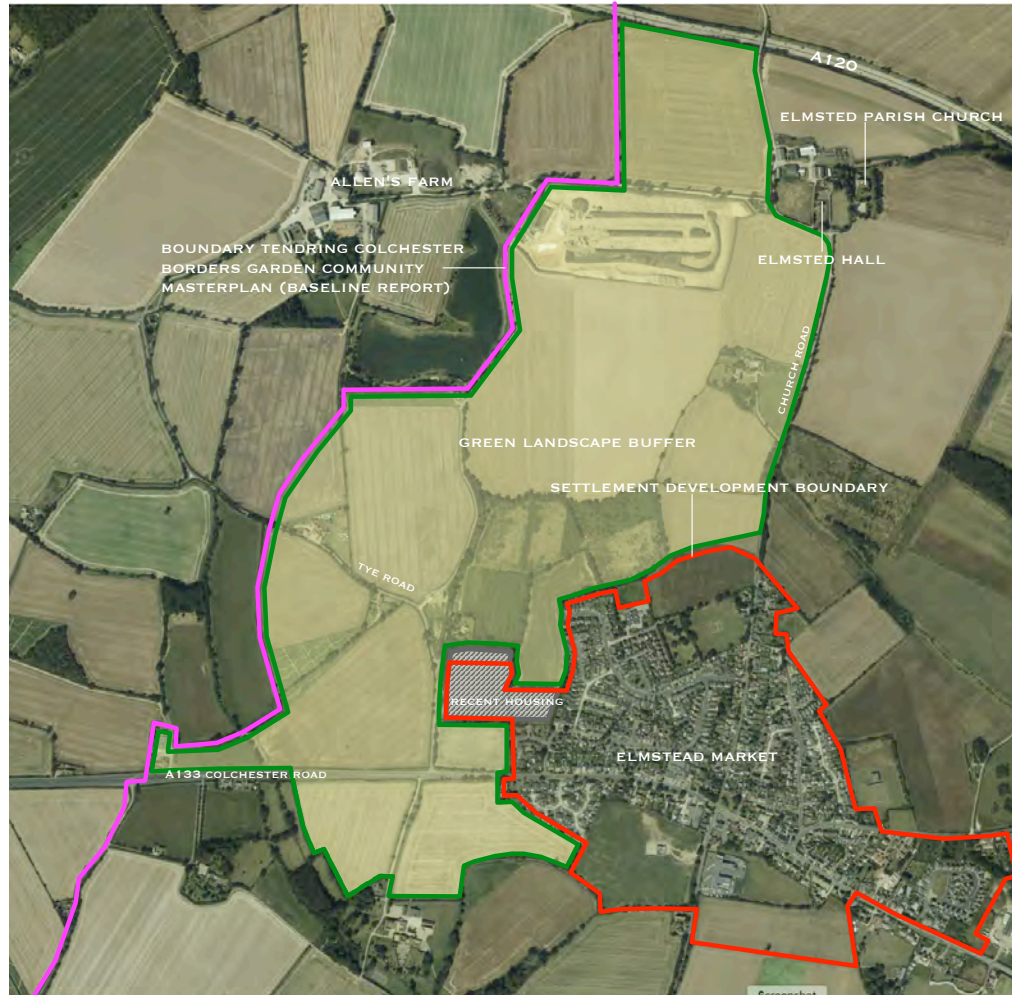
**Plan F: Elmstead Neighbourhood Plan Settlement Development Boundaries**

- A. The Neighbourhood Plan defines a Green Landscape Buffer, as shown on the Policies Map, for the spatial purpose of protecting a valued landscape on the urban fringe of the Tendring/Colchester Borders Garden Community providing access to the countryside; avoiding coalescence; and retaining the separate identities of the Tendring/Colchester Borders Garden Community and Elmstead Market.**
- B. Proposals for development within the Green Landscape Buffer will only be supported where they:**
- i. represent the provision of appropriate development for a countryside location in accordance with Policy ELM1 Settlement Boundaries;**
  - ii. improve access to, and the enjoyment of, the countryside in accordance with Policies ELM10 Important Views and ELM12 Movement and Access;**
  - iii. would not diminish the physical and/or visual separation of the Tendring/Colchester Borders Garden Community development and Elmstead Market or harm its landscape setting; and**
  - iv. protect and reinforce the identified positive features of the landscape in the Green Landscape Buffer.**

5.12 The policy anticipates development pressures that may arise from the development of the Tendring/Colchester Borders Garden Community by defining a Green Landscape Buffer that encompasses the area between the settlement of Elmstead Market and the proposed area of the Tendring/Colchester Borders Garden Community which will become all the more important as the Tendring/Colchester Borders Garden Community progresses to completion. The Tendring/Colchester Borders Garden Community DPD will define the extent of land required to accommodate the Garden Community development upon its adoption. The latest draft DPD defines the eastern boundary of the Garden Community and indicates that this boundary is unlikely to change. It is the eastern boundary of the Garden Community that forms the western boundary of the proposed Green Landscape Buffer. The policy therefore applies to land outside of the area of search for the Tendring/Colchester Borders Garden Community, although it is considered that the policy has a mutual, helpful inter-dependence as set out below.



- 5.13 The policy therefore takes the opportunity to give local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape. It requires that appropriate development, which is only that which is suited to a countryside location, by way of its height, scale and massing for example, avoids the physical and/or visual separation of the settlements either side of the Green Landscape Buffer. The policy also seeks to encourage positive landscape change in accordance with Policy PPL3.
- 5.14 The Landscape Setting of Elmstead Market Report, informed by the Local Plan Part 2 evidence base, included in the evidence base provides a comprehensive assessment of the area to justify this designation. The Parish Council has also commissioned its own landscape appraisal (Landscape Report, December 2022 by LanDesign Associates) to assess the robustness of the proposed Green Landscape Buffer, which is included in the evidence base. The policy reflects the recommendations of this landscape appraisal. All of the land identified for the Green Landscape Buffer makes a particular contribution to the local character and distinctiveness; an important contribution to the landscape setting of Elmstead Market; and is considered will be required to serve as a clear visual and physical break in the built environment has been defined on the Policies Map.
- 5.15 It is acknowledged that draft Policy 2: Requirements for all new development Part A of the draft Tendring/Colchester Borders Garden Community requires the design of boundary treatments to reflect the function and character of the development and its surroundings, which in this location will be to define the settlement edge of the Garden Community to distinguish it from the Green Landscape Buffer as open countryside beyond.



ELMSTEAD NEIGHBOURHOOD PLAN

ELM 2 GREEN LANDSCAPE BUFFER

**LANDESIGN ASSOCIATES**  
CHARTERED LANDSCAPE ARCHITECTS  
THE OLD FORGE, LOWER SOUTH WRAXALL  
BRADFORD ON AVON, WILTSHIRE. BA15 2RZ  
TEL (01225) 866739

Plan G: Elmstead Neighbourhood Plan Green Landscape Buffer

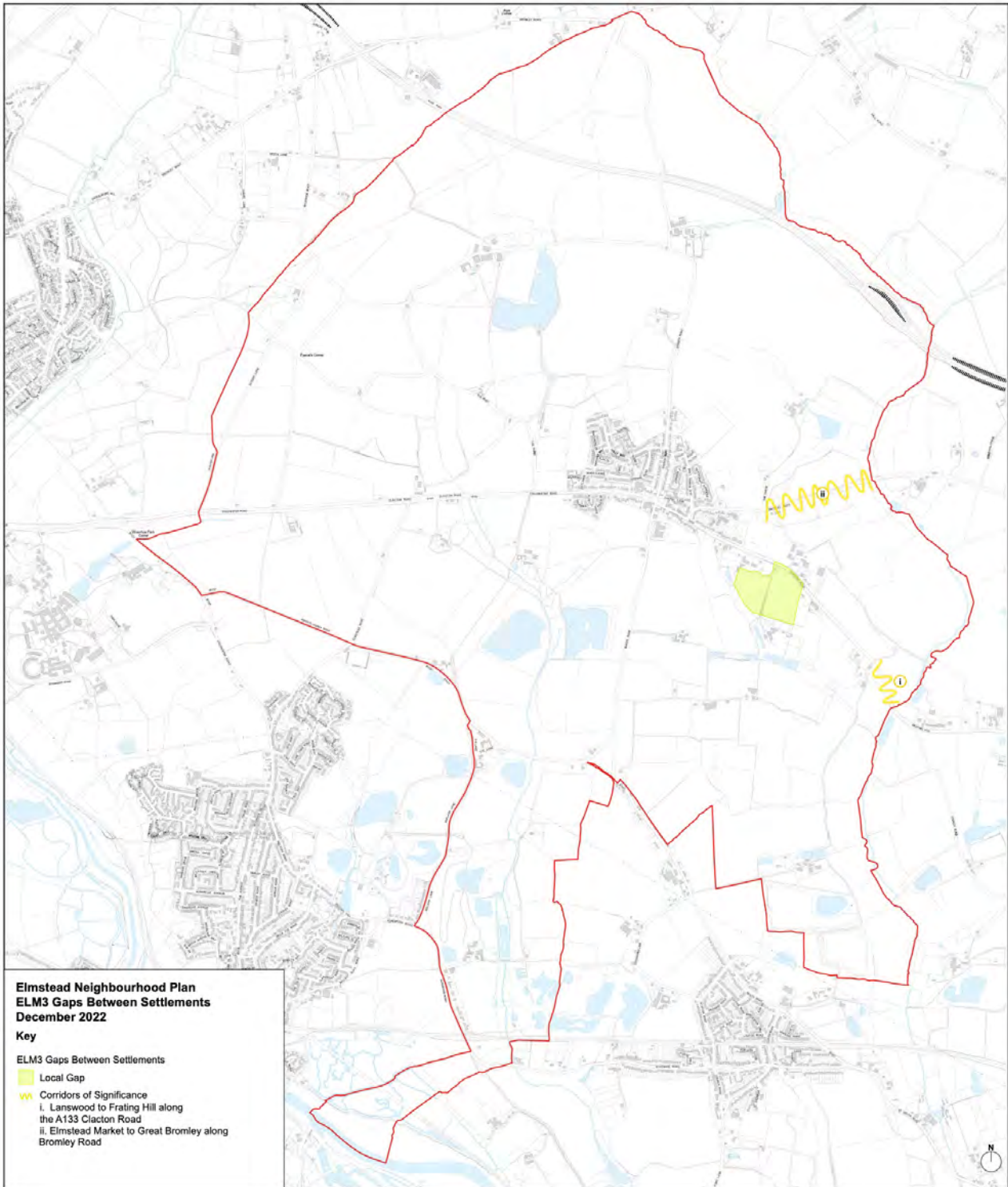
## **POLICY ELM3: GAPS BETWEEN SETTLEMENTS**

- A. The Neighbourhood Plan defines the Elmstead Market to Lanswood Local Gap on the Policies Maps for the spatial purpose of preventing the visual coalescence between these two settlements in the Parish.**
  
- B. Development proposals that lie within the defined Local Gap must be located and designed in such a way as to prevent the visual coalescence of the settlements.**
  
- C. The Neighbourhood Plan defines the following Corridors of Significance on the Policies Maps for the spatial purpose of preventing harmful ribbon development along these corridors:**
  - i. Lanswood to Frating Hill along the A133 Clacton Road**
  
  - ii. Elmstead Market to Great Bromley along Bromley Road**
  
- D. Development proposals that lie within a defined Corridor should avoid an unacceptable impression of ribbon development or suburbanisation, by themselves or through cumulative impacts with other developments.**

5.16 The policy seeks to protect the essential countryside character of a key gap between the settlements of Elmstead Market and Lanswood, as well as the eastern and western approaches to the main village settlements of Elmstead Market and Lanswood. The purpose of maintaining and enhancing this gap and the corridors, which either serve as a rural buffer or visual break between settlements, or which protect the character and rural setting of settlements, is to provide additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between settlements in order to retain their individual identity.

5.17 The policy therefore takes the opportunity to give local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape. It requires that appropriate development, which is only that which is suited to a countryside location, by way of its height, scale and massing for example, avoids the visual coalescence between Elmstead Market and Lanswood and to avoid harmful ribbon development along the Corridors of Significance.

- 5.18 The Local Gap and Corridors of Significance are shown on the Policies Map. The Local Gap makes a significant contribution to maintaining the individual and rural character of its adjoining settlements. Each Corridor of Significance has been identified to prevent harmful ribbon development. Coalescence is a process and whilst some development in these corridors may not result in coalescence it may contribute to the coalescence of separate and distinct communities and the rural character of the area and is therefore a vital consideration.
- 5.19 This policy has been informed by the Local Gap and Corridors of Significance report which forms part of the evidence base. The assessment describes the Local Gap and each Corridor of Significance in greater detail and the particular contribution that it makes or is expected to make. The Parish Council has also commissioned its own landscape appraisal (Landscape Report, December 2022 by LanDesign Associates) to assess the robustness of the proposed Local Gap and Corridors of Significance, which is included in the evidence base. The policy reflects the recommendations of this landscape appraisal.



**Plan H: Elmstead Neighbourhood Plan Local Gap and Corridors of Significance**

## POLICY ELM4: THE FORMER ELMSTEAD COMMUNITY CENTRE

**Proposals for the redevelopment of the Former Elmstead Community Centre, as shown on the Policies Map, to residential use for the purpose of delivering an affordable housing scheme to meet local needs will be supported provided that the New Elmstead Community Centre has been delivered and is operational.**

- 5.20 A New Elmstead Community Centre (NECC) will be provided as part of the approved development on land opposite the Former Elmstead Community Centre (FECC). The FECC will cease to operate as soon as the NECC facility is operational. The policy is therefore intended to support redevelopment of the FECC site and the extent of the site has been defined on the Policies Map.
- 5.21 There is a need to relocate this type of facility to address the weaknesses of the current location and buildings, but to retain its provisions as an essential community facility serving the Parish. The NECC is anticipated to meet this need. The provision of this NECC is therefore a replacement facility within the vicinity of the FECC and will not lead to a shortfall in provision in line with the requirements of Policy HP2 Community Facilities. The policy therefore establishes the principle for residential use on this site to deliver an affordable housing scheme to meet local needs once the NECC has become operational.
- 5.22 The Elmstead Housing Needs Assessment (HNA) establishes that there is a current estimated backlog of affordable rented housing in the neighbourhood area and a need to provide affordable routes to home ownership. The Parish Council, as landowner, has therefore investigated whether the site could be redeveloped to provide much needed affordable homes to meet this local need. A commissioned feasibility study has shown that the site has no fundamental technical constraints preventing its development for an affordable residential scheme, subject to further technical investigations, and has capacity for 6 to 9 dwellings. The Neighbourhood Plan therefore supports the provision of an affordable housing scheme to meet local need at this location. It is proposed that planning permission is granted by a Neighbourhood Development Order for such a scheme alongside this Neighbourhood Plan.

## POLICY ELM5: AFFORDABLE HOUSING

- A. Development proposals outside of the Tendring/Colchester Borders Garden Community, involving the creation of 6 or more (net) homes, will be required to provide 30% of the new dwellings as affordable housing on-site unless it can be demonstrated that it is more appropriate to make a financial contribution towards the provision of affordable housing elsewhere in the Village within the Plan period.**
  
- B. The starting point for affordable housing provision in the Parish, outside of the Tendring/Colchester Borders Garden Community, should be 25% First Homes, with the balance of the affordable housing being split as 70% affordable homes for rent and 5% shared ownership at 25% equity. The precise tenure mix of affordable housing will be determined on a site-by-site basis.**
  
- C. The starting point for residential development comprising only affordable housing provision on land outside of the settlement development boundaries, outside of the Tendring/Colchester Borders Garden Community, should be 45% affordable homes for rent with the balance of affordable housing for sale being split as 25% First Homes and 30% shared ownership at 25% equity. The precise tenure mix of affordable housing will be determined on a site-by-site basis.**

5.23 In the first instance, the policy lowers the minimum threshold at which affordable housing must be delivered by residential schemes from the 11 or more (net) homes of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2 to 6 or more (net) homes given that Elmstead has been designated as 'rural' under Section 157 of the Housing Act 1985 (SI 2005/1995). This is provided for by §64 of the current NPPF which was originally introduced in 2018 (which post-dates the 2012 NPPF under which the Tendring Local Plan Part 2 was examined and therefore makes no provision for this). The policy is intended to apply to that part of the Parish which lies outside of the Tendring/Colchester Borders Garden Community.

5.24 Whilst the majority of sites that have come forward in the Parish are for 11+ dwellings, this was as a result of a particular set of circumstances, which the Neighbourhood Plan and Tendring's adopted Local Plan Part 1 and Part 2, seeks to avoid. Historically there have been infill sites which may have delivered affordable housing contributions if this lower threshold was in force. This has resulted in a shortfall, and continued need, for rented affordable housing and a continued need for affordable housing for sale in Elmstead. The HNA, included in the evidence base, demonstrates that there is robust evidence of need for affordable housing in the neighbourhood area.

- 5.25 The Neighbourhood Plan or Tendring's Local Plan Part 1 and Part 2 does not make any housing site allocations in the Parish, apart from the Tendring Colchester Borders Garden Community, as it has met the housing requirement for the plan period. There is therefore no potential for this local affordable housing need to be met in the plan period, other than through infill sites (inside the Settlement Development Boundaries) where land available is limited and Rural Exception Sites. First Homes Exception Sites cannot come forward in designated rural areas. Lowering the affordable housing threshold for infill sites and supporting Rural Exception Sites (as per Tendring Local Plan Part 2 Policy LP6) will be the only way that Elmstead can begin to meet its affordable housing needs (other than through the proactive approach as landowners the Parish Council is taking in utilising its assets as provided for by Policy ELM3).
- 5.26 Policy ELM4 only applies to development coming forward in Elmstead outside of the Tendring Colchester Borders Garden Community and therefore, by definition, is nonstrategic (NPPF §28) nor is it considered to undermine Policy LP5 (NPPF §29). The NPPF confirms that "policies may set out a lower threshold of 5 units or fewer" (NPPF §64) and the lower threshold of 6 or more is to avoid missing vital opportunities to secure affordable homes on small sites within the settlement development boundaries. The policy has both 'regard to' the NPPF, while also supporting and upholding the general principle that Tendring's Policy Part 2 Policy LP5 Affordable Housing is concerned with, while providing "a distinct local approach" (PPG ID:41-074). It supports the Local Plan 'as a whole' including its vision and objectives which require a sufficient variety in terms of sites, size, types, tenure and affordability to the needs of a growing and ageing population.
- 5.27 The Inspector's report on Tendring's Local Plan Part 2, issued 24 November 2021, recognises in paragraph 116 that "*At the hearing sessions we heard evidence as to the historically weak rate of delivery of affordable housing and the high level of need in the district*" and recommended modifications to the Local Plan which seek to maximise the delivery of affordable housing on site. The policy therefore also requires that the affordable homes should be delivered on site, which accords with the approach of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2. However, it may be agreed that a preferable delivery strategy to optimise the value of affordable homes to the Village is to consolidate them on one site. If that is the case, then a scheme may make a financial contribution to that other scheme. If an applicant considers there is a need for an element of market housing to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2.
- 5.28 Elmstead falls within the Manningtree and Rural North Value Area in Tendring's Economic Viability Study June 2017. The area contains a network of predominantly rural settlements more closely related to the property and employment markets around Colchester resulting in an upward effect on property values. The study also demonstrates a surplus in excess of between £0.015m/ha and £1.6m/ha above the



benchmark land value in the Manningtree and Rural North Value Area for notional 1 Ha; 3-unit; 7-unit; 10-unit (including a 10-unit starter home scheme); 11-unit; 15-unit; 50-unit; and larger schemes.

- 5.29 The difficulties in securing affordable housing in rural areas, including Elmstead, is well researched and debated. Given that the HNA provides robust evidence of a need for affordable homes (and historic shortfall), there have been opportunities in Elmstead where a lower threshold may have delivered affordable housing contributions, there is likely to be more opportunities coming forward through infill sites, and viability ought not to be an issue when land values are high, the policy takes the opportunity provided for by the NPPF in its §64 to lower the affordable housing threshold for the Designated Rural Area of Elmstead outside of the Tendring Colchester Borders Garden Community.
- 5.30 In respect of the tenure mix, the HNA evidenced the clear lack of affordable housing for rent and for sale in the designated neighbourhood area. Due to the housing requirement for the plan period being 0, the HNA recommends that the Neighbourhood Plan should consider separate tenure mixes for wholly affordable sites and qualifying open market sites to increase the delivery of affordable home ownership products.
- 5.31 Tendring's Local Plan Part 2 Policy LP5 Affordable Housing was prepared prior to the introduction of the new 'First Homes' affordable housing product by the Government in summer 2021. First Homes are a specific discounted market sale housing and meet the definition of 'affordable housing' for planning purposes. Planning Practice Guidance now requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes and that they (and the mechanism securing a discount in perpetuity) will be secured through section 106 planning obligations.
- 5.32 The second and third part of the policy therefore makes provision for First Homes and requires a specific tenure mix for affordable housing provision on qualifying sites and wholly affordable sites respectively as a starting point as recommended by the HNA which may come forward in Elmstead during the Plan period. If an applicant considers there is a need for an element of market housing on sites outside of the settlement boundaries to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP6 Rural Exception Sites of Tendring's Local Plan Part 2.

## POLICY ELM6: FIRST HOMES

The Neighbourhood Plan establishes the requirement for First Homes, outside of the Tendring Colchester Borders Garden Community, to be secured with a minimum 40% discount from full open market value.

- 5.33 25% of all affordable homes will be sought as First Homes. Planning Practice Guidance sets out a requirement for a minimum 30% discount from open market value, but higher discounts of 40% or 50% may be applied where a need is demonstrated. The HNA has demonstrated that First Homes at 40% discount are affordable to those on mean incomes and will also help to ensure viable schemes. The policy therefore increases the minimum discount from full open market value for First Homes in the Parish to 40%. The policy is intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community.



7 Traditional Village Sign (Elmstead Parish Council)

## POLICY ELM7: HOUSING MIX

**New residential development, outside of the Tendring/Colchester Borders Garden Community, will be expected to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings.**

- 5.34 Tendring's Local Plan Part 2 Policy LP2 Housing Choice adopts a flexible approach to housing mix, and states that TDC will work with the development industry and housing providers to deliver a mix of dwelling types, sizes and tenure to address local requirements. The policy is intended to contribute towards a mixed and balanced community in line with §62 of the NPPF. It gives local effect to Policy LP2 by setting a specific requirement for all new homes in the Parish. It is necessary in order to start to rebalance the current mix of homes so that it better reflects local need. The policy is intended to apply to that part of the Parish which lies outside of the Tendring/Colchester Borders Garden Community.
- 5.35 Tendring's The Strategic Housing Market Assessment Update 2015 demonstrates a need of dwelling size, for owner occupied, 10.3% one bedroom, 31.5% two bedroom, 33.3% three bedroom and 24.8% four or more bedrooms. For private rented, the change required is 6.8% one-bedroom, 19.4% two-bedroom, 52.7% three-bedroom and 21.1% four- plus bedrooms. Elmstead's HNA demonstrates a need for new housing coming forward in Elmstead to be heavily weighted towards smaller dwellings. This is also evidenced through community consultation undertaken as part of the preparation of the Neighbourhood Plan. In 2011, the designated neighbourhood area was dominated by larger homes with the proportion of 1-bedroom dwellings in the neighbourhood area being significantly lower, and the proportion of 4+ bedroom dwellings higher, than both the District and England. This highlights the imbalance in the neighbourhood area.
- 5.36 The policy therefore requires this weighting towards smaller 1-bedroom and 2-bedroom dwellings whilst acknowledging that it is important not to exclude certain dwelling types. The starting point for addressing the need for smaller dwellings in the neighbourhood area is for new developments to be made up of 89.2% 1-bedroom and 2-bedroom dwellings. This will facilitate downsizing and continue a supply of larger homes to accommodate growing families.

## POLICY ELM8: ZERO CARBON BUILDINGS

- A. All development outside of the Tendring/Colchester Borders Garden Community should minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping.**
- B. Where schemes that maximise their potential to minimise energy consumption by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.**

- 5.37 The policy context for encouraging higher energy efficiency standards at the Local Plan or Neighbourhood Plan scale is complex. Background information has therefore been set out in Appendix A. The policy is a temporary measure as in due course, it is expected that the next revision of the Local Plan, if not national policy itself, will make such provisions across the District. The policy is therefore intended to apply Parish-wide.
- 5.38 This policy has two clauses which are intended to deliver a step change in the energy performance of all new developments in the parish and, in doing so, encourage and incentivise the use of energy efficient building design. Achieving a higher level of performance will make a significant contribution to mitigating climate change that the Neighbourhood Plan can deliver.
- 5.39 In order to minimise energy requirements, as set out in Clause A, consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon. In the absence of supplementary guidance from TDC, applicants are directed to the Net-Zero Carbon Toolkit created by Cotswold District Council and two partner councils, West Oxfordshire District Council and Forest of Dean District Council. The toolkit is available as a resource for private and public sector organisations to use and adopt. ([Link](#))
- 5.40 In respect of scheme viability, any extra-over cost of building to higher energy efficiency standards, for example Passivhaus standard (now less than 5%), will diminish to zero well within the period of this Plan, as per both the Government's Regulatory Impact Assessments, research by the Passivhaus Trust and the viability assessment published by Cornwall Council. By setting the expectation that consideration should

be given to resource efficiency at the outset of a scheme, the policy is intended to reduce the expensive and unnecessary retrofit costs that are passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be acceptable as a reason for not minimising energy consumption, unless the applicant can demonstrate the scheme has abnormal costs to accommodate.

- 5.41 The policy requires that the scheme density (measured by dwelling units/Ha) is assessed against that of the local 'character area' in the Design & Access Statement. Policy ELM8 defines the key design principles for the main settlements of the parish. Outside of such areas, the applicant may define the 'character area' that is relevant for the purpose of this exercise.
- 5.42 The policy complements Policy SPL3 Sustainable Design of Tendring's Local Plan Part 2 in respect of incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable, low carbon energy production and avoiding adverse impacts on the environment.
- 5.43 Every new build or redevelopment project in the Neighbourhood Area, however modest, provides an opportunity to make a difference and a contribution towards meeting our climate change targets for 2050. Minimising energy consumption need not be an unreasonable expectation of even the smallest schemes for new buildings. Land values in the area are high relative to build costs and ought to be sufficient to ensure requirements to tackle improving energy and carbon performance are viable.

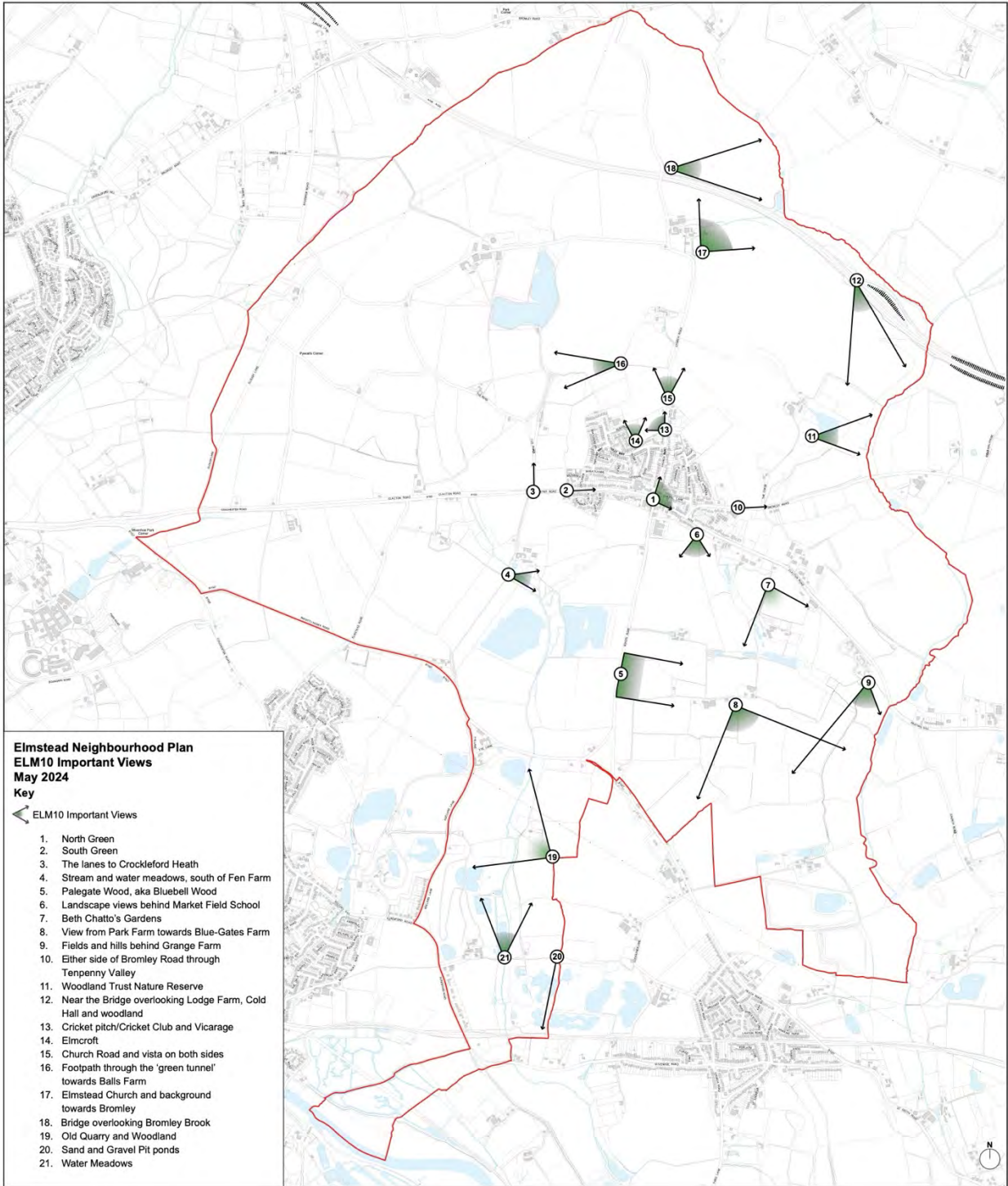
**POLICY ELM9: DESIGN CODES**

**Development proposals, outside of the Tendring/Colchester Borders Garden Community, will be supported provided they have full regard to the essential design guidelines and codes, where applicable relevant to the character area typologies within which they are located as set out in the Elmstead Design Guidance and Codes Report at Appendix B and the Essex Design Guide.**

- 5.44 There are distinctive features of Elmstead that shapes it character. These features are set out in the Elmstead Design Guidance and Codes attached at Appendix B. The policy places additional local emphasis to the design quality principles of Tendring's Local Plan Part 2 Policy SPL3 Sustainable Design by highlighting the particular characteristics of the Parish. The policy is intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community.
- 5.45 The Code document is an integral part of the policy but is extensive in distinguishing the different areas of Elmstead Market and is therefore published separately to the Neighbourhood Plan. To be clear therefore, as the Code has been prepared and consulted on as part of the Plan, its content carries the full weight of the development plan in decision making and is not subordinate or supplementary guidance carrying lesser weight.
- 5.46 The policy therefore requires that applicants should demonstrate that they have regard to the design principles and guidance the Code contains as relevant to the location of their proposals. The policy does not advocate pastiche or historic solution; however, it is important that any new development demonstrates a connection with local character and place making.

- A. The Neighbourhood Plan identifies Important Views on the Policies Map.**
- B. Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views.**
- C. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.**

- 5.47 The policy, and Policies Maps, identifies a series of views from public vantage points in and beyond the edge of the village that are considered in the Important Views report, published in Appendix C, as especially important in defining the relationship between the two settlements of the Parish and its rural hinterland.
- 5.48 The policy does not seek to prevent any development lying within a view but requires that proposals recognise and take account of these in their design. In each case, only the minimum area of land necessary to define the view has been identified. It is recognised that some of these Important views falls within the area of search for the Tendring/Colchester Borders Garden Community. However, draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Borders Garden Community requires that *'Existing landscape features, PRoW and the network of lanes within the site should be retained, enhanced and incorporated into the development'*. In that respect, the policy therefore takes the opportunity to identify some of the 'existing landscape features' which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community.



**Plan I: Elmstead Neighbourhood Plan Important Views**



**POLICY ELM11: THE VILLAGE CORE**

- A. The Neighbourhood Plan defines the Village Core and a Village Centre Boundary, as shown on the Policies Map, for the purposes of managing proposals for residential, commercial, business and service, local community and leisure uses, outside of the Tendring/Colchester Borders Garden Community.**

**The Village Core**

- B. Proposals that provide for the following uses in the Village Core will be particularly supported:**
- i. Health and Wellbeing service provision;**
  - ii. A public house or drinking establishment with expanded food provision;**
  - iii. Local community uses provision;**
  - iv. Additional open space provision, including improvements to existing open space provision.**
- C. Where it is appropriate, the construction of new buildings within the Village Core will be supported provided that the resulting layout of schemes:**
- i. Achieves a positive relationship with the existing open space provision in the Village Core and does not result in the loss of existing open space unless it is for local community use;**
  - ii. Retains and enhances pedestrian and cycling connections to the Village Core to promote active travel; and**
  - iii. Improves the movement of pedestrians and cyclists in and around the Village Core in line with Policies ELM12 and ELM15, with consideration given to traffic mitigation measures in line with Policy ELM13 intended to enhance the active travel environment and public realm where appropriate.**

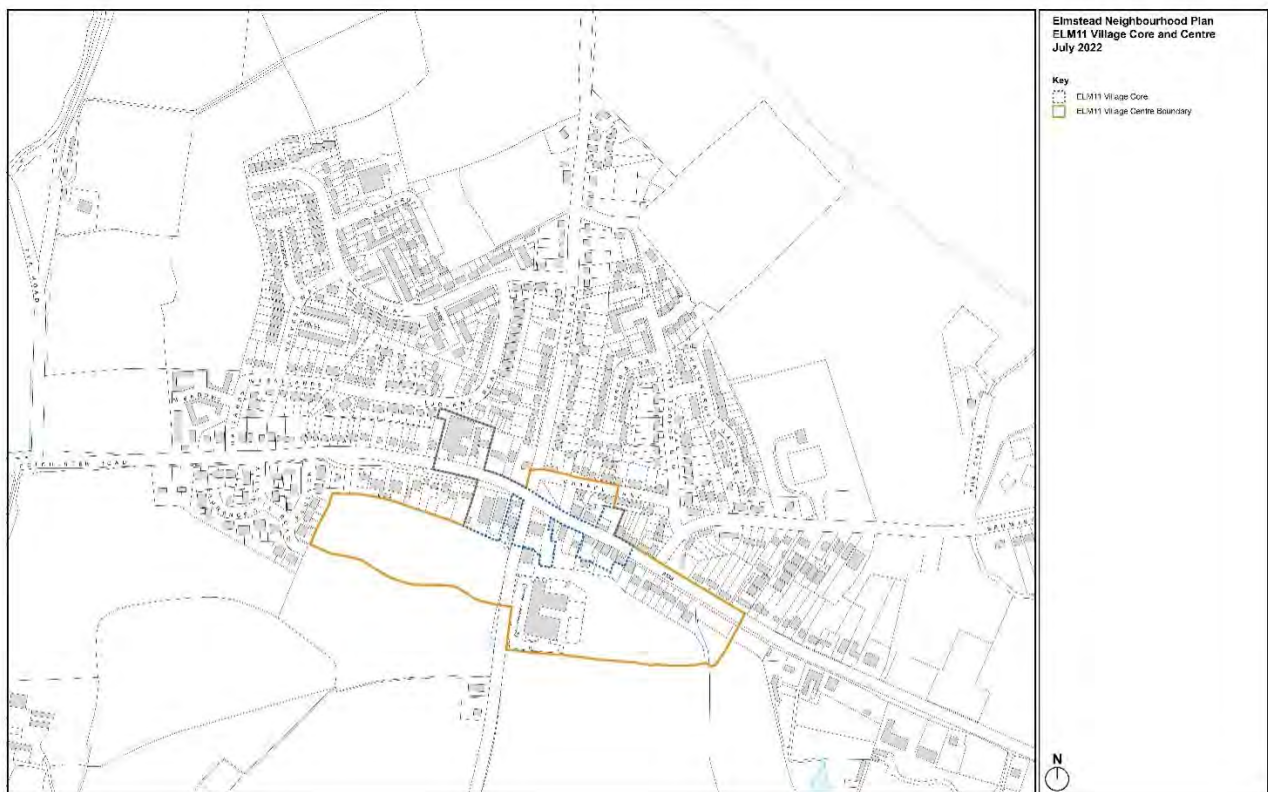
### The Village Centre

- D. Development proposals in the Village Centre which create livelier and more active street frontages will be supported.**
- E. Where planning permission is required, proposals for a change of use that will result in the loss of an active commercial, business or service use of a ground floor frontage in the Village Centre Boundary will not be supported.**
- F. Where appropriate, residential uses above commercial, business and service units in the Village Centre will be supported, provided that the active commercial, business or service use of a ground floor frontage is not compromised and that satisfactory residential amenities can be achieved.**

- 5.49 New development in the southern part of Elmstead Market will increase the population of the village and shift the 'centre of gravity' to the south and west around the Clacton Road, School Road junction. These new developments will also provide new public open space and a new Elmstead Community Centre to the south of Colchester Road with an access off School Road. The Neighbourhood Plan recognises that these changes are likely to have a significant impact on the village and has taken the opportunity to include a policy which will help integrate the new amenities, protect existing shops and control future development within the Village Core.
- 5.50 The policy therefore defines a Village Core area which incorporates not only the essential commercial, business and service uses within the village centre but also existing and new open space provisions. This approach is in line with the Grimsey Review 2 (July 2018) conclusions which highlight the need to reshape centres into community hubs which incorporate health, housing, arts, education, entertainment, business/office space, as well as some shops, while developing a unique selling proposition.
- 5.51 The Village Core functions encompasses residential, commercial, business and service, local community and leisure uses. The existing open spaces and other amenities and their connection and close proximity to the commercial, business and service uses serves a much wider purpose than simply providing retail services to meet day-to-day needs. The area functions as an important meeting place for local people to meet health, recreational and day-to-day business, commercial and service needs with new development anticipated to contribute to this wider purpose.

5.52 The policy therefore seeks to retain the Village Core functions and make provisions for redevelopments to enhance these functions through improving accessibility and the safety and enjoyment of the active travel environment, the public realm and the green environment through managing the design features for all new development proposals within the Village Core area and defining a new Village Centre Boundary ensuring any proposals promote the vitality of the Village Centre. The policy is intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community.

5.53 It is recognised that some of the changes of use within the Village Centre Boundary do not now require planning permission and new permitted development rights enable future changes of use from what are now Class E (commercial, business and service) uses to residential uses. The Parish Council encourages TDC to make an Article 4 Direction covering properties within the Village Centre Boundary to remove those rights, enabling such changes to remain in planning control. The Parish Council will submit a formal request for this following the referendum of this Neighbourhood Plan.



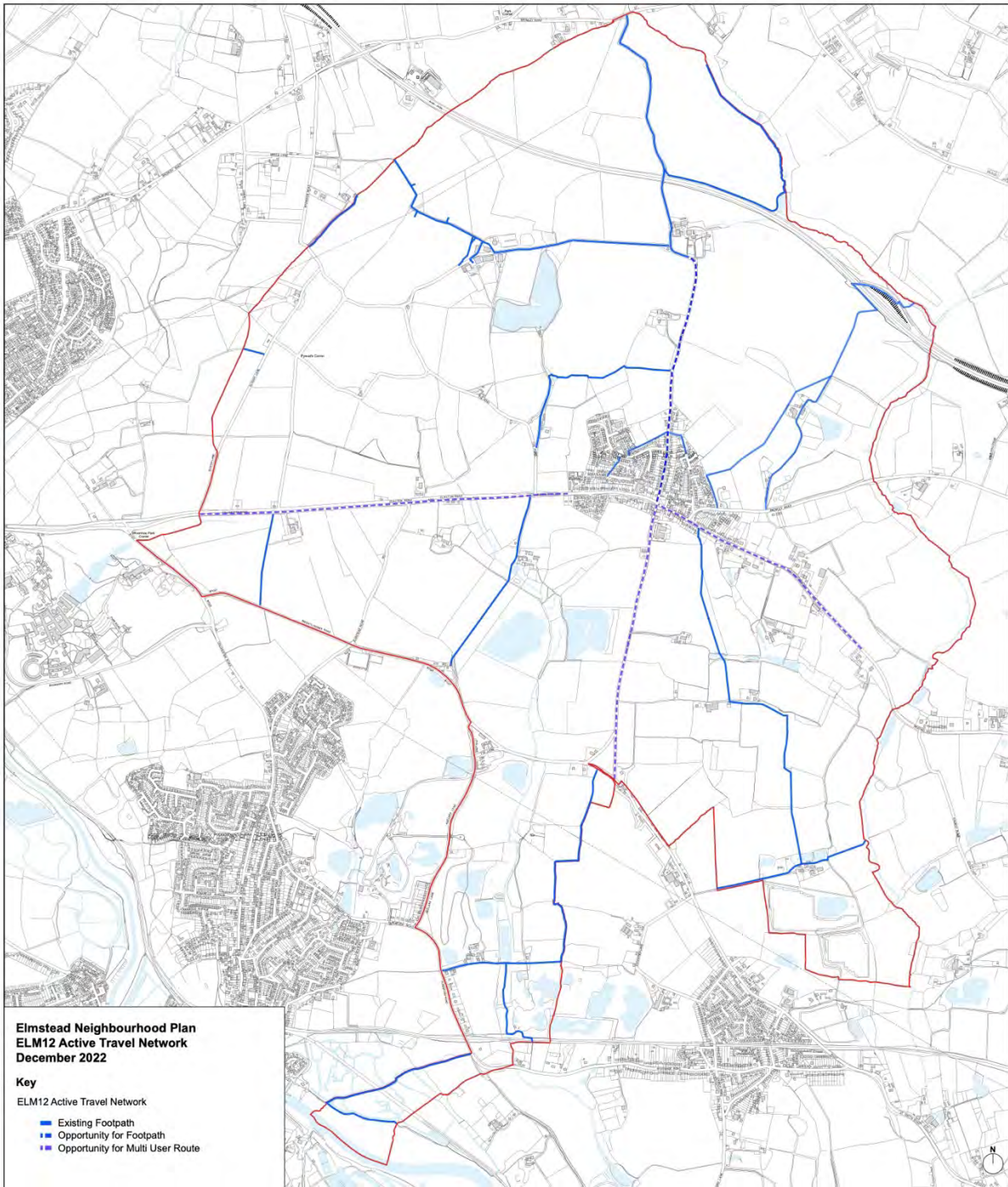
**Plan J: Elmstead Neighbourhood Plan Village Core and Village Centre Boundaries**

## POLICY ELM12: MOVEMENT AND CONNECTIVITY

- A. The Neighbourhood Plan identifies the existing Active Travel Network, as shown on the Policies Map, for the purposes of supporting active travel in the Parish.**
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout, means of access and landscape treatment.**
- C. Proposals that will harm the functioning or connectivity of the Network will not be supported.**

- 5.54 The policy seeks to encourage safe, accessible and convenient means of walking, cycling and horse riding through the Parish. It refines Tendring's Local Plan Part 2 Policy SP5 Infrastructure and Connectivity by providing a local element to its provisions in terms of seeking an attractive, safe, legible and prioritised walking/cycling environment.
- 5.55 The Policies Map shows the full extent of the existing Network which allows applicants to determine if their proposals should take this policy into account. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network and/or improve the attractiveness of rural routes. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.
- 5.56 Opportunities for an extended footpath between Elmstead Parish Church and the settlement of Elmstead Market; multi-user routes for pedestrians and cyclists from the settlement of Elmstead Market to its west, east and south has been identified through community engagement during the project and is shown on Plan K below.
- 5.57 It is recognised that the existing Active Travel Network falls within the area of search for the Tendring/Colchester Borders Garden Community. However, draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Borders Garden Community requires that '*Existing landscape features, PRoW and the network of lanes within the site should be retained, enhanced and incorporated into the development*'. In that respect, the policy therefore takes the opportunity to identify PRoWs, which form part of the existing Active Travel Network, and which should be

considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community. The Parish Council also supports the objective of the network of existing lanes within the area of search for the Tendring/Colchester Borders Garden Community to become green pedestrian and cycle links.



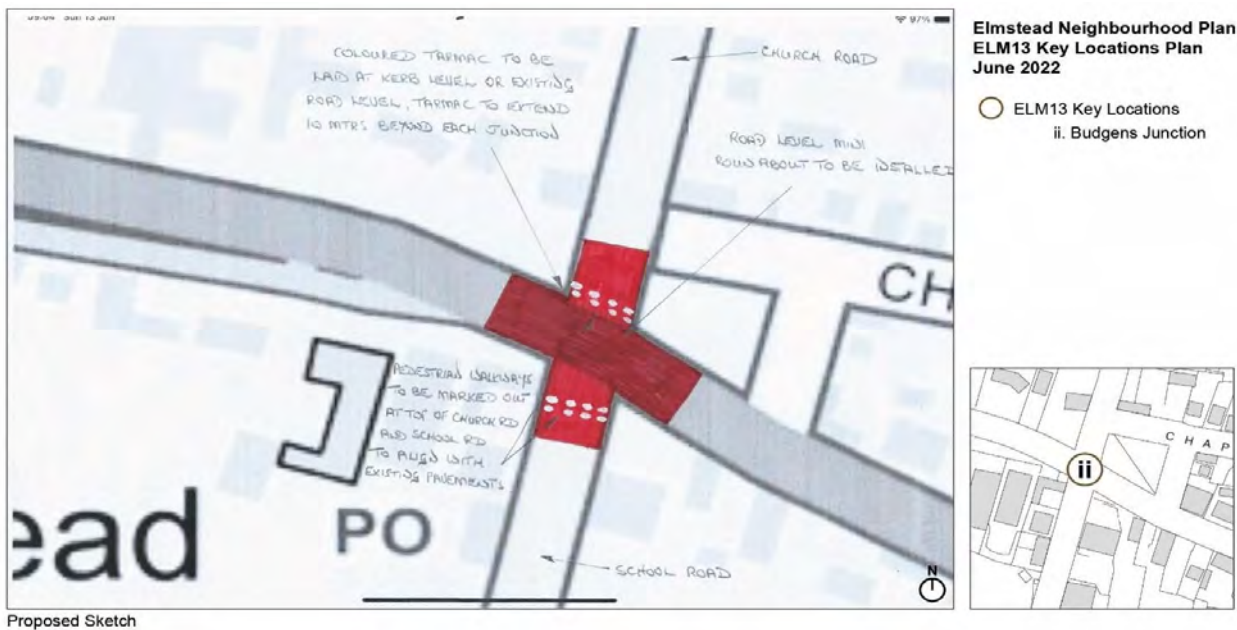
**Plan K: Elmstead Neighbourhood Plan Active Travel Network and opportunities for improvement**

- A. Key Locations, as shown on the Policies Map, have been identified as areas where public realm improvements and traffic mitigation measures are required to enhance the active travel environment and improve residential amenity and highway safety. Proposals which deliver such public realm improvements and traffic mitigation measures at Key Locations will be supported.**
  
- B. Development proposals that will generate a significant increase in traffic on Clacton Road will be required to contribute to public realm improvements and traffic mitigation measures at Key Locations so long as the contributions can be shown as necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.**

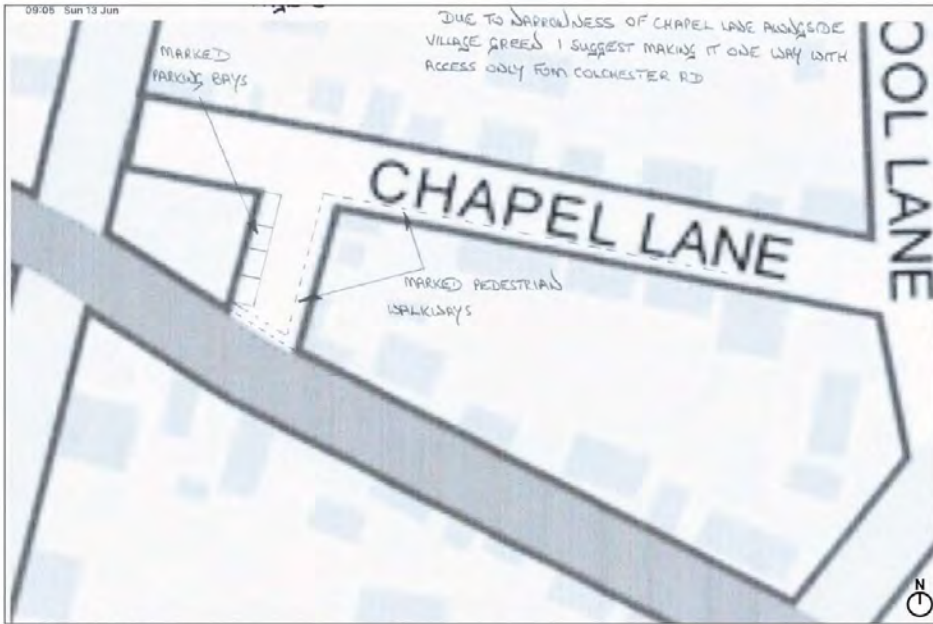
- 5.58 The policy identifies Key Locations where there are opportunities for traffic mitigation measures and public realm improvements to make walking and cycling more pleasant as a means by which traffic management effects and measures are tackled and invested in by development proposals. It operates alongside Policy ELM12 in seeking to encourage walking and cycling and refines Tendring's Local Plan Part 2 Policy SP5 Infrastructure and Connectivity by providing a local element to its provisions.
- 5.59 The cumulative effects of recently approved planning applications in the Parish have been established as residential: peak am 184, peak pm 170 and business: peak am 170, pm 135. The Tendring/Colchester Garden Community, and recently approved planning applications in the Parish is expected to increase construction and operational traffic on Colchester/Clacton Road, the Budgens junction and School Road.
- 5.60 The proposed A120/A133 link road and A133 (east and west) is expected to accommodate the majority of this traffic. It should also be noted that two of the recently approved developments has direct access to School Road which already has issues during peak hours, particularly with the peak am impact of Market Field School. Whilst some improvements have been agreed to the Budgens Junction, the latest planning application for development on School Road recognises that the junction will reach its design capacity once the development traffic is included.
- 5.61 During the plan formulation process, a number of possible solutions to growing issues at Key Locations were proposed (see Plans L and M below), and the Parish Council aspires to explore such solutions alongside the Highways Authority and other relevant

stakeholders for Key Locations, specifically to explore the feasibility of any potential solutions and improvements. The Policies Map therefore identifies these Key Locations.

5.62 It is recognised that the draft Tendring/Colchester Borders Garden Community DPD will establish transport infrastructure requirements for the Garden Community itself. However, draft Policy 7: Movement and Connections criterion 8. of the draft Tendring/Colchester Borders Garden Community requires that the Garden Community 'provide and fund improvements in local transport infrastructure where it is necessary and appropriate to do so'. In that respect, the policy therefore takes the opportunity to identify Key Locations which should be considered in proposals being brought forward to deliver the Tendring/Colchester Garden Community.

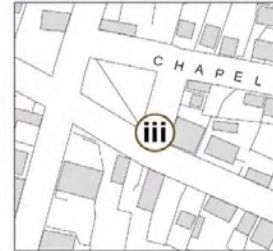


**Plan L: Possible solutions at Key Location ii. Budgens Junction**



Elmstead Neighbourhood Plan  
ELM13 Key Locations Plan  
June 2022

- ELM13 Key Locations
- iii. Chapel Lane



Proposed Sketch

**Plan M: Possible solutions at Key Location iii. Chapel Lane**





**Elmstead Neighbourhood Plan  
ELM13 Key Locations Plan  
July 2022**

- ELM13 Key Locations
  - i. Oatlands
  - ii. Budgens Junction
  - iii. Chapel Lane
  - iv. Village Green
  - v. Clacton Road/  
Bromley Road

**Plan N: Elmstead Neighbourhood Plan Key Locations**

## POLICY ELM14: LOCAL GREEN SPACES

**A. The Neighbourhood Plan designates the following Local Green Spaces, as shown on the Policies Map:**

- 1. The Playing Field**
- 2. Holly Way Green**
- 3. Lucerne Green**
- 4. Old School Playground**
- 5. Cricket Pitch**
- 6. Allen's Reservoir**

**B. Proposals for development in a Local Green Space will only be supported in very special circumstances.**

5.63 The policy designates a series of Local Green Spaces in accordance with §100 - §103 of the NPPF. A designation has the policy effect of the equivalence of the Green Belt in terms of the definition of 'inappropriate development' consistent with paragraph 101 and 143 of the NPPF and of the 'very special circumstances' tests in the NPPF when determining planning applications located within a designated Local Green Space.

5.64 A review of all open land within and adjoining each settlement has been completed, informed by the qualifying criteria in the NPPF. The land is considered to meet those criteria and is therefore worthy of designation as illustrated and justified in the Local Green Space report in the evidence base. In the Parish Council's judgement, each designation is capable of enduring beyond the end of the plan period. The owners of these sites were notified of the proposed Local Green Space designations during the preparation of the Plan.

5.65 The policy has been reviewed in relation to the consideration in the Court of Appeal (2020 EWCA Civ 1259) of an equivalent policy in a neighbourhood plan in Mendip District. Policy ELM14 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.

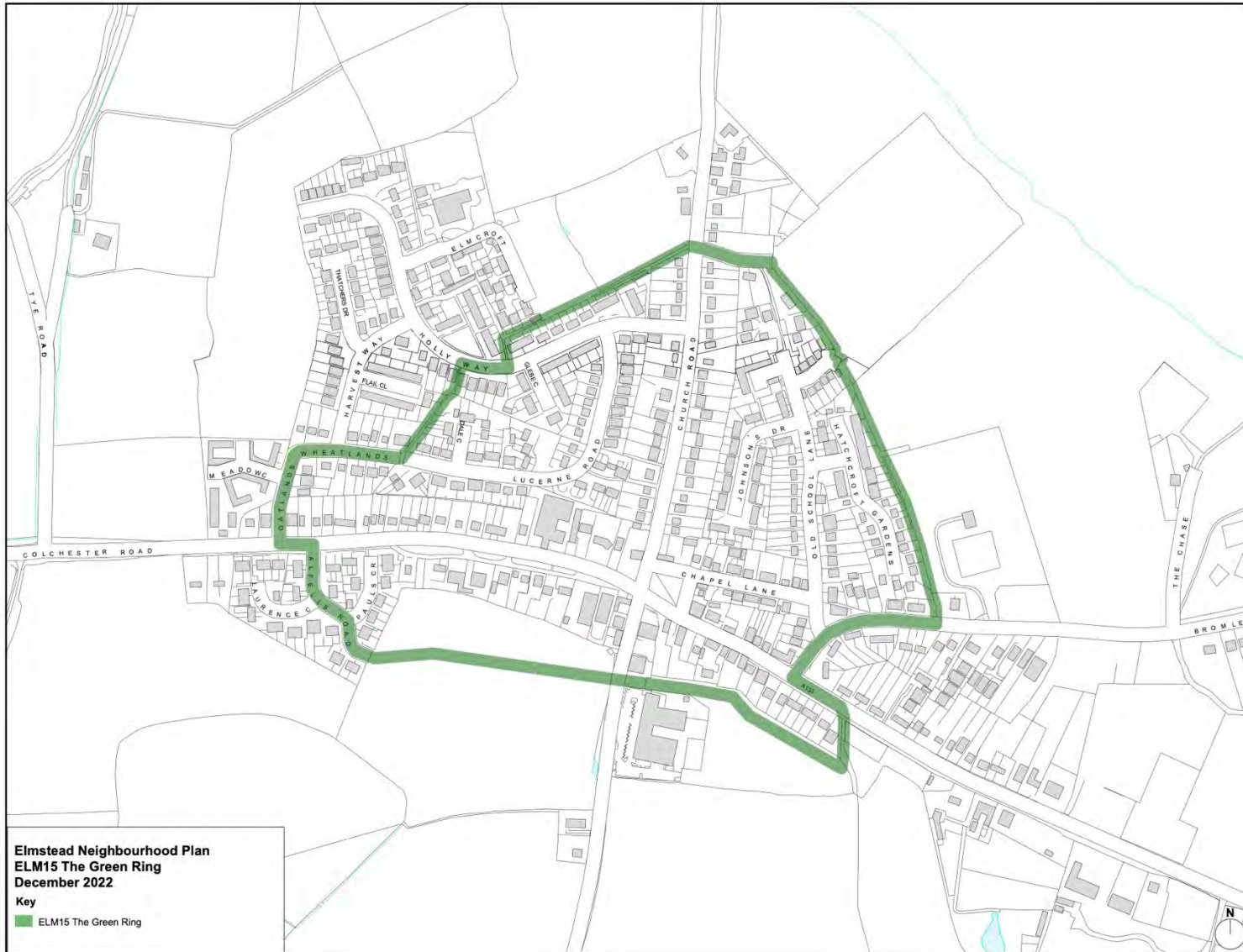


8 Allen's Reservoir (Sara White)

## POLICY ELM15: GREEN RING

- A. The Neighbourhood Plan proposes the establishment of a Green Ring around the village of Elmstead, as shown on the Policies Map, comprising a variety of green infrastructure assets, including formal open space, a footpath/cycle network, and land of biodiversity value.**
- B. Development proposals that lie within the broad location of the Green Ring will be required to align their public open space requirements with its objectives, so that they contribute to its successful formation and maintenance. Proposals that will lead to the unnecessary loss of Green Ring land or features that will prejudice the completion of the Green Ring will not be supported.**

- 5.66 The policy establishes the principle of the Green Ring at Elmstead as a green infrastructure project and identifies its broad location on the Policies Map. It requires all development proposals within its broad location to make provision for its delivery and management and it resists the loss of any Green Ring land or associated features that cannot be justified.
- 5.67 The planning of green infrastructure is an increasingly important element of national policy. The NPPF acknowledges this type of infrastructure can serve many simultaneous purposes, from providing a local recreational asset, to enhancing biodiversity, protecting visual amenity and adapting to climate change. Its two most important features, however, are in creating new, north-south' pedestrian routes on the western and eastern sides of the village (to overcome the dependence on the level crossing) and in providing a new amenity for existing residential areas.
- 5.68 The Green Ring will become a defining landscape feature of the settlement of Elmstead in years to come. It is accepted that its completion will take many years beyond the plan period and will rely upon future development proposals and the support of relevant landowners. However, significant segments at the heart of the village between the existing and proposed open space provisions will be delivered in the plan period through the completion of the new open space and redevelopment around the existing open space area.



Plan O: Elmstead Neighbourhood Plan Green Ring

- A. The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife. The Neighbourhood Plan designates this as a Network, as shown on the Policies Map, for the purpose of promoting nature recovery and for mitigating climate change. The Network comprises the establishment of the 'Green Ring' around and through the village of Elmstead, a variety of green spaces, ancient woodland, trees, hedgerows, water bodies, footpaths and other land of biodiversity value.**
  
- B. Development proposals which fall outside of the Tendring/Colchester Borders Garden Community that lie within or adjoining the Network are required to have full regard to maintaining and improving the functionality of the Network, including delivering a net gain to general biodiversity assets, in the design of their layouts, landscaping schemes and public open space provisions.**
  
- C. Proposals outside of the Tendring/Colchester Borders Garden Community that will lead to the loss of land lying within the Network and that will undermine its integrity will be resisted. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported, provided they are consistent with all other relevant policies of the development plan.**

5.69 The policy defines the presence of green and blue infrastructure assets in the Parish. By doing so it supports the vision and Place and People objectives of the Essex Green Infrastructure Strategy 2020 and Tendring's Local Plan Part 2 Policy HP3 Green Infrastructure. Its purpose is linked with the vision and principles of green infrastructure in the district of defining a network of green infrastructure assets in the neighbourhood plan area as a means of providing environmental support for the community and wildlife. These assets will be maintained and added to throughout the Neighbourhood Plan area and will be the means of nature recovery through connecting and improving habitats and sequestering carbon through woodland planting.

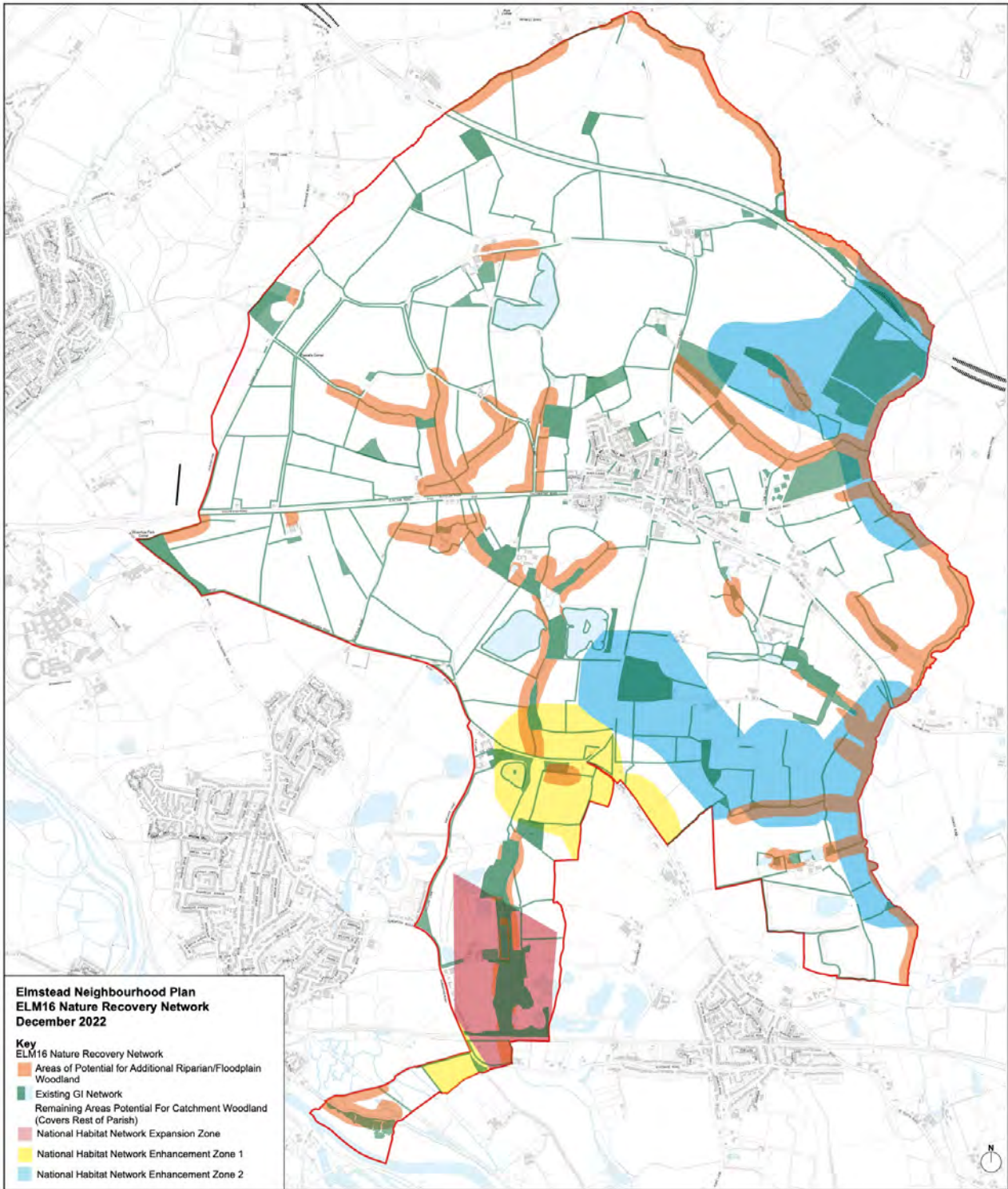
5.70 The policy therefore requires that all development proposals that lie within the Network, or that adjoin it, should consider how they may improve it, or at the very least do not undermine its integrity of connecting spaces and habitats. The Policies Map makes a distinction between those parts of the Network that have, or are likely to have, existing biodiversity value, based on published mapped data and observation, and those that do not. Green infrastructure is multi-functional but some features – for example amenity and formal recreational land – are unlikely to have

biodiversity value, or will be suited to improving that value by the nature of their use. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network, for example in complementing existing biodiversity value through the design of the landscape scheme. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.

- 5.71 The Network will become more valuable over time, and although the majority of these features are physically attached to enable habitat connectivity, some features of the Network are not. This does not devalue their integral biodiversity or recreational value and at some point in the future an opportunity may arise to achieve similar connectivity. The Neighbourhood Plan also signals to the Responsible Authority that it should consider the role of this Network in the future Local Nature Recovery Strategy for the area which is now a requirement of the Environment Act 2021.
- 5.72 It is recognised that the existing Green Infrastructure Network falls within the area of search for the Tendring/Colchester Borders Garden Community. However, draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Borders Garden Community requires that *'Existing landscape features, PRoW and the network of lanes within the site should be retained, enhanced and incorporated into the development'*. In that respect, the policy therefore takes the opportunity to identify existing green infrastructure which form part of the existing Green Infrastructure Network, and which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community. The Parish Council also supports the objective of the green corridor/buffer from Churn Wood to Turnip Lodge Lane and the landscape buffers alongside the A120/A133 link road within the area of search for the Tendring/Colchester Borders Garden Community.
- 5.73 Whilst there is land in the Parish which already have Countryside Stewardship Agreements, additional planting opportunities have been identified using the 'Working with natural processes to reduce flood risk' evidence base by the Flood and Coastal Erosion Risk Management Research and Development Programme and Environment Agency in February 2021. Specifically, opportunities for additional riparian woodland planting along water corridors. This type of planting can slow flood flows, help reduce sediment delivery to the watercourse, and provide shading. Much of the remainder of the open countryside in the Parish is suited to additional catchment woodland planting. This type of planting provides benefits across most ecosystem services, the greatest being habitat and climate regulation. There are also Enhancement and Expansion Zones identified by Natural England in December 2021 as part of its work on Habitat Network mapping to focus future action to enhance biodiversity. These opportunities are all shown on Plan P and the Parish Council will seek to work with landowners to realise such opportunities where possible avoiding the loss of the best and most versatile agricultural land.

5.74 It is acknowledged that draft Policy 3: Nature Part A: Green Infrastructure of the draft Tendring/Colchester Garden Community requires the strategy for selection of trees and other plants be selected to enhance both nature and beauty and for food. It will be expected that the 'Working with natural processes to reduce flood risk' evidence base informs the Garden Community planting strategy in this respect.





**Plan P: Elmstead Neighbourhood Plan Green Infrastructure Network including specific planting and biodiversity enhancement opportunities**



9 Palegate Wood, School Road (Giles Ward)

- A. Proposals to meet increasing demand by way of the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery will be supported.**
  
- B. All new residential development proposals, outside of the Tendring/Colchester Borders Garden Community, will only be permitted where they provide or improve the delivery of essential health and/or wellbeing facilities and services required to serve the scale of the development proposed and when that financial or other provision is requested by the North East Essex Clinical Commissioning Group or equivalent body.**
  
- C. Development proposals which would have a detrimental effect on, or result in the loss of essential GP facilities and services that meet community needs and support well-being will only be permitted where it can be clearly demonstrated that:**
  - i. The service or facility is no longer needed; or**
  
  - ii. It is demonstrated that it is no longer practical, desirable or viable to retain them; or**
  
  - iii. The proposals will provide sufficient community benefit to outweigh the loss of the existing facility or service.**

5.75 Recent planning applications have demonstrated that any new development in Elmstead would give rise to a need for improvements to health and wellbeing provision capacity. Elmstead Surgery has indicated that the existing surgery is operating at capacity and there is a desire to provide more prevention-based services such as hearing, mental health, podiatry etc. through location to a larger premises in the village. The Neighbourhood Plan therefore investigated the possibility of sites to accommodate an improvement in primary care provision for the village given the limitations of the existing site to expand, however was unable to secure a suitable site.

5.76 TDC's correspondence with the North East Essex Clinical Commissioning Group and other relevant organisations reflects that "generally, the NHS policy locally is to attempt to accommodate growth wherever possible within current premises

envelope, though this is likely to require capital works to adapt facilities over time". The longer-term vision, as set out in Tendring Infrastructure Delivery Plan, is "the creation of primary care hubs where GPs will share buildings with a wide range of health providers, including dentists, pharmacies, optometrists, opticians, etc. and smaller 'spoke' facilities will provide particular specialisms not otherwise provided at the main hub." The need for smaller 'spoke' facilities is considered to "often be because of geography, e.g. an area of population is not large enough to merit its own hub but is physically separated from the main hub by a river, making journey times unacceptably long for patients". The 'hub' model includes "looking at more prevention-based and integrated service provision with social care. Ideally, they would like citizens advice, mental health, yoga, pilates, a cyber café, etc, as part of the hub provision".

- 5.77 The Tendring Colchester Borders Garden Community will include a new build Health Centre to absorb growth from the total development and relocation of existing practice/s in the area. Whilst it does not make it clear which existing practice/s are planned to relocate to this new Health Centre, it is unlikely to include Elmstead Surgery given the location of existing facilities in Colchester and with Elmstead Surgery operating at maximum capacity. In any case, Tendring's Infrastructure Delivery Plan notes that new development sites will be "reviewed individually or as part of the hub and spoke modelling exercise for enhanced primary care floor space provision in the form of reconfiguration and/or refurbishment of the existing Elmstead Surgery".
- 5.78 Given that no specific site proposals have come forward, and the existing site is unable to accommodate expansion, the policy seeks to refine Tendring's Local Plan Part 2 Policy SP5 Infrastructure & Connectivity and Policy HP1 Improving Health and Wellbeing by way of supporting the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives, in line with the STP Estate Strategy.

## POLICY ELM18: LOCAL COMMUNITY USES

- A. The Neighbourhood Plan identifies the following community facilities, as shown on the Policies Map:**
- i. Elmstead Primary School;**
  - ii. Elmstead Grasshoppers Cricket Club;**
  - iii. The new Elmstead Village Hall;**
  - iv. Market Field School;**
  - v. Elmstead Parish Church, St Anne and St Laurence.**
- B. Development proposals which would affect the use of the identified community facilities will be determined against the provisions of Policy HP2 Community Facilities of Tendring's Local Plan Part 2.**
- C. Proposals to change the use of part of a community facility that is surplus to requirements will be supported where they will not undermine the overall viability and importance of the community facility concerned.**
- D. Proposals for new community facilities, particularly a public house or drinking establishment with expanded food provision, will be supported.**

5.79 The policy supplements and refines existing development plan policy on community facilities to which the policy should apply and by seeking to ensure that the long-term potential value of land in community use is not lost without good reason. The list of facilities includes all of those that are valued by the local community. On occasions, some facilities will struggle, but this will more often be related to the economic viability of the use, rather than the limitations of the premises, land or location. As finding new land for such uses is often difficult, it is important that established land is retained in that use, even if the current occupier is not viable.

5.80 The policy therefore allows for a partial change of use of a facility, if this is intended to help secure its longer-term viability. This may be an important way of putting to economic use floorspace that is no longer needed, but which can make a financial contribution to sustaining the community facility. However, such changes must be shown not to undermine the community functions of the use.

## 6. IMPLEMENTATION & MONITORING

- 6.1 The Neighbourhood Plan policies will be implemented through the determination of planning applications for development in the Parish by TDC.

### DEVELOPMENT MANAGEMENT

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- 6.2 The planning authority will use a combination of the Local Plan and Neighbourhood Plan policies to inform and determine its planning application decisions. The Parish Council is a statutory consultee on planning applications made in the Parish and it will be made aware of any future planning applications or alterations to those applications by TDC. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.
- 6.3 Where necessary, the Parish Council may seek to persuade the Secretary of State to call-in a planning application that it considers is in conflict with the Neighbourhood Plan but which the planning authority has deemed to consent. Similarly, it may also seek to persuade the Secretary of State to recover an appeal of a refused application, where the conflict with one or more Neighbourhood Plan policies has been important in the reasons for refusal. In both cases, the Parish Council will do so if it considers matters of national policy significance (for neighbourhood planning) are raised.

### LOCAL INFRASTRUCTURE IMPROVEMENTS

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- 6.4 Where opportunities arise through S106 agreements (or through the Community Infrastructure Levy) to secure financial contributions to invest in improving local infrastructure. Should an opportunity arise, the Parish Council will review the evidence base and community consultations for the neighbourhood plan to inform its view in liaising with TDC. This is in addition to the infrastructure projects that are proposed to be delivered through site specific policies in this Neighbourhood Plan.
- 6.5 It is recognised that with the increase in new housing developments within Elmstead and surrounding villages that this will generate an increase in traffic movements on the A133 and the Bromley / Harwich roads. To mitigate the effects of this increase it is felt that traffic calming measures will need to be introduced along the A133 through the village. The junction at the A133 Road and School Road has reached capacity in its present form, therefore a small roundabout be created to help slow traffic movement and allow traffic from Church Road and School Road to move onto or off the A133. Also, mini roundabouts could be created at the Alfells and Oatlands junctions helping to slow traffic entering the village from Colchester and allowing residents to join the A133 safely.

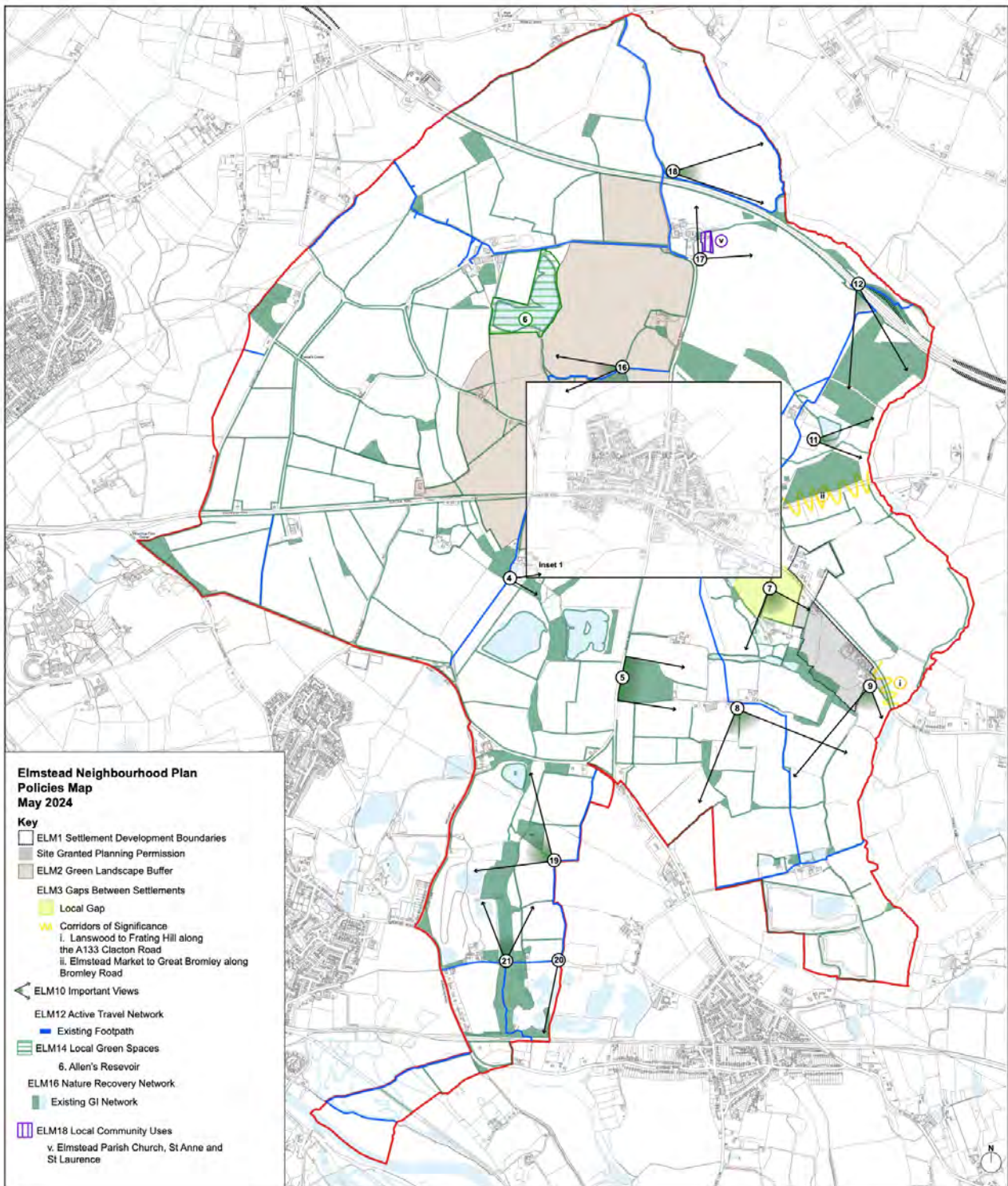
6.6 It is recognised that with the increase in traffic on the A133 a new pedestrian crossing will need to be installed on the western approach to the village. A puffin crossing is considered ideal for a busy road as the pedestrian signals are on the same side as the pedestrian and the crossing uses sensors to determine when someone is on the road allowing more time for less mobile residents to cross rather than a pre-set interval.

#### OTHER NON-PLANNING MATTERS

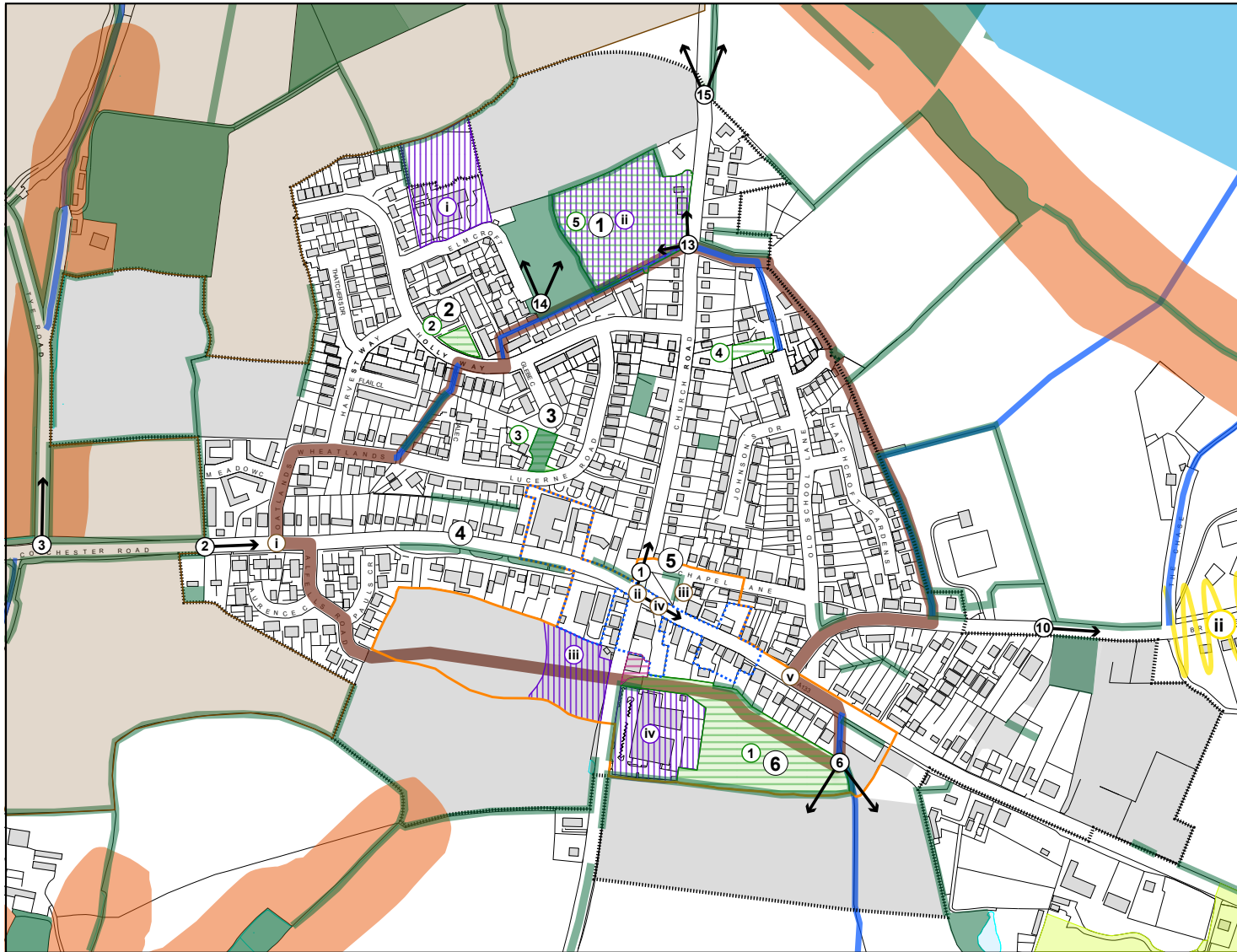
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6.7 During the process of preparing the Neighbourhood Plan, there have been many ideas for improving or addressing current problems in the Parish that lie outside the scope of the land use planning system to control. The Parish Council has noted these issues and will take them forward through its day-to-day business and in partnership with the local community and relevant parties. These include:

- Concerns were raised over the distribution of postboxes within the Parish. While the eastern Village is well served, the more recent expansions towards the west of the Village are some distance away from the nearest postbox, requiring crossing multiple roads to use. Conversations with residents challenged by mobility impairments were of specific concern. A letter has been sent to Colchester's Delivery Manager for Royal Mail, conveying this problem and offering the Council's support in finding effective solutions.
- Amongst the most common feedback from the community was a variety of concerns around access to and capacity of local GPs. Having been aware of this issue for some time, Councillors have talked to the General Manager responsible for the Parish's GP surgery, but unpredictable trends during the COVID 19 pandemic made long term planning impossible. A letter has been sent to the responsible manager, to in turn be forwarded to the relevant NHS strategic planning team, raising the specific concerns communicated during neighbourhood plan outreach, and offering the Parish Council's support in exploring solutions.
- An incredible amount of support was voiced amongst the community for a pub or similar venue in the Parish. The Council has taken note of this sentiment and will consider any such proposals on their merit. For the time being the Council is working closely with Elmstead Cricket Club on a number of events, which provides a similar function as a social centre of the Village.







### Elmstead Neighbourhood Plan Policies Map Inset 1 July 2024

**Key**

- ELM1 Settlement Development Boundaries
- Site Granted Planning Permission
- ELM2 Green Landscape Buffer
- ELM3 Gaps Between Settlements
- Local Gaps
- Corridors of Significance
  - ii. Elmstead Market to Great Bromley along Bromley Road
- ELM4 The Former Elmstead Community Centre
- ELM10 Important Views
- ELM11 Village Core
- ELM11 Village Centre Boundary
- ELM12 Active Travel Network
  - Existing Footpath
- ELM13 Key Locations
  - i. Oatlands
  - ii. Budgens Junction
  - iii. Chapel Lane
  - iv. Village Green
  - v. Clacton Road/ Bromley Road
- ELM14 Local Green Spaces
  - 1. The Playing Field
  - 2. Holly Way Green
  - 3. Lucerne Green
  - 4. Old School Lane Playground
  - 5. Cricket Pitch
- ELM15 The Green Ring
- ELM16 Nature Recovery Network
  - Areas of Potential for Additional Riparian/Floodplain Woodland
  - Existing GI Network
  - National Habitat Network Enhancement Zone 2
- ELM18 Local Community Uses
  - i. Elmstead Primary School
  - ii. Elmstead Grasshoppers Cricket Club
  - iii. The new Elmstead Village Hall
  - iv. Market Field School

## APPENDIX A – ZERO CARBON BUILDINGS

1. The UK Parliament declared an environment and climate emergency<sup>1</sup> in May 2019, followed by TDC on 6 August 2019. The Climate Change Act 2008<sup>2</sup> is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements and commits the UK government by law to reducing greenhouse gas emissions to 'net zero' by 2050.
2. In 2019, Tendring District Council declared a climate emergency acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council aims to achieve carbon neutrality by 2030. This is supported by ECC who established the Essex Climate Action Commission in 2019 to promote and guide climate action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and cross-party body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report, Net Zero: Making Essex Carbon Neutral, in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report sets out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating. The report covers a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. The report's recommendations are now incorporated into a Climate Action Plan and a focused work programme over the coming years to ensure the effects of climate change can be mitigated
3. Policy SPL3 of Tendring's Local Plan Part 2 however was prepared prior to Government committing the UK in law to 'net zero' by 2050 as per the Climate Change Act 2008 (as amended)<sup>34</sup> and emission cuts of 78% by 2035 to bring UK Law in line with the recommendations of the Committee on Climate Change (CCC) Sixth Carbon Budget Report, and the Paris Agreement commitments<sup>5</sup>.

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<sup>1</sup> 'Emergency' – "a sudden serious and dangerous event or situation which needs immediate action to deal with it"

<sup>2</sup> Amended by Climate Change Act 2008 (2050 Target Amendment) Order – SI 2019/1056 - 26 June 2019

<sup>3</sup> [Insert reference to LP examination and basis on which energy policies examined]

<sup>4</sup> The Climate Change Act established a long-term legally binding framework to reduce emissions, initially committing the UK to reducing emissions by at least 80% below 1990/95 baselines by 2050. In June 2019, following the IPCC's Special Report on Global Warming of 1.5°C and advice from the independent Committee on Climate Change, the CCA was amended to commit the UK to achieving a 100% reduction in emissions (to net zero) by 2050. 2019 UK Greenhouse Gas Emissions: BEIS Feb 2021 ([Link](#))

<sup>5</sup> The Govt communicated to the UN the UK's contribution to the agreement on 12 Dec 2020

4. The Energy White Paper published in December 2020 sets out the government's Vision and 10-point transition plan for how the UK will reach the UK target of 'net zero' carbon emissions by 2050. The White Paper confirms the government's intention to ensure significant strides are made to improve building energy performance to meet this target. This means that by 2030 all new buildings must operate at 'net zero', the means by which this can be achieved is described in the diagram overleaf<sup>6</sup>.
5. Planning plays an important role in minimising our contribution to and increasing resilience to the effects of climate change. It can provide a positive and encouraging framework for change and can resist harmful development. The CCC highlights that we need to build new buildings with 'ultra-low' levels of energy use. The CCC also makes a specific reference to space heating demand and recommends a maximum of 15-20 kWh/m<sup>2</sup>/yr for new dwellings<sup>78</sup>.

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<sup>6</sup> LETI Climate Emergency Design Guide ([Link](#))

<sup>7</sup> The UK housing: Fit for the future? report published by the Committee on Climate Change in February 2019 recommends ultra-low levels of energy use and a space heating demand of less than 15-20 kWh/m<sup>2</sup>/yr. ([Link](#))

<sup>8</sup> The costs and benefits of tighter standards for new buildings report, produced by Currie & Brown and AECOM for the Committee on Climate Change's UK housing: Fit for the future? Report ([Link](#))

# Net Zero Operational Carbon

## Ten key requirements for new buildings

By 2030 all new buildings must operate at net zero to meet our climate change targets. This means that by 2025 all new buildings will need to be designed to meet these targets. This page sets out the approach to operational carbon that will be necessary to deliver zero carbon buildings. For more information about any of these requirements and how to meet them, please refer to the: UKGBC - Net Zero Carbon Buildings Framework; BBP - Design for Performance Initiative; RIBA - 2030 Climate Challenge; GMA - Net Zero Housing Project Map; CIBSE - Climate Action Plan; and LEI - Climate Emergency Design Guide.

### Low energy use

- 1 Total Energy Use Intensity (EUI) - Energy use measured at the meter should be equal to or less than:
  - 35 kWh/m<sup>2</sup>/yr (GIA) for residential<sup>1</sup>

For non-domestic buildings a minimum DEC 3 (40) rating should be achieved and/or an EUI equal to or less than:

  - 65 kWh/m<sup>2</sup>/yr (GIA) for schools<sup>1</sup>
  - 70 kWh/m<sup>2</sup>/yr (NLA) or 55 kWh/m<sup>2</sup>/yr (GIA) for commercial offices<sup>2</sup>
- 2 Building fabric is very important therefore space heating demand should be less than 15 kWh/m<sup>2</sup>/yr for all building types.

### Measurement and verification

- 3 Annual energy use and renewable energy generation on-site must be reported and independently verified in-use each year for the first 5 years. This can be done on an aggregated and anonymised basis for residential buildings.

### Reducing construction impacts

- 4 Embodied carbon should be assessed, reduced and verified post-construction.<sup>3</sup>



### Low carbon energy supply

- 5 Heating and hot water should not be generated using fossil fuels.
- 6 The average annual carbon content of the heat supplied (gCO<sub>2</sub>/kWh) should be reported.
- 7 On-site renewable electricity should be maximised.
- 8 Energy demand response and storage measures should be incorporated and the building annual peak energy demand should be reported.

### Zero carbon balance

- 9 A carbon balance calculation (on an annual basis) should be undertaken and it should be demonstrated that the building achieves a net zero carbon balance.
- 10 Any energy use not met by on-site renewables should be met by an investment into additional renewable energy capacity off-site OR a minimum 15 year renewable energy power purchase agreement (PPA). A green tariff is not robust enough and does not provide 'additional' renewables.

#### Notes:

**Note 1 - Energy use intensity (EUI) targets**  
The design targets in this document, used in the building design process, should be measured. The final EUI should be reported at the end of the building's life cycle. The final EUI should be reported at the end of the building's life cycle. The final EUI should be reported at the end of the building's life cycle.

**Note 2 - Commercial offices**  
The design targets in this document, used in the building design process, should be measured. The final EUI should be reported at the end of the building's life cycle. The final EUI should be reported at the end of the building's life cycle.

**Note 3 - Whole life carbon**  
The design targets in this document, used in the building design process, should be measured. The final EUI should be reported at the end of the building's life cycle. The final EUI should be reported at the end of the building's life cycle.

**Note 4 - Additional to climate change**  
The design targets in this document, used in the building design process, should be measured. The final EUI should be reported at the end of the building's life cycle. The final EUI should be reported at the end of the building's life cycle.

Developed in collaboration with:



Supported by:



6. A 'net zero' carbon building is therefore first and foremost an energy efficient building in which the amount and cost of energy used for heating or cooling is minimised, as is the demand on the energy supply network.
7. This approach unequivocally focuses on the Energy Hierarchy – **BE LEAN, BE CLEAN, BE GREEN, BE SEEN** – the latter requiring comprehensive post occupancy monitoring, verification and rectification (if necessary) to ensure buildings perform in the way approved at design stage, ensure planning commitments are delivered and any 'performance gap' issues are resolved.
8. There is a significant weight of evidence that buildings rarely live up to their designers expectations when completed and occupied, and depart significantly from the standards against which they were certified at design stage. This is known as the 'performance gap' and is a widely acknowledged problem<sup>9</sup>. Research indicates this gap can be anything from 50% increase in energy use than designed for, to 500%.
9. The consultation on the 'Future Buildings Standard' announced in January 2021 aims to 'radically improve' the energy performance of new homes ensuring they are 'zero carbon ready' by 2025. This means having high levels of energy efficiency and fabric performance that produce 75 to 80 per cent lower carbon emissions than houses built to current standards.
10. By 'Zero Carbon Ready' the Government has confirmed this means that no further retrofit work will be necessary to enable them to become zero carbon homes. To do otherwise, as the Consultation Impact Assessment (CIA)<sup>10</sup> confirms, would create homes which are not fit for purpose and would pass on a significant financial liability to future building occupiers or homeowners, many of whom may be struggling to meet the purchase price or rental costs of their new home in the first place. It could also unnecessarily push householders into fuel poverty. A Climate Change Committee Report in 2019<sup>11</sup> confirmed the costs of achieving higher energy performance standards via retrofit can be five times the cost (about £25000 per home) compared to designing these requirements into new buildings from the outset.
11. Tendring's current Policy SPL3 will require retrofit which will result in disturbance to future occupiers and may contribute to pushing householders into fuel poverty. A recent appeal decision<sup>12</sup> notes *"It seems to me folly to build new houses now that will commit owners to potentially expensive and disruptive alterations as the UK moves to decarbonise heating of its housing stock"*. East Hampshire District Council have also confirmed that it will demand zero-carbon homes in its new Local Plan with the Leader of the Council echoing the Planning Inspector's position: *"It is ridiculous that homes being built now will need to be retro-fitted with energy-saving measures in 10 or 15 years' time. Today's homes should be built to meet tomorrow's challenges"*<sup>13</sup>.

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<sup>9</sup> Section 3.3. The Future Buildings Standard consultation, Jan 2021 ([Link](#))

<sup>10</sup> Paragraph 1.7 The Future Buildings Standard consultation impact assessment, Jan 2021 ([Link](#))

<sup>11</sup> The Costs and Benefits of tighter standards for new buildings; Final Report for Climate Change Committee 2019 ([Link](#))

<sup>12</sup> APP/K1128/W/20/3252623 paragraphs 59 and 60: 15 November 2021 [Link](#)

<sup>13</sup> Council calls for zero-carbon homes, November 2021 ([Link](#))

12. In January 2021, the Government in their response to the Future Homes Standard (FHS) consultation<sup>14</sup>, acknowledged the legislative framework had moved on since the publication of the Written Ministerial Statement (WMS) in March 2015 (HCWS488). The response confirmed that to provide certainty in the immediate term, the Government would allow local energy efficiency standards for new homes to be set locally. This is further supported by the legal opinion supplied by the Environmental Law Foundation in relation to the North Hinksey Neighbourhood Plan which confirms that the WMS from March 2015 appears to have been superseded by subsequent events and should not be read in isolation<sup>15</sup>. To all intents and purposes the WMS is no longer relevant to plan making.
13. The NPPF states at paragraph 148 that:  
*"The planning system should support the transition to a low carbon future in a changing climate...it should help to shape places in ways that contribute to **radical** reductions in greenhouse gas emissions..."* (Plan emphasis)
14. The NPPF also makes clear that 'landform, layout, building orientation, massing and landscaping' all contribute to well-designed places which are both efficient and resilient to climate change. The Government's Net Zero Strategy: Build Back Greener - October 2021 confirms a commitment to review the NPPF to make sure it contributes to climate change mitigation and adaptation as fully as possible.
15. There are therefore a number of ways in which climate change may be mitigated in a local area using land use and development management policies. Neighbourhood plans are well suited to providing this policy framework in the interim, where there is an absence of up to date strategic policies at the Local Plan level. Aside from ensuring sustainable patterns of land uses in settlements, policies can be used to minimise the energy demand of buildings, to store carbon and to generate renewable energy. National planning policy encourages each of them but does not specify precisely how a local area should go about realising opportunities.
16. There are practical ways that each can be delivered in a local area. The Passivhaus standard has been shown to be an effective means of designing for significantly improved energy performance of new and existing buildings. The more buildings, of all uses, that meet this standard, the better. And storing emitted carbon in plant life can reduce atmospheric carbon dioxide that is increasing global temperatures. The more that storage capacity in the local area is increased, the greater the contribution to reducing the pace of temperature increases.
17. The Government's Heat and Building's Strategy highlights the need for a local, as well as national, response to achieve 'Net Zero' and refers specifically to the 'Local Climate Action' chapter in the Net Zero Strategy. A key commitment of that Strategy being to promote best practice...and share successful net zero system solutions. Policy ELM8 Zero Carbon Buildings is therefore intended as an interim measure until TDC review and update their current policy.

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<sup>14</sup> The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings. Summary of response received and Government response; MHCLG. Exec Summary Page 4. ([Link](#))

<sup>15</sup> Appendix 1 Evidence and arguments for binding Energy Efficiency policies in neighbourhood plans ([Link](#))

18. Policy ELM8 Zero Carbon Buildings will ensure the updated legal framework will apply in the Parish, whereas in the intervening period since its adoption, Policy SPL3 has become inconsistent with this framework and hence falls short of the Local Planning Authority's duty to act under Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and reflected in NPPF (2021) paragraphs 152 and 153 and footnote 53 ("Plans should take a proactive approach to mitigating and adapting to climate change", "in line with the objectives and provisions of the Climate Change Act 2008"). As such, the Parish Council will willingly offer this policy to TDC to help frame a District-wide policy in an update to the adopted Local Plan.
19. Furthermore, Policy ELM8 also applies the 'precautionary principle' which provides the basis to anticipate, avoid and mitigate threats to the environment. Hence, the policy acknowledges the CCC's Sixth Carbon Budget recommendation that delaying action or a failure to follow the critical dates in the 'balanced pathway'<sup>16</sup> will require costly corrective action in the future<sup>17</sup>.
20. The Government addressed the CCC's recommendation head on in their response to the Future Homes Standard consultation<sup>18</sup>. Confirming that 'it is significantly cheaper and easier to install energy efficiency and low carbon heating measures when homes are built, rather than retrofitting them afterwards'. Failure to implement Policy ELM8 on new development will add to the existing and costly retrofit burden that will be required of the existing housing stock in the Parish; only adding to the costs across the area as a whole.
21. In respect of the impact of Policy ELM8 on scheme viability, any extra-over cost of building to higher energy efficiency standards is becoming marginal as skills and supply chains begin to mature. Recent viability evidence for residential development prepared for Cornwall Council by Three Dragons<sup>19</sup> concludes that the additional costs associated with building new dwellings to the standards required in their Sustainable Energy and Construction policy (SEC1) can be met without jeopardising viability in most cases. This compares favourably with earlier evidence which indicated that costs associated with building to Passivhaus levels are already less than 5% and will fall to zero well within the period of this Neighbourhood Plan, as per both the Government's and CCC's impact assessments and research by the Passivhaus Trust. The policy will ensure that expensive and unnecessary retrofit costs are not passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be acceptable as a reason for not using the Standard, unless the applicant can demonstrate the scheme has abnormal development costs to accommodate.
22. Policy ELM8 only applies to Elmstead and therefore, by definition, is non-strategic (NPPF §28) nor is it considered to undermine Policy SPL3 (NPPF §29). The NPPF confirms "all plans should" mitigate climate change (NPPF §11a). The policy has both 'regard

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<sup>16</sup> The Sixth Carbon Budget: The UK's Path to Net Zero; Committee on Climate Change, December 2020. Table 3.2a page 112. ([Link](#))

<sup>17</sup> *ibid* (vi): Paragraph 5.3 'Retrofit Costs'.

<sup>18</sup> *Ibid* (vii): Paragraph 1.4 'Net zero emissions and climate change'.

<sup>19</sup> Cornwall Council Climate Emergency Development Plan Viability Assessment Update: Three Dragons November 2021 ([Link](#))

to' the NPPF and advice issued by the Secretary of State, including the Governments response to the FHS consultation, while also supporting and upholding the general principle that Tendring's Policy Part 2 Policy SPL3 Sustainable Design in particular are concerned with, while providing "a distinct local approach" (PPG ID:41-074)<sup>20</sup>. It supports the Local Plan 'as a whole' including its vision and objectives which require the delivery of high environmental standards and mitigating climate change.

23. In the Parish Council's judgement, the approach taken in Policy ELM8 and the neighbourhood plan as a whole is consistent with the law as it currently stands and its interpretation of paragraphs 8(2)(a)&(e) of Schedule 4B of the TCPA 1990<sup>21</sup>.

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<sup>20</sup> Ibid Footnote 17

<sup>21</sup> BDW Trading Limited vs Cheshire West and Chester Borough Council and Tattenhall Neighbourhood Plan (2014 - EWHC 1470 - Paragraph 82)  
Crownhall Estates Ltd vs Chichester DC and Loxwood PC (2016 EWHC 73 - Paragraph 29ii)





# Elmstead

Design Guidance and Codes  
ELMSTEAD IN BLOOM

Final Report  
June 2022

### Quality information

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### Revision History

Issue no.	Issue date	Details	Issued by	Position
2	28.06.2022	Review	Annabel Osborne	Locality
1	16.06.2022	Review	Angela Baxter	Elmstead Parish Council
0	18.03.2022	Research, site visit, drawings	Holly Turner	Urban Designer

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Introduction

01

# 1. Introduction

**Through the department for Levelling up, Housing and Communities (DLUHC) Neighbourhood Planning Programme led by Locality, AECOM was commissioned to provide design support to Elmstead Parish Council. The support is intended to provide design guidance and codes based on the character and local qualities of the area to help influence residential development.**

Page 342

## 1.1 Purpose of the report

The government is placing significant importance on the quality of design through the development of design codes which aim to set standards for design upfront and provide firm guidance on how sites should be developed. The role of design guidelines and codes in the development of a Neighbourhood Plan is expressed in the NPPF 2021, paragraph 128 which states that:

*'To provide maximum clarity about design expectations at an early stage, plans... should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.'*

The design guidelines and codes set out in this report will provide a detailed framework that should be followed by any future design proposals that come forward within the neighbourhood area to ensure it meets a consistent, high-quality standard of design and positively contributes to the unique character of Elmstead.

It is intended that this report becomes an integral part of the Neighbourhood Plan by informing policies that will influence the design of new development and have weight in the planning process.

## 1.2 Preparing the report

The following steps were agreed with the Neighbourhood Plan Steering Group to produce this report, which draws upon policy development and engagement work undertaken by the Group:



## 1.3 Area of study

Elmstead is a civil parish located in the Tendring district of Essex in the east of England. It lies 3km north east of Wivenhoe and 6km east of Colchester. The main built-up area within Elmstead is Elmstead Market a village which is located centrally within the parish.

The original name of the village was Almsteda and dates back to the time of the Saxon King Edward the confessor, however by the 13th Century it had become Elmstead. Historically, Elmstead was a farming community and still is to this day. Prior to the development of the railway to the south of Elmstead it was a wealthy area, however it was subsequently overtaken by Wivenhoe and Alresford due to their proximity to the railway line.

Elmstead could potentially see a lot of growth in the coming years due to the proposed garden village that lies to the west of the parish partially in Colchester and partly in the Tendring District. Although the garden village falls partly within the

neighbourhood area this document does not seek to influence the design of the garden village.

There are also a number of approved housing developments within the parish, mostly on the outskirts of the village and will form extensions to the village. The remainder of the neighbourhood area is made up of countryside with the occasional farmhouse or cluster of a few houses. Therefore, outside of the village there is a more rural feel to the area.

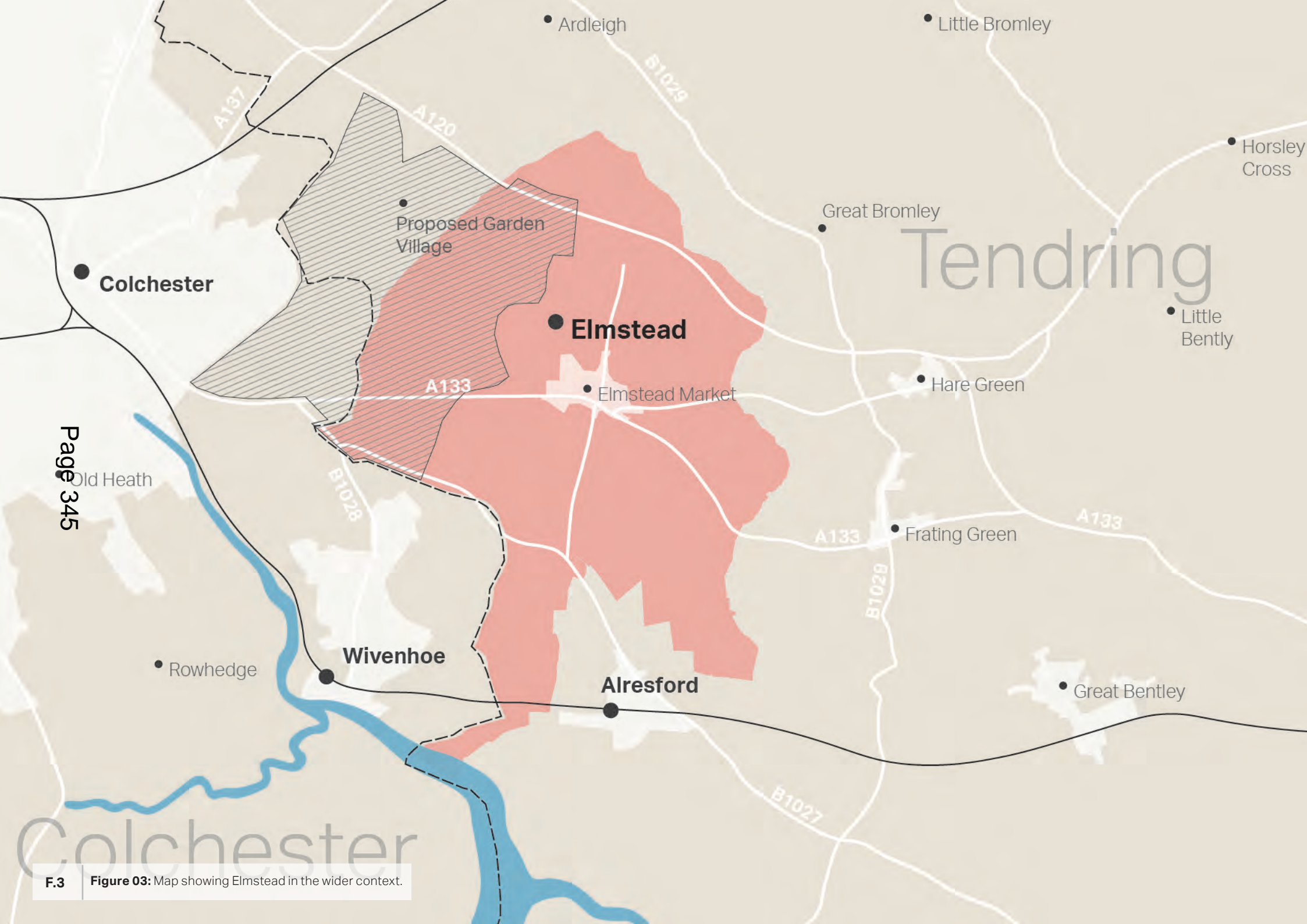


**Figure 01:** Existing village hall within Elmstead.



**Figure 02:** Traditional cottage within the centre of Elmstead.





F.3 Figure 03: Map showing Elmstead in the wider context.

Policy Review

02

# 2. Policy Review

## 2.1 National planning policy and guidance

As the National Planning Policy Framework (paragraph 126) notes, “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Page 347 National and local policy documents can provide valuable guidance for bringing about good design and the benefits accompanying it. Some are there to ensure adequate planning regulations are in place so that development is both fit for purpose and able to build sustainable, thriving communities. Other documents are more technical and offer specific design guidance which can inform design codes and masterplanning activities.

Developers should refer to these key documents when planning future development in Elmstead. The following documents at a national level have informed the design guidance within this report:

### 2021 National Model Design Code DLUHC

This report provides detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on 10 characteristics of good design set out in the National Design Guide. This guide should be used as reference for new development.

### 2020 - Building for a Healthy Life Homes England

Building for a Healthy Life (BHL) is the new (2020) name for Building for Life, the government-endorsed industry standard for well-designed homes and neighbourhoods. The new name reflects the crucial role that the built environment has in promoting wellbeing. The BHL toolkit sets out principles to help guide discussions on planning applications and to help local planning authorities to assess

the quality of proposed (and completed) developments, but can also provide useful prompts and questions for planning applicants to consider during the different stages of the design process.

### 2019 - National Planning Policy Framework DLUHC

Development needs to consider national level planning policy guidance as set out in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG). In particular, NPPF Chapter 12: Achieving well-designed places stresses the creation of high-quality buildings and places as being fundamental to what the planning and development process should achieve. It sets out a number of principles that planning policies and decisions should consider ensuring that new developments are well-designed and focus on quality.



## 2019 - National Design Guide DLUHC

The National Design Guide (Ministry of Housing, Communities and Local Government, 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

## 2007 - Manual for Streets Department for Transport

Development is expected to respond positively to the Manual for Streets, the Government's guidance on how to design, construct, adopt and maintain new and existing residential streets. It promotes streets and wider development that avoid car dominated layouts but that do place the needs of pedestrians and cyclists first.



## 2.2 Local planning policy context

Local planning policy can provide guidance that is tailored to the local context where the development is located which is supported by analysis taken directly from the area. Therefore, it is vital that local policy is considered when proposing development within Elmstead.

Elmstead lies within the District of Tendring which has an adopted local plan from 2007. More recently Tendring is working with neighbouring districts Braintree and Colchester to address strategic planning matters. Collectively they are known as the North Essex Authorities and have produced the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Plan. Section 1 of the plan was adopted in January 2021 and Section 2 was adopted in January 2022.

## 2021 - Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 North Essex Authorities

Section 1 of the local plan sets out the need for a strategic approach and covers cross border opportunities and challenges. In particular section 1 focuses on cross boundary garden communities such as the one bordering Colchester and Tendring that will have an impact on Elmstead as it falls within the parish boundary.

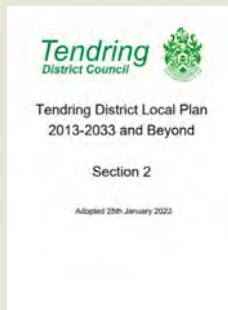


## **2021 - Tendring District Local Plan 2013-2033 and Beyond: Section 2**

### **Tendring District Council**

Section 2 covers local policies for the Tendring District, identifying the main characteristics of the district and its challenges. The plan sets out the vision with strategic priorities for achieving sustainable development and planning for economic growth.

The Local Plan also provides a broad framework of policies and proposals for individual communities to add further detail and local requirements through the preparation of a Neighbourhood Plan, which is currently being done in Elmstead.





**Neighbourhood Area  
Context Analysis**

**03**

# 3. Neighbourhood Area Context Analysis

**This section outlines the broad physical, historic and contextual characteristics of the Neighbourhood Area as well as focusing in on the main built up area, Elmstead Market.**

## 3.1 Access and movement

Elmstead is set in a fairly rural area, however it is located nearby to a number of towns including Colchester to the west. Due to its location the main routes in and out of the parish and the village Elmstead Market are via road.

The main road through the village is the A133/ Clacton Rd connecting Elmstead to Colchester to the west and Clacton-on-Sea to the east. This is a busy road through the centre of the village with fast moving traffic. The A120 runs east to west through the north of the neighbourhood area and prevents some through traffic running through the village. Due to these convenient connections many residents travel by car to nearby towns for work.

There is a road that runs north to south through the village centre, School Rd/ Church Rd. This connects to Alresford to the south and creates a crossroad in the centre of the village which acts as a focal point. Within the village there are also a






number of local roads that are used by the residents as most are not through routes but cul-de-sacs.

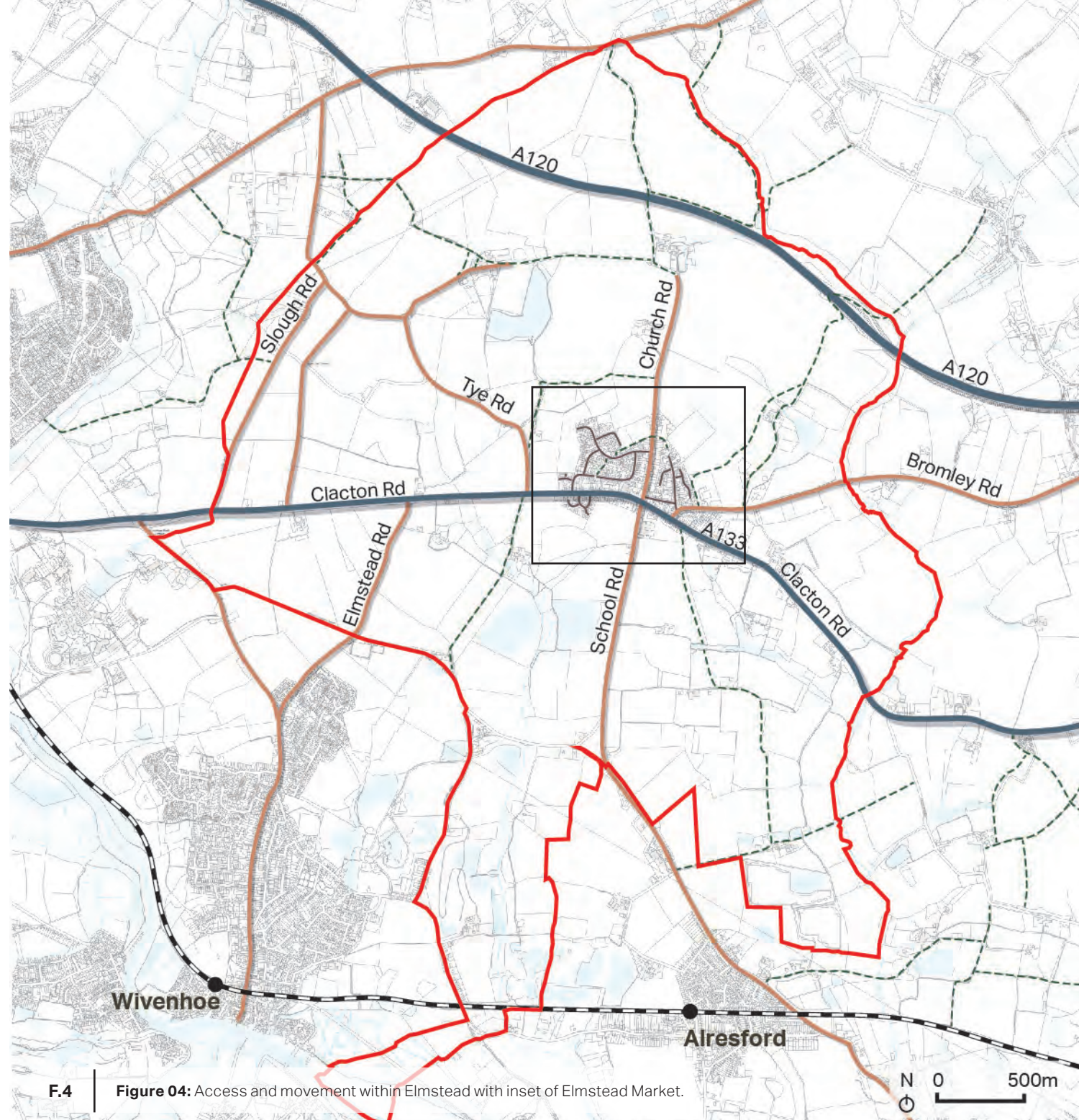
There are some Public Right of Ways connecting the village to the surrounding countryside mainly to the north and to the south.

To the south of the neighbourhood area lies a railway line with frequent connections to Colchester and London to the west and Frinton-on-Sea and Walton-on-the-Naze to the east. The nearest train station is Alresford station to the south which is roughly 5.5km from the village.

There are several bus services that run through the village with three bus stops along the A133/ Clacton Rd. The bus routes go to Colchester to the west and Clacton-on-Sea or Jaywick to the south east.

**KEY**

-  Neighbourhood area boundary
-  Water body
-  Primary road
-  Secondary road
-  Local road
-  PRoW
-  Railway line
-  Railway station
-  Bus stop



**F.4**

**Figure 04:** Access and movement within Elmstead with inset of Elmstead Market.





## 3.2 History and heritage

There has been a settlement in the Elmstead area since the Saxon times and is mentioned in the Domesday Book of 1086. Traditionally, Elmstead was a farming community, which is still present today. Much of the landscape and housing derives from its agricultural roots.

Historically there were three distinct areas within Elmstead known as Elmstead, Elmstead Market and Elmstead Heath. The area known as Elmstead Heath at the southern end of School Road was given to Alresford in the 1940s, therefore is no longer part of Elmstead.

The area known as Elmstead was to the north of the parish surrounding the Grade II\* listed Elmstead Hall and the Grade I listed Church of St Anne and St Lawrence. Elmstead Market the third historical area, now considered the core of the village was developed around the crossroad which was the site of the original market. Subsequently, this encouraged houses and cottages to be built around the village green

near the crossroad. This area of housing depicts much of the village's traditional character.

In more recent years ribbon development has taken place along the A133 that runs east to west through the village, extending the village in both directions.

There are a number of listed buildings within the neighbourhood area. There is a cluster of Grade II listed buildings within the village as well as some scattered throughout the rest of the parish. To the south east of the village there is a registered park and garden, the Beth Chatto gardens named after Beth Chatto an award-winning garden designer who chose to live in the village after falling in love with the parish. Just outside of the parish boundary to the west there is also Wivenhoe Park which is also listed.

There are also some buildings within Elmstead that are not nationally recognised but have local significance to the community and local character.



**Figure 05:** The Church of St Anne and St Lawrence, Grade I Listed Building.



**Figure 06:** Glen Cottage, Grade II Listed Building.

**KEY**


 Neighbourhood area boundary

 Water body

 Roads

 Railway line

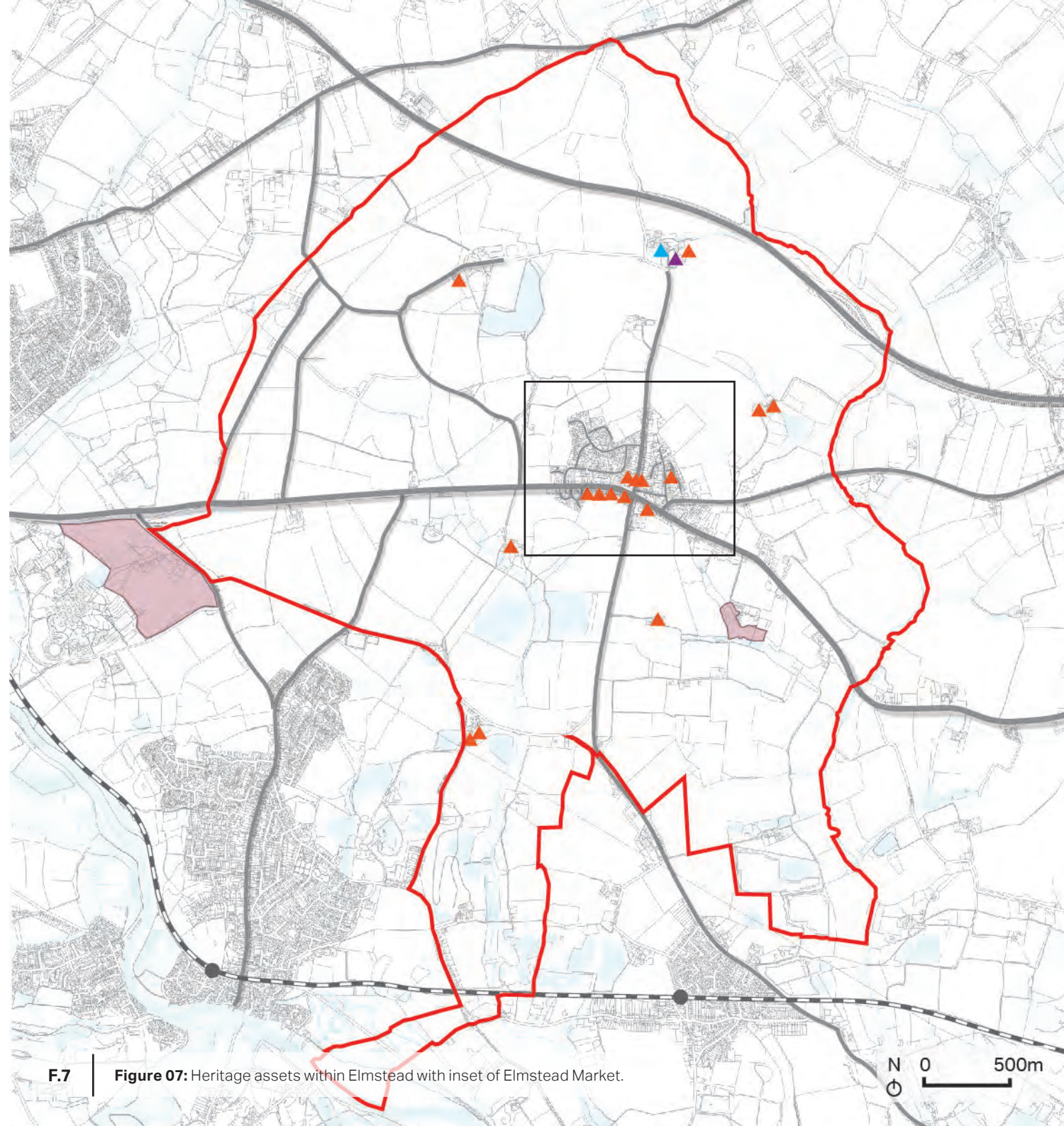
 Railway station

 Registered Parks and Gardens

 Grade I Listed Building

 Grade II Listed Building

 Grade II\* Listed Building



**F.7**

**Figure 07:** Heritage assets within Elmstead with inset of Elmstead Market.



### 3.3 Landscape and green infrastructure

Elmstead has a countryside setting with various landscape and green infrastructure elements. There are scattered areas of woodland within the neighbourhood area, some of which contain ancient woodland which should be protected. Some of these wooded areas are also local wildlife sites.

Page 355

The Woodland Trust have planted young trees to the west of the village to create a new woodland providing a valuable resource for local people and wildlife such as breeding barn owls and buzzards. There are a number of important views throughout the neighbourhood area, as identified by the Neighbourhood Planning Group, some of which look out to the open countryside, others to the woodland and some overlook the green spaces within the village.

Elmstead Market has some open green spaces within the village including a cricket ground to the north and school playing

fields to the south. In the centre of the village there is the village green to the north of the A133 as well as a strip of green space to the south of the A133.

The location of the green spaces within the village and the footpaths around the village could offer an opportunity to connect the green spaces in and around the village.



F.8














Figure 08: View across the cricket pitch.

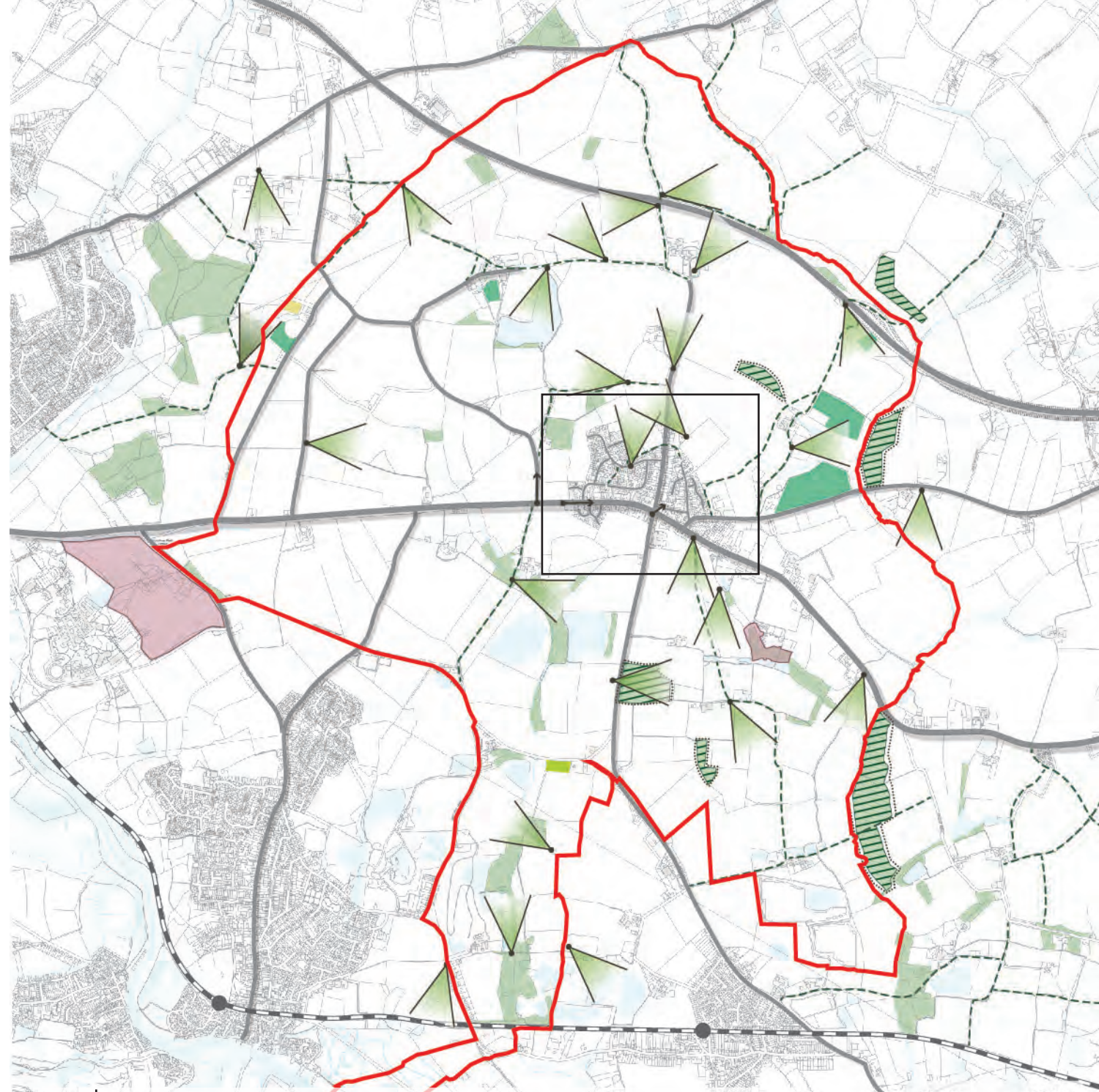


F.9

Figure 09: Footpath along the village green.

**KEY**

-  Neighbourhood area boundary
-  Water body
-  Roads
-  Railway line
-  Railway station
-  Registered Parks and Gardens
-  Primary woodland
-  Ancient woodland
-  Young trees
-  Orchard
-  Local wildlife site
-  PRoWs
-  Important views



**F.10** | **Figure 10:** Landscape and green infrastructure within Elmstead with inset of Elmstead Market.



### 3.4 Character areas


The following pages provide a more detailed character analysis of the village and surrounding area. Elmstead has been split into six-character areas identified during the site visit. These character areas are distinguished by their general style and period of development, as well as details such as layout, street types and architectural features. This character study will help ensure that development within these areas conforms to the local character.

The village makes up five of the character areas: the village centre, village gateways, general neighbourhood, 20th Century estate and modern estates. The remaining character area, the countryside identifies any buildings outside of the development boundary of the village, as any development in this area will need to be sensitive to its landscape and countryside setting.

Character area	Area characteristics
<b>Village centre</b>	This area is centred around the historic crossroad and the two parts of the village green to the north and to the south of the road. Houses are arranged with their primary facades facing the green which is characteristic of this character area. The main amenities within the village are located along the main road including Budgens, the petrol station and the village hall. The houses are more traditional with some thatched cottages.
<b>Village gateway</b>	The entrances to the village from the east and the west have wide streets with fast moving traffic. The houses are generally two-storey with generous front gardens and large setbacks from the road. They are mostly detached houses with gaps in between creating a sense of openness.
<b>General neighbourhood</b>	This area has a green character with a mixture of two-storey houses and bungalows. The streets are generally quieter with a footpath on one or both sides of the road. There is often a large setback from the street with vegetated front gardens. Many of the boundary treatments use hedges which contributes to the green feel of the area.
<b>20th Century estate</b>	This area has mainly been built in the later half of the 20th Century with many of the buildings having a 70s style of light coloured brick and shallow pitched roofs making it highly distinctive from other parts of the village. The houses are fairly uniform with a strong building line and consistent setback from the road with a front garden.
<b>Modern estate</b>	This small area consists of a more modern development. The houses are situated close together with only a small setback from the street often with no front garden just a paved area for car parking. This area has a more suburban feel due to the higher level of enclosure along the street, which is not part of the character of Elmstead, however the orientation of the dwellings to face onto an open green space is characteristic of Elmstead.
<b>Countryside</b>	This area covers the parish area outside of the village, therefore it has a mostly open character with a green landscape. There are scattered farmhouses and the occasional dwelling or small cluster of housing. The houses in this area are generally setback from the road and do not negatively affect the surrounding landscape setting.

**KEY**

 Neighbourhood area boundary

 Water body

 Roads


 Railway line

 Railway station


 Approved housing development

 Village centre

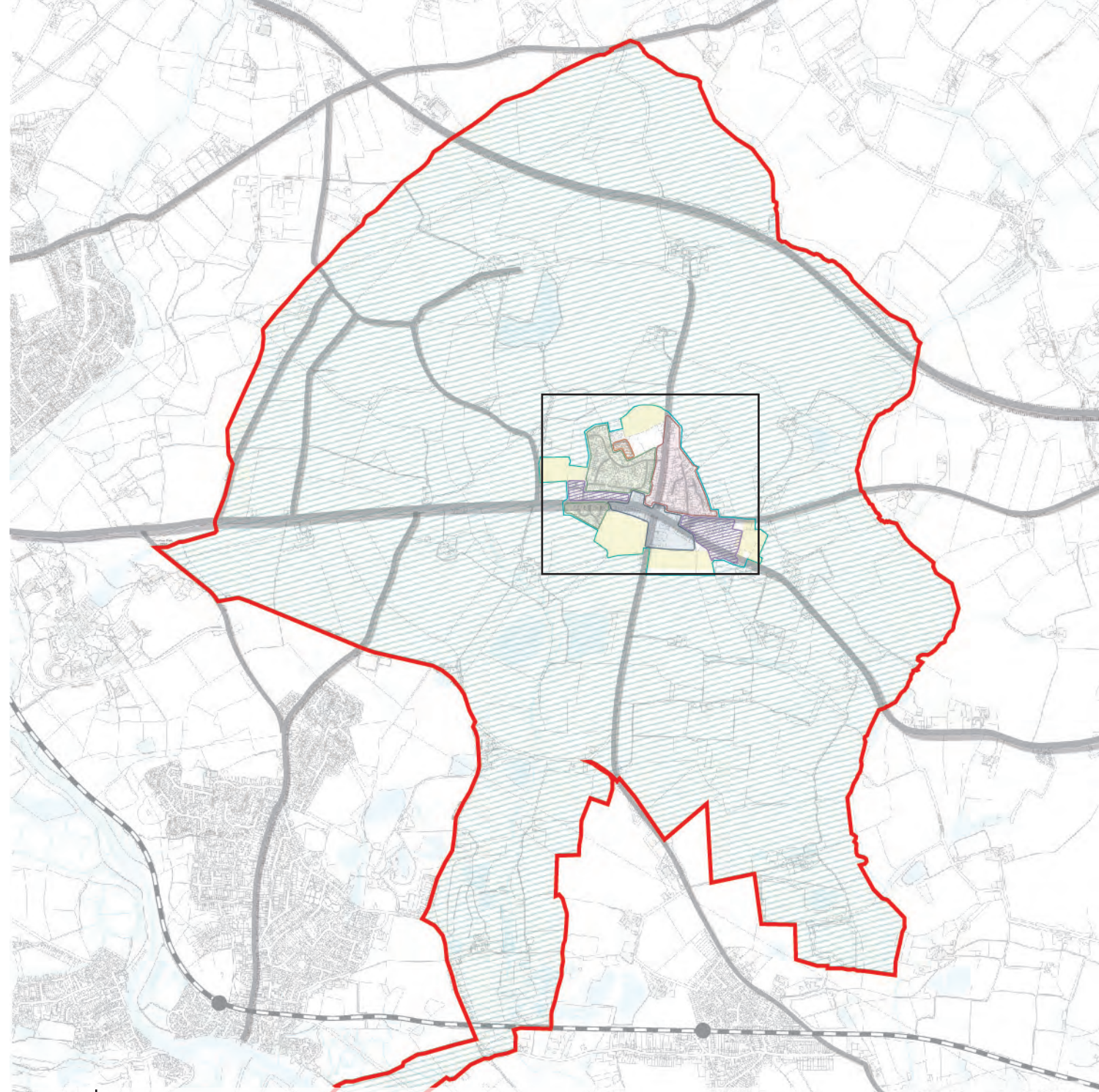
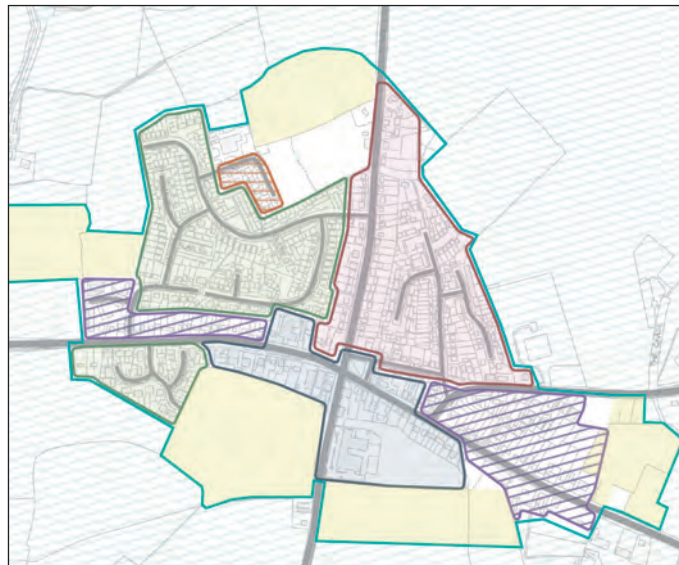
 Village gateway

 General neighbourhood

 20th Century estate

 Modern estate

 Countryside



**F.11** | **Figure 11:** Character areas within Elmstead with inset of Elmstead Market.



F.12

Figure 12: Crossroad in the village centre.



F.14

Figure 14: Large setbacks and consistent boundary treatments in the general neighbourhood.



F.16

Figure 16: Modern estate housing overlooking green space.



F.13

Figure 13: Wide road and houses with gaps in between in the village gateway.



C.F.15 Earth

Figure 15: Uniform bungalows with front gardens in the 20th Century estates.



F.17

Figure 17: Individual house set within the countryside.



Design guidance & codes

04

Page 360



# 4. Design guidance & codes

**This section sets out the principles that will influence the design of potential new development and inform the retrofit of existing properties within the Neighbourhood Area. A combination of local images and best practice examples have been used to exemplify the design guidelines and codes.**

## 4.1 Introduction

The guidance and codes provided in this section outlines expectations that applicants for planning permission in the neighbourhood area will be expected to follow in relation to design.

This section sets out the guidelines and codes that can be applied to the whole neighbourhood area relating to the local pattern of streets and spaces, building traditions and materials as well as the natural environment, all of which help to determine the character and identity of the existing built environment and any new development.

### 4.1.1 The Codes

This section introduces a set of design principles that are specific to Elmstead. These are based on:

- Baseline study of the parish and village in Chapter 3;
- Understanding national design documents such as the National Design Guide and National Model Design Code documents to inform the design guidance and codes;
- Discussion with members of the Neighbourhood Plan Steering Committee.

The codes are divided into five sections by theme, as shown on this page, each one with a different number of subsections. A short introductory text with more general design guidance is provided at the beginning of each section followed by a series of more prescriptive codes and parameters. At the end of this section there is a set of questions to consider when presented with a development proposal.

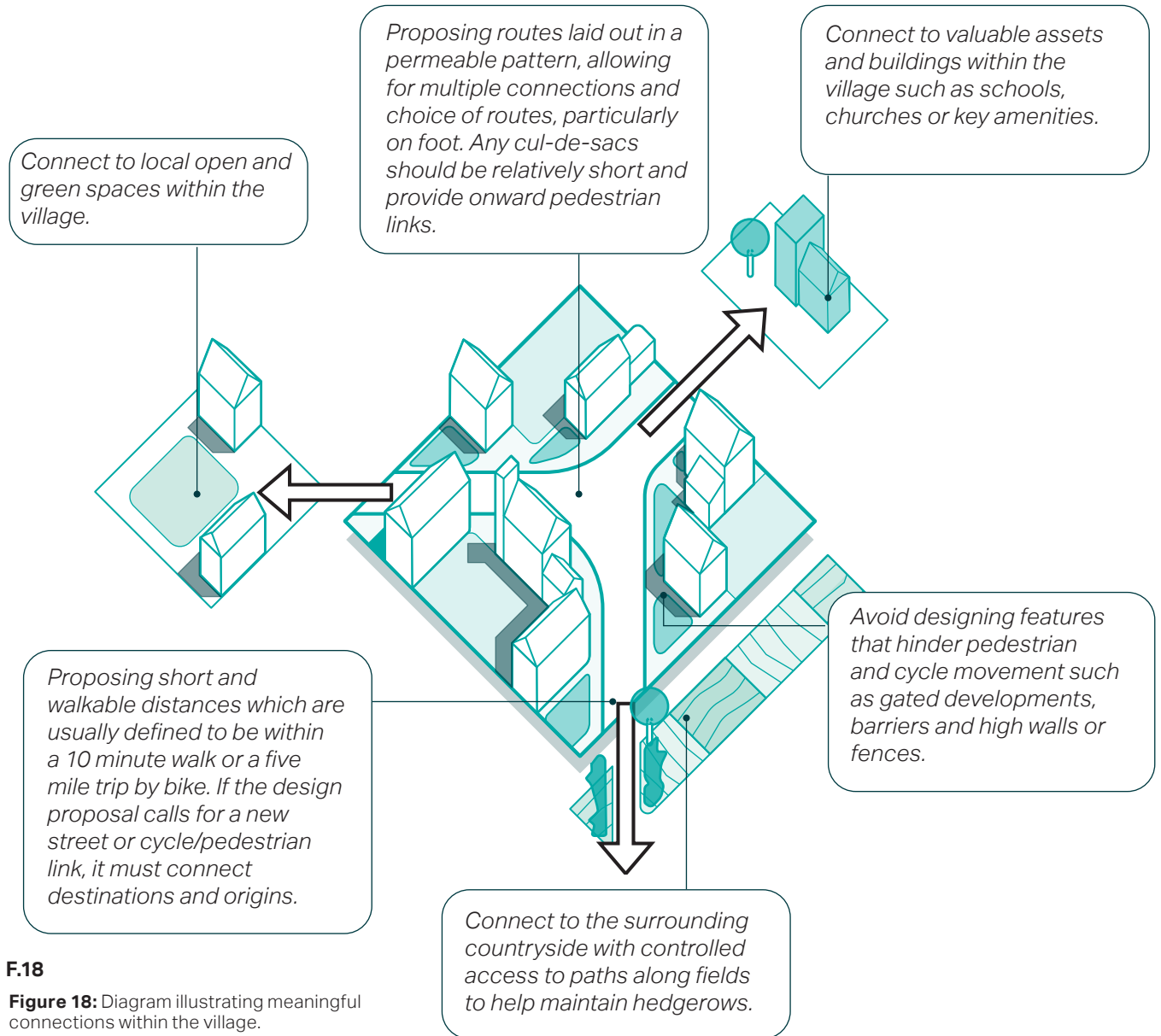
Theme	Code	Title
<b>Strategic design</b>	SD1	Provide meaningful connections
	SD2	Pattern of development
	SD3	Settlement edges
	SD4	Heritage assets
	SD5	Views and landmarks
<b>Built form</b>	BF1	Enclosure
	BF2	Building lines and boundary treatments
	BF3	Corner buildings
	BF4	Overlook public space
	BF5	Roofline and building heights
	BF6	Architectural details, materials, and colour palette
	BF7	Waste storage and servicing
	BF8	Infill development
	BF9	Extensions and alterations
	BF10	Housing mix
<b>Access and movement</b>	AM1	Prioritise walking and cycling
	AM2	People friendly streets
	AM3	Parking typologies
	AM4	Legibility and wayfinding
	AM5	Street lighting
<b>Landscape, nature, open space</b>	LO1	Create a green network
	LO2	Landscaping and trees
<b>Sustainability and climate change</b>	SC1	Sustainable buildings
	SC2	Water management

## 4.2 Strategic design

### SD1. Provide meaningful connections

Elmstead Market has a good network of footpaths connecting the village to the surrounding countryside. Within the village connections can be improved to provide various routes to encourage walking and cycling. Good practice favours a generally connected street layout that makes it easier to travel by foot, cycle, and public transport.

A more connected pattern creates a 'walkable neighbourhood' where routes link meaningful places together. New development in Elmstead should seek to connect to the existing village and create easy direct routes to existing services and amenities. New development should improve the existing street network by:



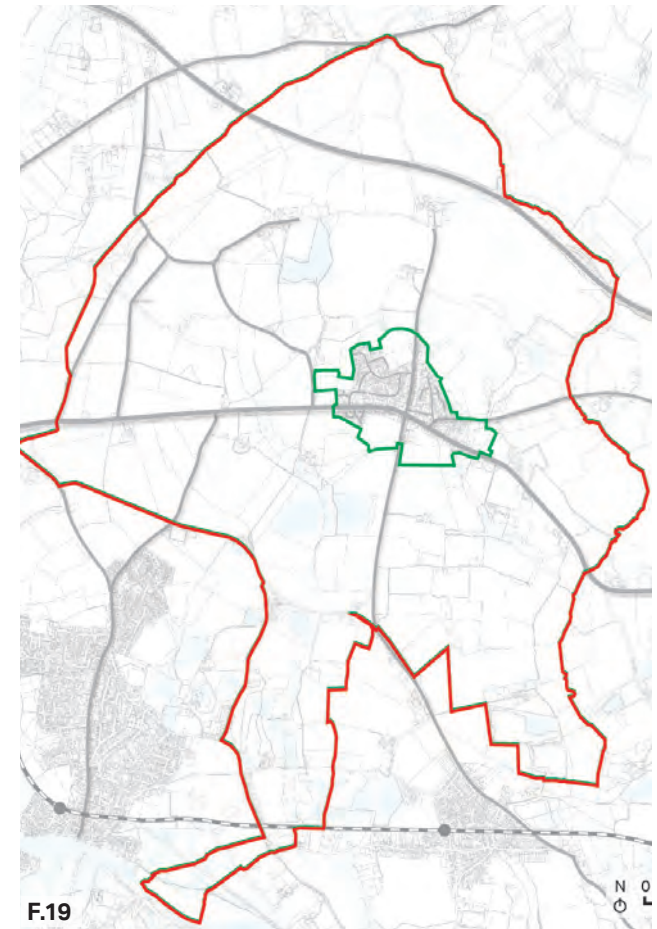
**F.18**

**Figure 18:** Diagram illustrating meaningful connections within the village.

## SD2. Pattern of development

There is a settlement boundary surrounding the main built-up area of the village, indicating that development should take place within this boundary in order to preserve the countryside and avoid coalescence with neighbouring villages and towns. Some guidance for the pattern of development with Elmstead includes:

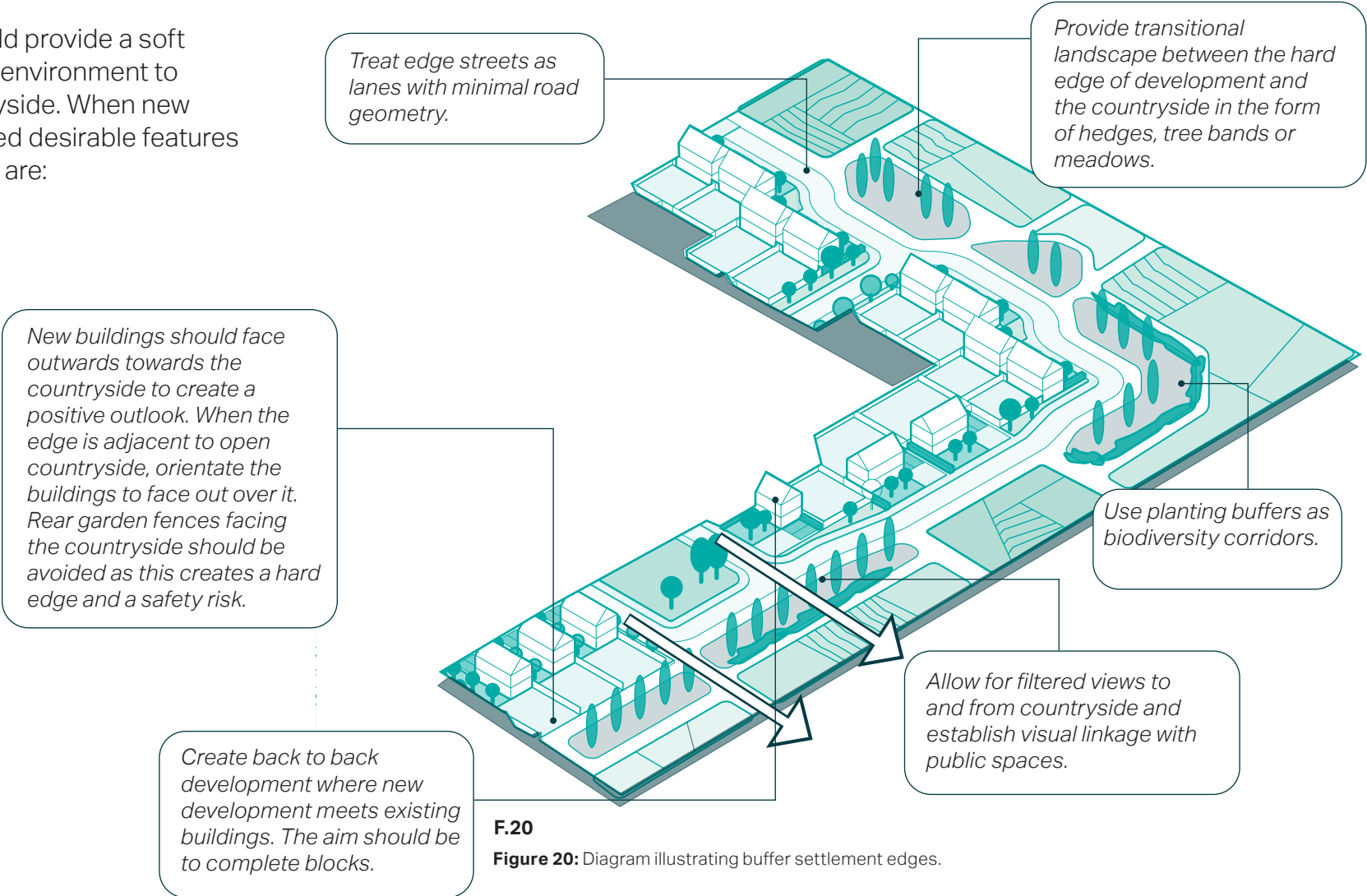
- Any future development should seek to conserve and enhance the character of the existing settlement in terms of form and character as well as reflecting the local context and making a positive contribution to the existing built form.
- Proposals for development outside of the settlement boundary will only be supported if they are appropriate to a countryside setting.



**Figure 19:** Settlement boundary shown in green surrounding the village.

### SD3. Settlement edges

Settlement edges should provide a soft transition from the built environment to the surrounding countryside. When new development is proposed desirable features for the settlement edge are:



**F.20**  
**Figure 20:** Diagram illustrating buffer settlement edges.

## SD4. Heritage assets

Elmstead has a long history which has resulted in a number of heritage assets that are essential to its character. The numerous listed buildings and their settings as well as non-designated local heritage assets and their historic features must be respected.

Any proposed development should be sympathetic to the design and historical significance of these assets.

- New development will need to respect and respond to the historical context of the immediate surroundings as well as the wider area.
- Development which affects any designated and non-designated heritage asset must demonstrate how local distinctiveness is reinforced.
- Particular consideration shall be given to maintaining their role in framing, punctuating or terminating key views through, out of and into the village. As well as key views to the surrounding landscape.

- Consideration should also be given to the retention of open spaces and gaps between buildings to sustain the historic form and pattern of development as well as the setting of the heritage assets.



F.21

**Figure 21:** Church of St Anne and St Lawrence, Grade I listed building.



F.22

**Figure 22:** War memorial located on the village green.

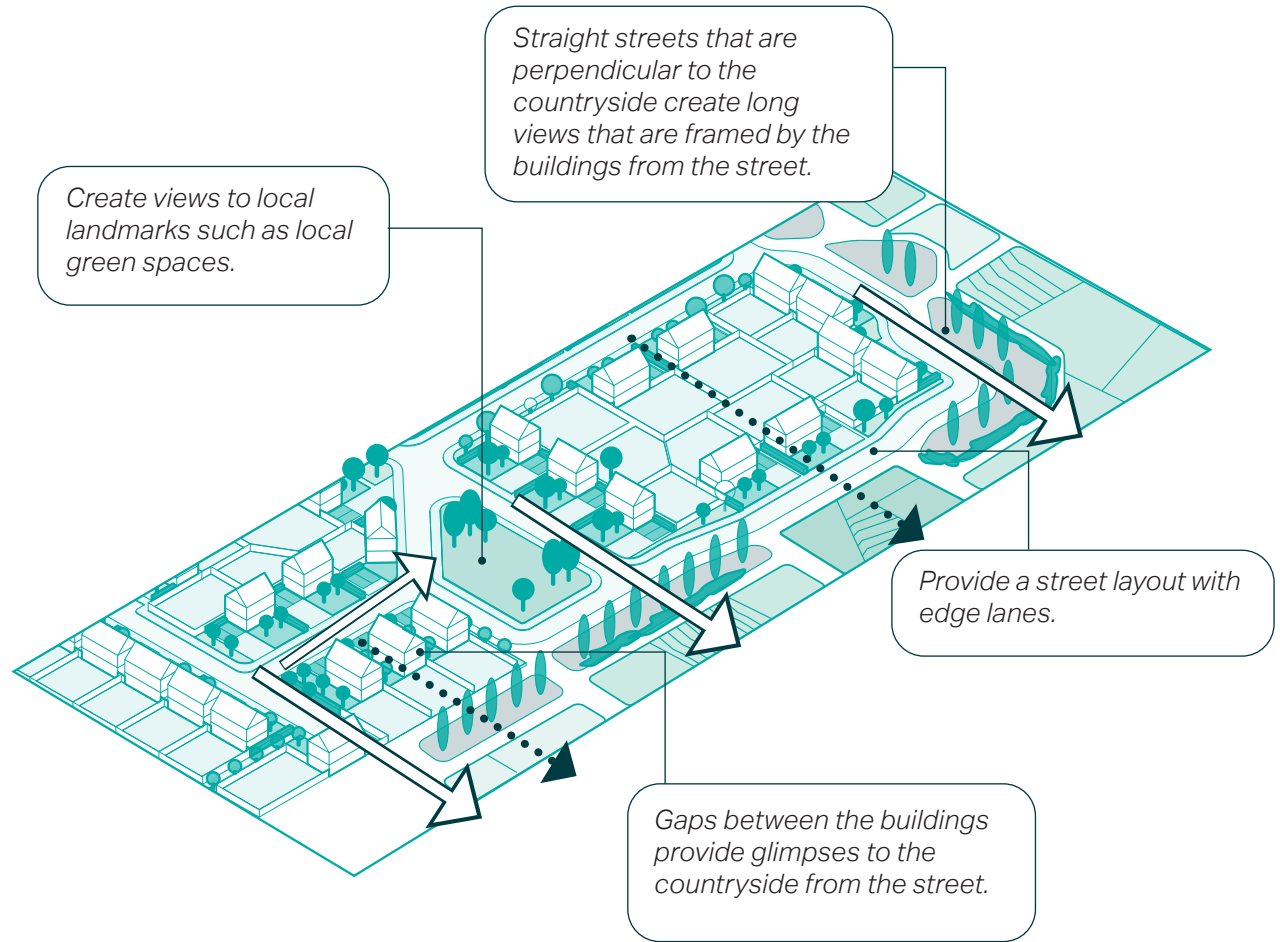
## SD5. Views and landmarks

Within Elmstead a number of important views have been identified that contribute to the character of the area. Therefore, new development should seek to minimise any negative impact on these views.

Furthermore, new development should aim to create views by providing framed moments within the built environment of landmarks, green space or the open countryside.

Generous gaps between buildings should be created to provide glimpses and filtered views to the countryside beyond. This will connect people with nature and contribute to the general feel of openness.

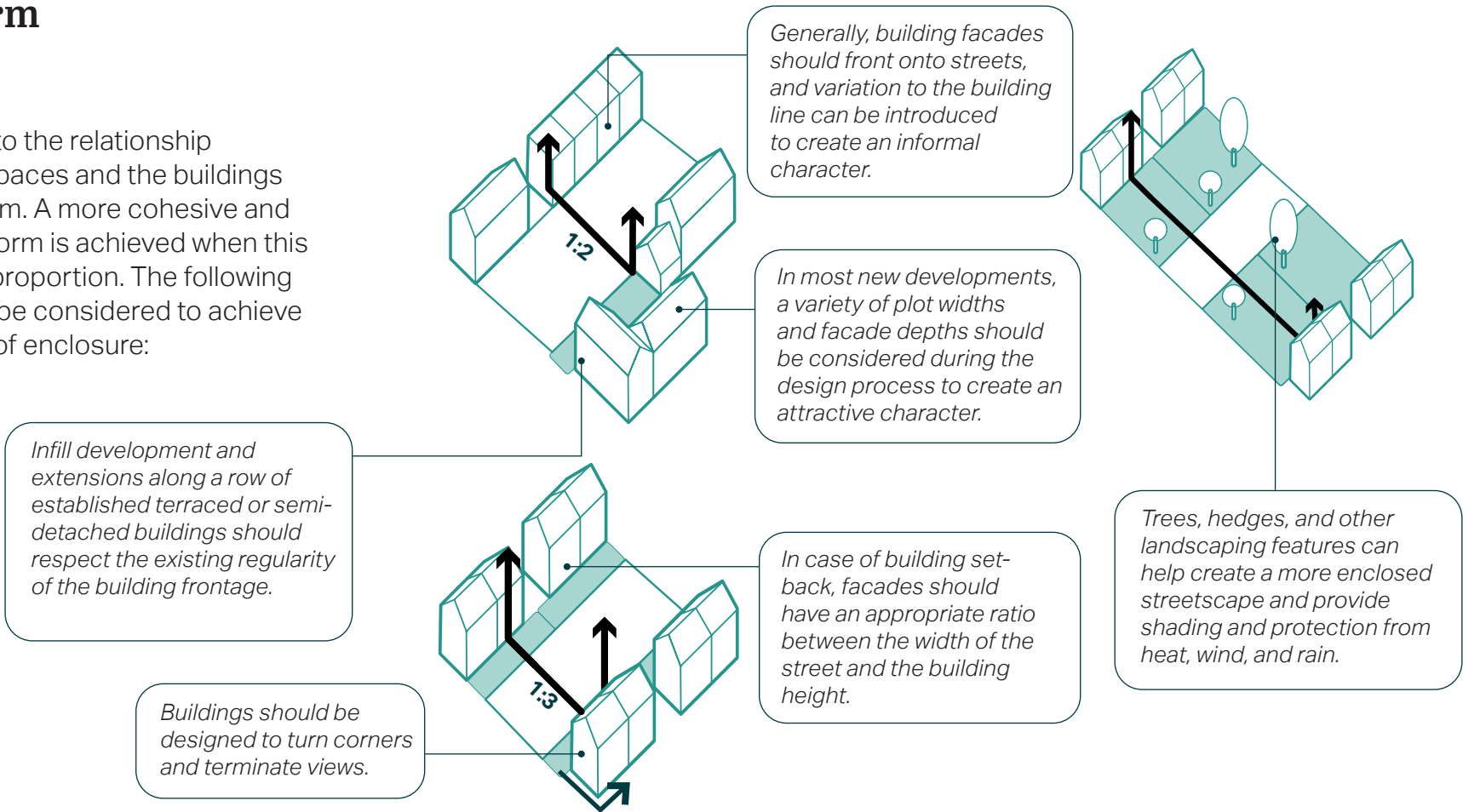
Streets should be perpendicular to the open countryside to create long views along the street. This allows everyone to enjoy the countryside views and enhances legibility through orientation in relation to the open space.



## 4.3 Built form

### BF1. Enclosure

Enclosure refers to the relationship between public spaces and the buildings that surround them. A more cohesive and attractive urban form is achieved when this relationship is in proportion. The following guidance should be considered to achieve the desired level of enclosure:



F.23

Figure 23: Diagrams showing different levels of enclosure created by building heights and street widths.



## BF2. Building lines and boundary treatments

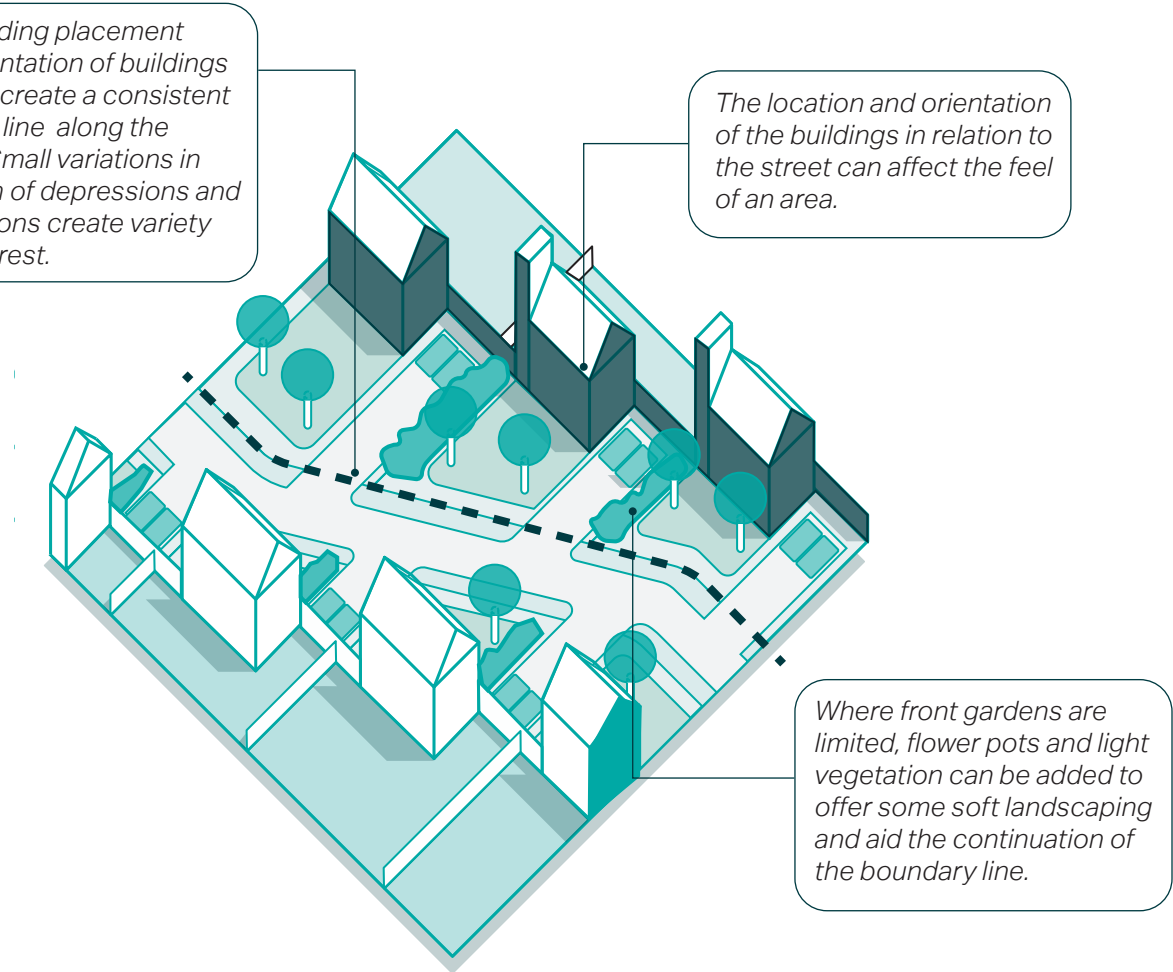
### Building Lines

Within Elmstead there is often a strong building line along the street which reinforces the sense of continuity and helps to define the character of the street.

The building line along a street should generally be consistent and form a unified whole, allowing for subtle variations with recesses and protrusions. This provides variety and movement along the street. Some other guidelines for building lines are:

*The building placement and orientation of buildings need to create a consistent building line along the street. Small variations in the form of depressions and protrusions create variety and interest.*

*The location and orientation of the buildings in relation to the street can affect the feel of an area.*



### F.24

**Figure 24:** Diagram showing a continuous building line.

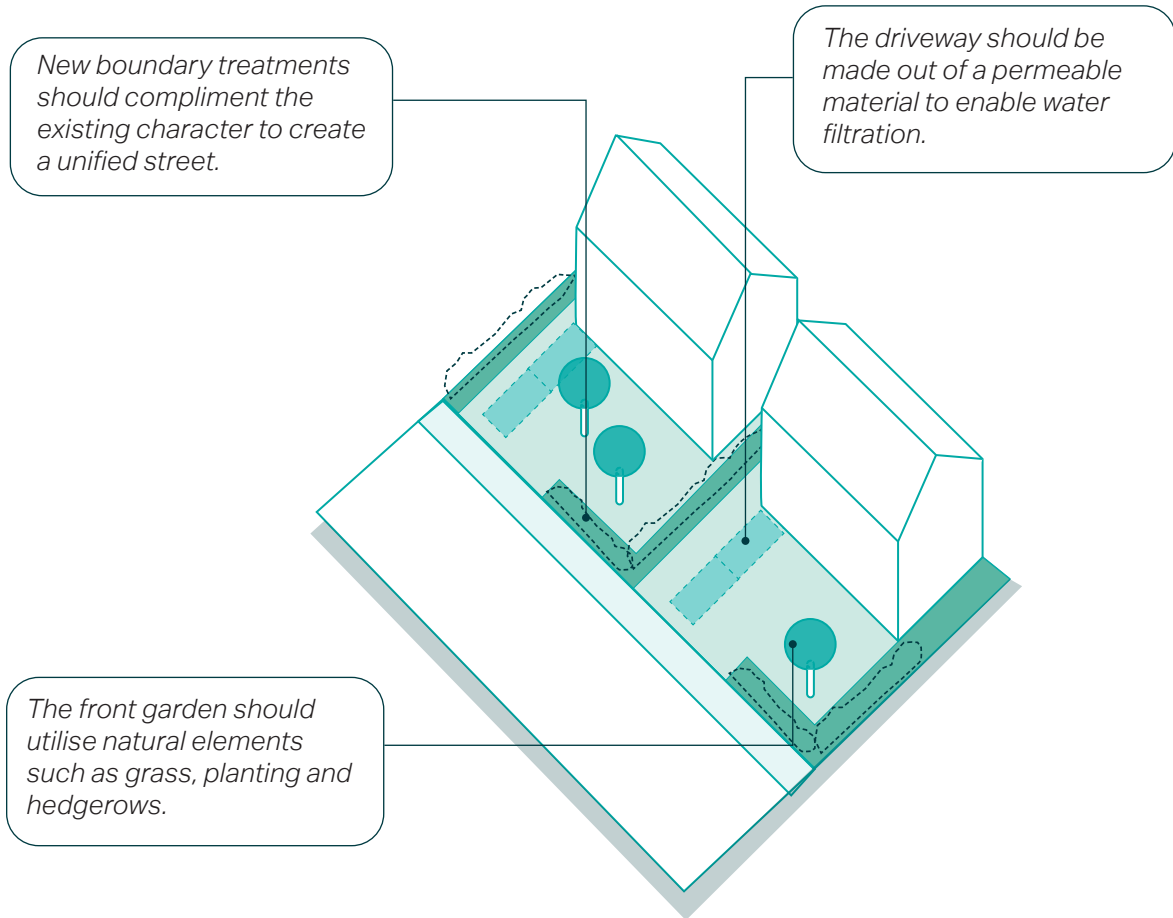
## Boundary Treatments

The use of boundary treatments throughout Elmstead varies between the different character areas, however the areas with the most cohesion within Elmstead generally make use of consistent boundary treatments. Therefore, boundary treatments should be used at the plot edge to bring a sense of continuity to the street.

Boundary treatments also provide good separation between the public and private domains. Therefore, having no form of boundary treatment should be avoided.

Properties should have a front garden or privacy strip ranging from 1 to 6m in depth to create the desired amount of enclosure along the street.

Using a range of high-quality materials such as brick, hedgerows, ironmongery, planting, or a combination of these along the property edge bringing cohesion and provided visual interest. In addition, the height of the boundary treatment should not intrude on neighbouring views and lighting.

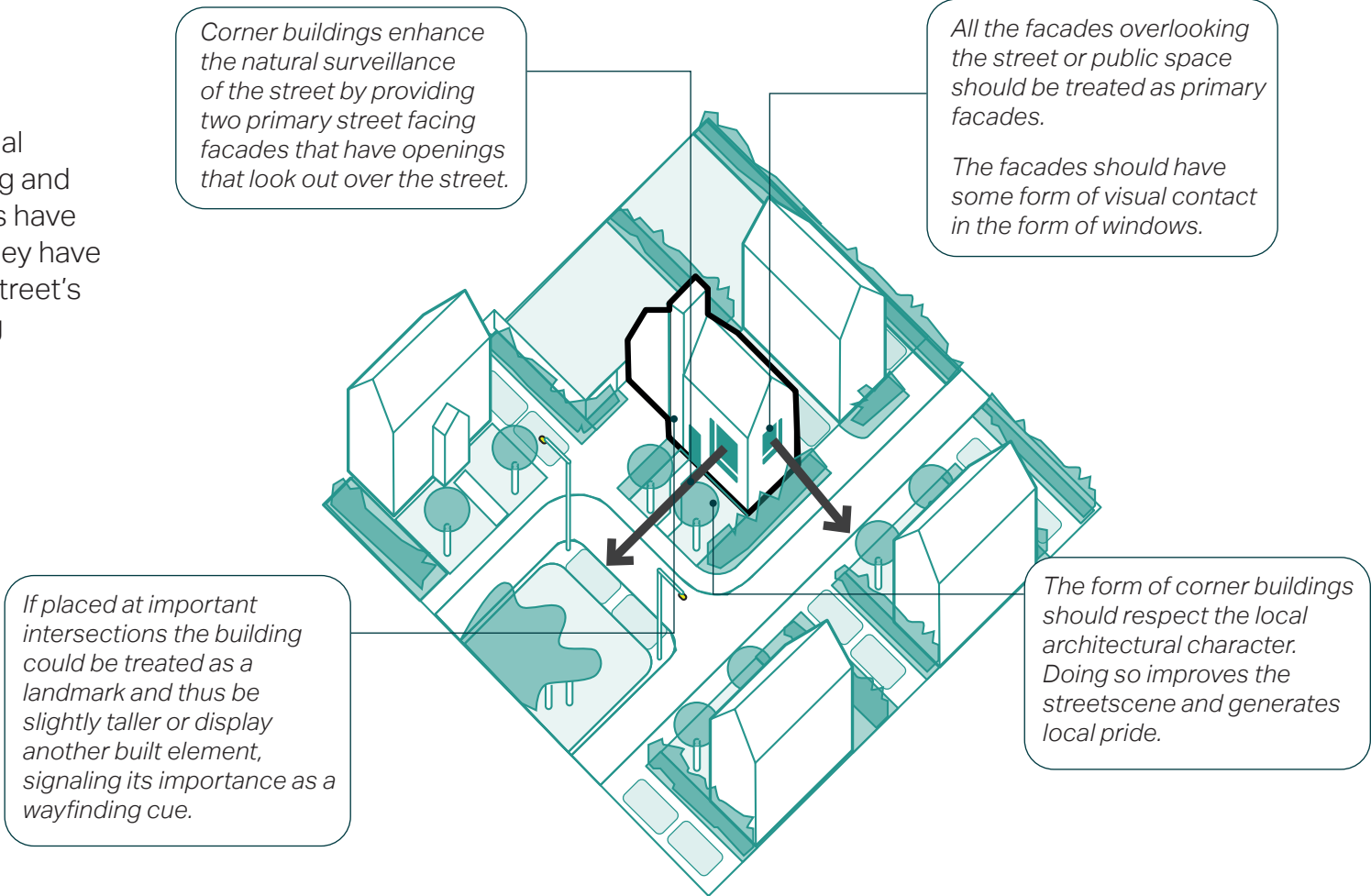


**F.25**

**Figure 25:** Diagram illustrating boundary treatments.

### BF3. Corner buildings

Corner buildings are one of the crucial aspects of a successful visual setting and built environment. As these buildings have at least two public facing façades, they have twice the potential to influence the street's appearance. Therefore, the following guidelines apply to corner buildings:

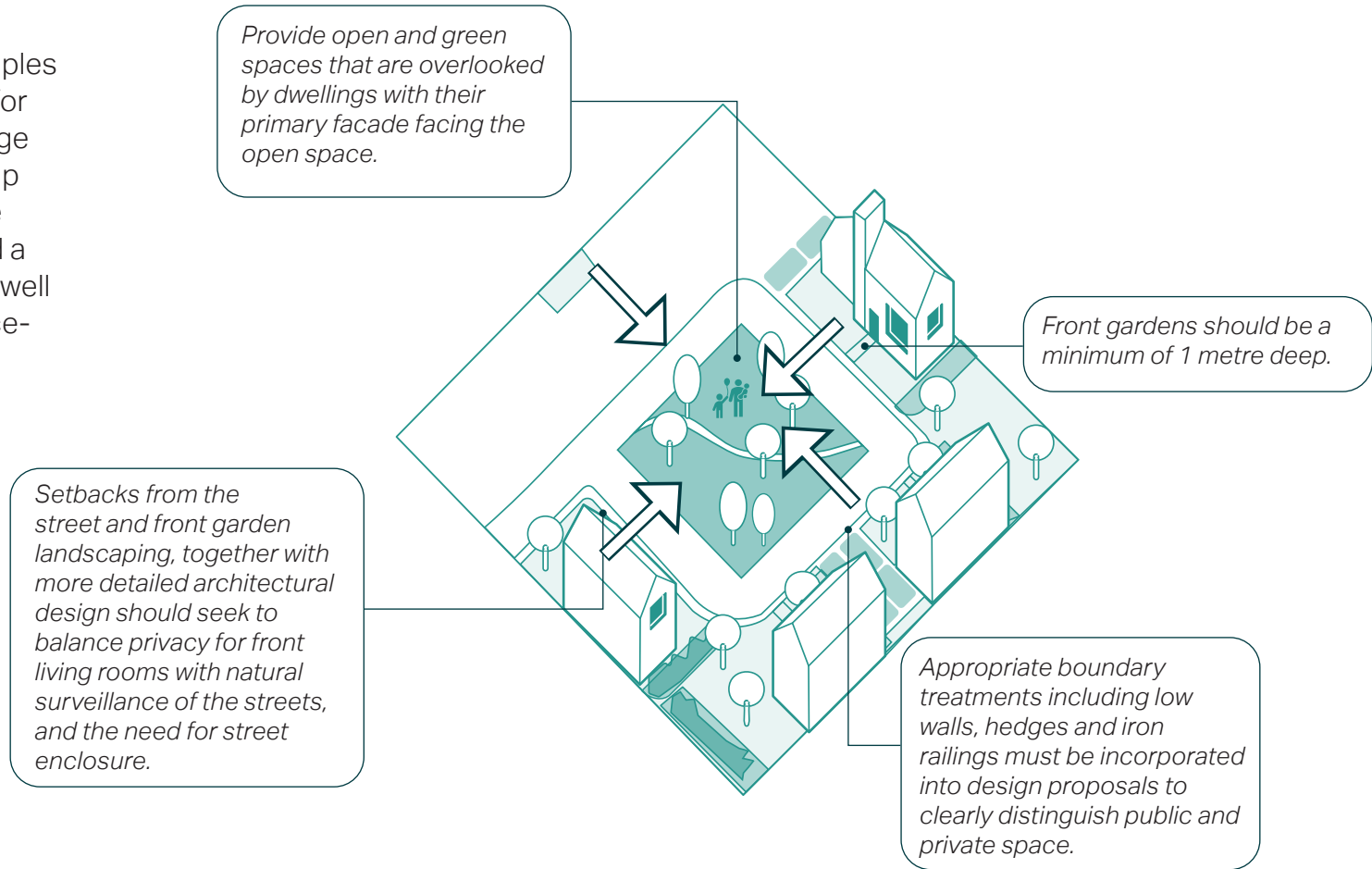


**F.26**

**Figure 26:** Diagram showing a corner building with windows on both street facing façades.

### BF4. Overlook public space

Within Elmstead there are multiple examples of buildings fronting onto public space, for example the dwellings that face the village green. This creates a positive relationship with the open space and gives life to the public realm and is therefore considered a key attribute of Elmstead's character as well as a fundamental principle for good place-making.



F.27

Figure 27: Diagram showing dwellings overlooking public space.

## BF5. Roofline and building heights

### Roofline

Creating a good variety in the roofline helps make a place attractive. Within Elmstead there are a number of different roof types but the most common are pitched and hipped roofs. The pitches and height of the roofs vary throughout the village with some areas such as the 20th Century estates character area having roofs with a shallow pitch compared to other areas of the village. This variation across the different areas of the village creates visual interest. Some considerations for rooflines are:

- Roofline should be well articulated and in proportion with the dimensions of the building with subtle changes to avoid monotonous elevations.
- Local traditional roof detailing elements should be considered throughout the design process.

### Building heights

Throughout the village there are a mixture of two storey and one storey dwellings with the occasional building up to 2.5 storeys in height. The building heights are vital to maintaining the village character of Elmstead as introducing taller buildings may create a more urban feel which would be out of character for Elmstead. Therefore, some design considerations for building heights are:

- New buildings should respect the existing character of the village by providing development at an appropriate scale with the right amount of enclosure along the street.
- The building heights of new development should respect the existing surrounding buildings and not dominate the streetscape.



F.28

Figure 28: One storey bungalow within Elmstead.



F.29

Figure 29: Dwellings with shallow gable ended pitched roofs.

## BF6. Architectural details, materials and colour palette

The combination of architectural features, materials and the colour palette found in Elmstead are unique to the place and create an important link between the built environment and the village's history.

Therefore, development within the village should closely align with the materials and colour palette set out in the next few pages.

The architectural details have been split into four categories. They are roofs, facades, ground materials and property boundary.

### Roof materials and colour palette

The most common roof forms found in Elmstead are pitched and hipped roofs. Therefore, future development should replicate these styles using similar materials.

Roof materials seen throughout Elmstead include slate or concrete tiles, some clay pantiles as well as the occasional thatched roof although not many remain.

The colour palette is generally darker colours such as dark grey, brown or red.



*Slate tile*



*Concrete tile*



*Clay pantile*



*Thatch*



**Materials**



*Brown*



*Dark grey*



*Red*



**Colour Palette**

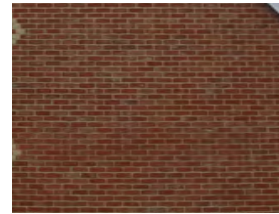
## Facade materials and colour palette

Facades contribute to Elmstead's character through their materials and colour palette. Brick is one of the most dominant materials used throughout the village. Different coloured bricks can be seen in different areas of the village. For example the modern estate generally use red brick where as the earlier 20th Century estates use lighter brown bricks. There are also instances of different coloured render and weatherboarding.

The colour palette is generally warm including facades with red, yellow and brown as well as white and cream rendering.



*Brown Brick*



*Red brick*



*Render*



*Weatherboarding*

### Materials



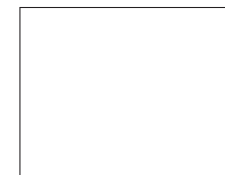
*Red*



*Brown*



*Yellow*



*White*



*Cream*

### Colour Palette

### Ground materials and colour palette

Ground materials include concrete, concrete pavers, permeable gravel, and some unpaved roads. The materials used depends on the street typology with concrete used for main streets and residential streets.

Quieter streets and edge lanes may use concrete pavers and permeable options depending on their context and requirements for the road.

Roads are generally a dark grey colour due to the concrete material used though concrete pavers and gravel roads can be lighter in colour, either honey or buff coloured.



Concrete



Concrete pavers



Gravel road



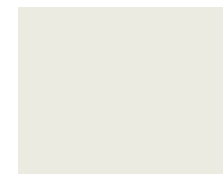
Materials



Dark grey



Honey



Buff



Colour Palette



## Property boundary materials and colour palette

Within Elmstead there are a mixture of boundary treatment materials. Some of the most common are brick walls and green hedges. There are some instances of wooden fences some of which are painted white.



*Brick wall*



*Green hedge*



*Timber fence*

### Materials



*Red*



*Brown*



*White*



*Green*

### Colour Palette

Colours for boundary treatments are similar to those seen in the facades section and include red, brown and yellow as well as green for the natural elements.

## BF7. Waste storage and servicing

With modern requirements for waste separation and recycling, the number and size of household bins has increased causing issues with the aesthetics of properties. Some guidelines for future development are:

- Bins should be located away from areas used as amenity spaces.
- Create a specific enclosure of sufficient size for all the necessary bins. Cycle storage could also be integrated.
- Bins should be placed within easy access from the street and, where possible, open on the pavement side to ease retrieval.
- Bins should be placed as close to the dwelling's boundary to the public highway, such as against wall, fence, hedge but not in a way as to obstruct pedestrian and vehicle movements.

- The materials palette should be referred in order to select suitable materials for enclosures.



**Figure 30:** Waste storage along the boundary treatment.



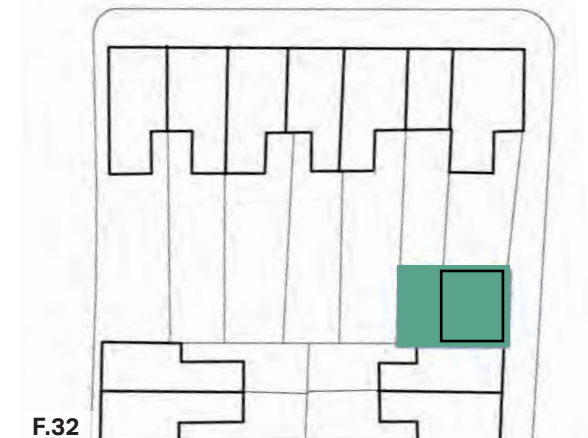
**Figure 31:** Positive example on how to conceal the presence of bins in back gardens.

## BF8. Infill development

Infill development takes two main forms, the first is development that has a primary frontage to an existing street. The second is backland development which is located to the rear of existing properties. Some guidelines for both types of infill development are:

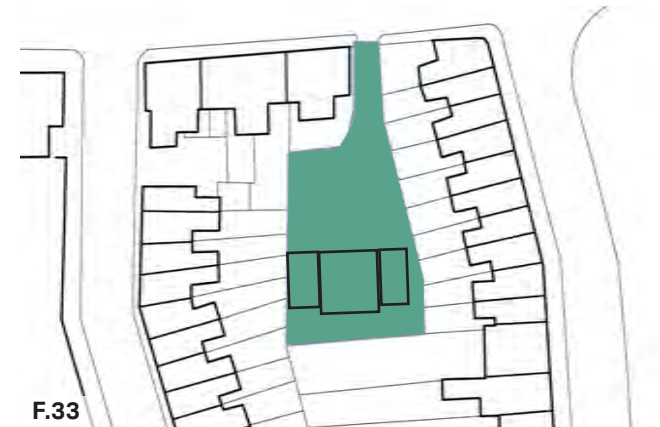
- Sufficient private amenity for residents of existing buildings should be retained.
- The height of a proposal should take into consideration the surrounding context in terms of height and massing.
- Development fronting onto an existing street should comply with the existing building line and should have its primary aspect and windows facing the street, particularly if aspect in all other directions is constrained due to overlooking of neighbouring properties.
- The materials and detailing of the infill development should be in keeping with the existing buildings.

- Where appropriate, green roofs can be considered to ensure no net loss of green cover and to enhance biodiversity.



F.32

**Figure 32:** Plan showing infill development with a frontage to the existing street.



F.33

**Figure 33:** Plan showing backland infill development.

## BF9. Extensions and alterations

### Side Extensions

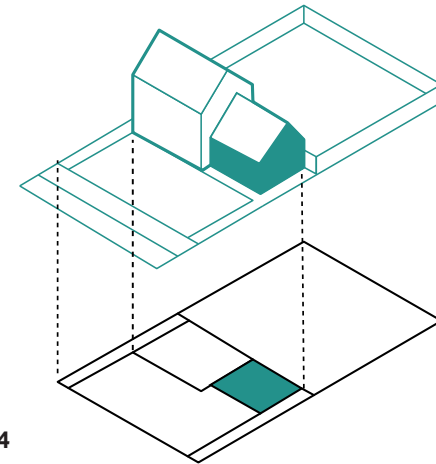
Side extensions are another popular way to extend a building to create extra living space. However, if they are badly designed, they will detract from the appearance of the building and the wider townscape. Single-storey and double storey side extensions should be set back from the main building and complement the materials and detailing of the original building, particularly along the street elevation. The roof of the extension should harmonise with that of the original building; flat roofs should be avoided. Side windows should also be avoided unless it can be demonstrated that they would not result in overlooking of neighbouring properties.

### Rear Extensions

Single storey rear extensions are generally the easiest way to extend a house and provide extra living space. The extension should be set below any first-floor windows

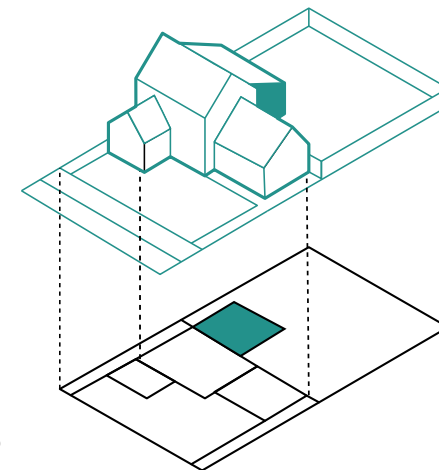
and designed to minimise any effects of neighbouring properties, such as blocking daylight. A flat roof is generally acceptable for a single storey rear extension.

Double storey rear extensions are not common as they usually effect neighbours' access to light and privacy, however, sometimes the size and style of the property allows for a two-storey extension. In these cases, the roof form and pitch should reflect the original building and sit slightly lower than the main ridge of the building.



F.34

Figure 34: Diagram showing a side extension.



F.35

Figure 35: Diagram showing a rear extension.

## BF10. Housing mix

Providing a good housing mix within Elmstead is crucial for meeting the need of different groups within the community and ensuring there is a mixed and balanced community.

- Any new development should enrich the supply of housing by providing a variety of options in terms of size and height, whilst still respecting the existing surroundings.
- Additional consideration should be given to creating starter homes and smaller houses for downsizing as this is currently lacking in Elmstead.



F.36

**Figure 36:** Large house within Elmstead.



F.37

**Figure 37:** Bungalow within Elmstead.

## 4.4 Access and movement

### AM1. Prioritise walking and cycling

It is essential that the design of new development includes streets that incorporate the needs of pedestrians, cyclists, and, if applicable, public transport users. Some guidelines for future development are:

- Routes must be laid out in a connected pattern, whilst cul-de-sacs must be relatively short and provide onward pedestrian and cycle links;
- Streets must incorporate opportunities for street trees, green infrastructure, and sustainable drainage;
- Crossing points must be placed at frequent intervals on pedestrian desire lines and at key nodes;
- Junctions must enable good visibility between vehicles and pedestrians. For this purpose, street furniture, planting,

and parked cars must be kept away from visibility splays to avoid obstructing sight lines; and

- Sufficient width of footway should be provided to facilitate a variety of mobilities, such as young family with buggies, mobility scooter, wheelchairs, etc. The Department for Transport Manual for Streets (2007)<sup>1</sup> suggests that in lightly used streets, the minimum width for pedestrians should generally be 2m.

1. Manual for Streets (2007). Available at: <https://www.gov.uk/government/publications/manual-for-streets>



F.38

**Figure 38:** Footpath within a residential area that creates alternative routes for pedestrians and cyclists, Great Kneighton.



F.39

**Figure 39:** Alleyways with high fences on either side should be avoided.

## AM2. People friendly streets

The following pages introduce suggested guidelines and design features including a range of indicative dimensions for street types that may be found in smaller developments. Any adoptable roads should conform to the [Essex Design Guide](#) for residential streets and any layout should reflect the guidance set out in the [Street Type Table](#) contained within the guide.

### Residential street

Residential streets should provide access to homes from the surrounding primary roads.

- The carriageway should accommodate two-way traffic as well as cyclists and parking bays. Traffic calming should be achieved by design through traffic calming measures such as landscaping and building layout, avoiding the traditional forms of engineered traffic calming such as humps, cushions and chicanes.

- Residential streets should have a good level of enclosure, created by built form with consistent building lines and setbacks.
- Where possible, street trees and greenery should be provided along the street.



F.40

Figure 40: Example of a residential street in Elmstead.

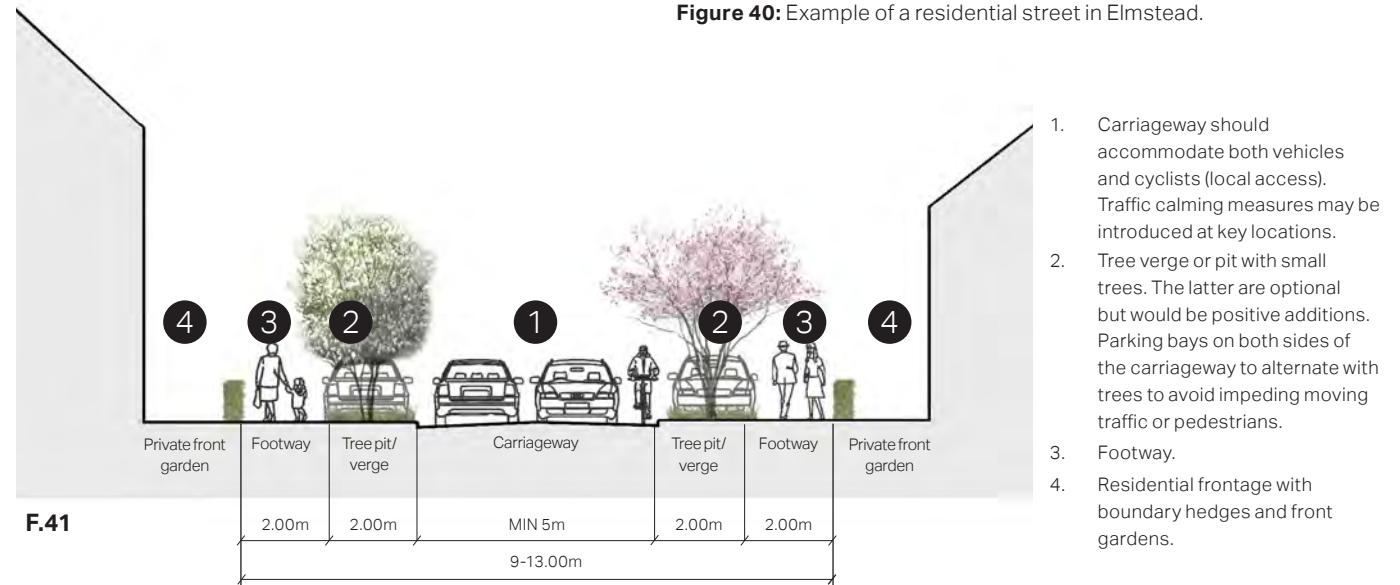
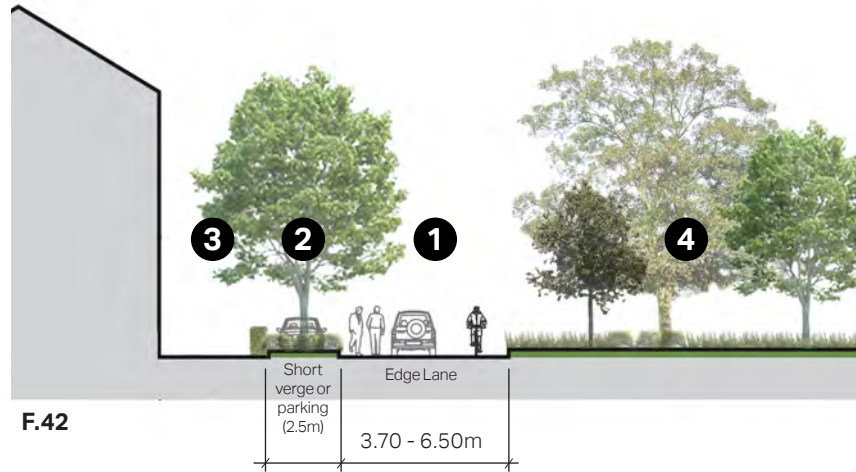


Figure 41: Cross-section to illustrate a residential street.

## Edge Lane

Any development opposite to a green edge should be treated as an edge lane where traffic volume is lower and there is an immediate connection with nature. Some guidelines for edge lanes are:

- Edge lanes are low-speed streets that front houses with gardens on one side and a green space on the other. Carriageways typically consist of a single lane of traffic in either direction, and are shared with cyclists;
- The lane width can vary to discourage speeding and introduce a more informal and intimate character. Variations in paving materials and textures can be used instead of kerbs or road markings; and
- Edge lanes should be continuous providing high level of connectivity and movement. Cul-de-sacs must be avoided.



F.42

Figure 42: Cross-section to illustrate some guidelines for edge lanes.

1. Shared lane (local access) - width to vary.
2. Green verge with trees. It is optional but would be positive additions. Parking bays to be interspersed with trees to avoid impeding moving traffic or pedestrians.
3. Residential frontage with boundary hedges and front gardens.
4. Green space and potential for implementing swales into the landscaping.



F.43



Figure 43: Examples of an edge lanes within Elmstead.



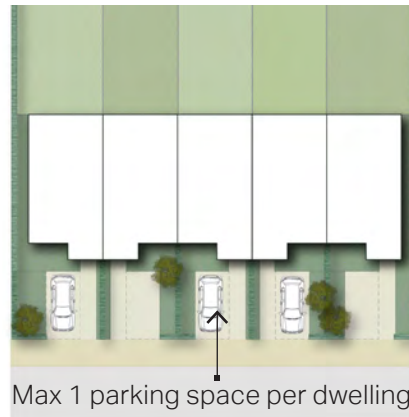
### AM3. Parking typologies

Parking for new developments should comply with the Essex Planning Officers' Association (EPOA) parking standards.

#### On-plot parking

Page 385

- On-plot parking can be located to the front or the side of the main building and can be a covered or open car port.
- High-quality and well-designed soft landscaping should be used to increase the visual attractiveness of the parking.
- Boundary treatments such as hedges, trees, flowerbeds and low walls also increase attractiveness and provide a clear distinction between public and private space.
- Hard standing and driveways must be constructed from porous materials to minimise surface water run-off.



F.44

Figure 44: On-plot front parking.



F.46

Figure 46: On-plot side parking.



F.45

Figure 45: On-plot front parking, Elmstead.

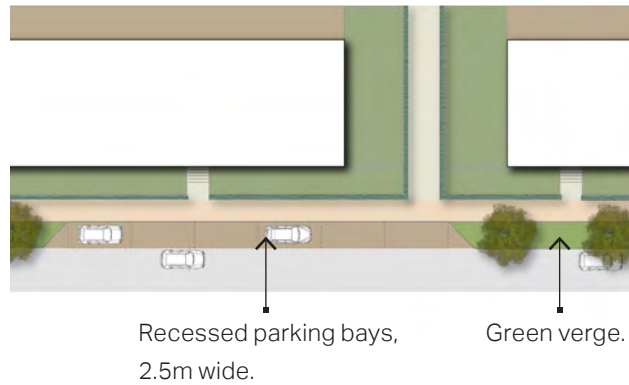


F.47

Figure 47: On-plot side parking, Elmstead.

### On-street parking

- A parallel car parking space should be 2.5m x 6m long. There must not be more than 6 spaces in a row without a break.
- Potential negative impacts on the streetscene can be mitigated by the use of recessed parking bays with planting in between.



**F.48**

**Figure 48:** Diagram showing on-street parking.

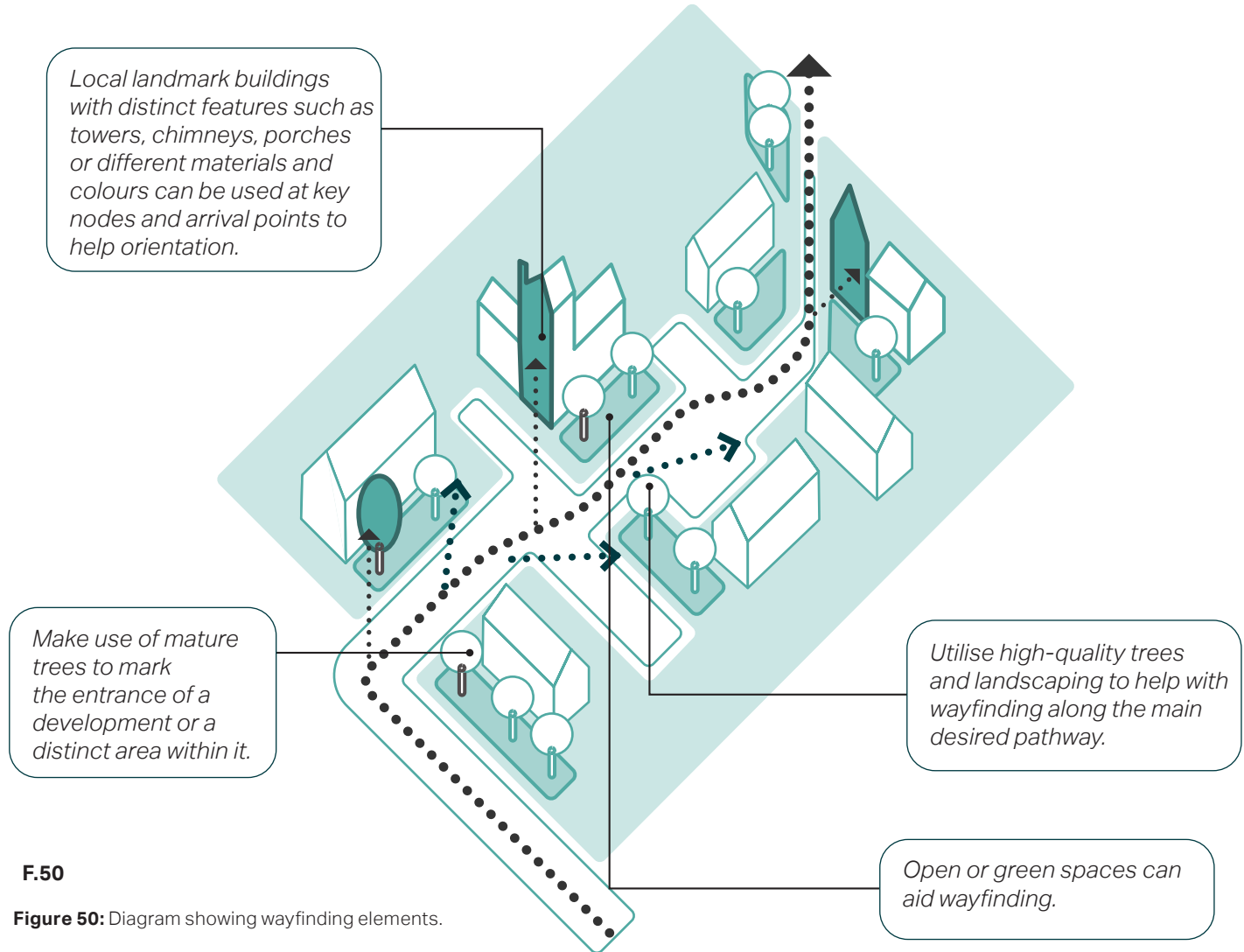


**Figure 49:** On-street parking, Elmstead.

## AM4. Legibility and wayfinding

Signage and wayfinding techniques are an integral part of encouraging sustainable modes of transport as they make walking and cycling easier by ensuring that routes are direct and memorable.

- Places should be created with a clear identity and be easy to navigate.
- Local landmark buildings or distinctive building features such as towers or chimneys can aid legibility.
- Landscape features, distinctive trees and open spaces can also be used as wayfinding aids as well as providing an attractive streetscape.



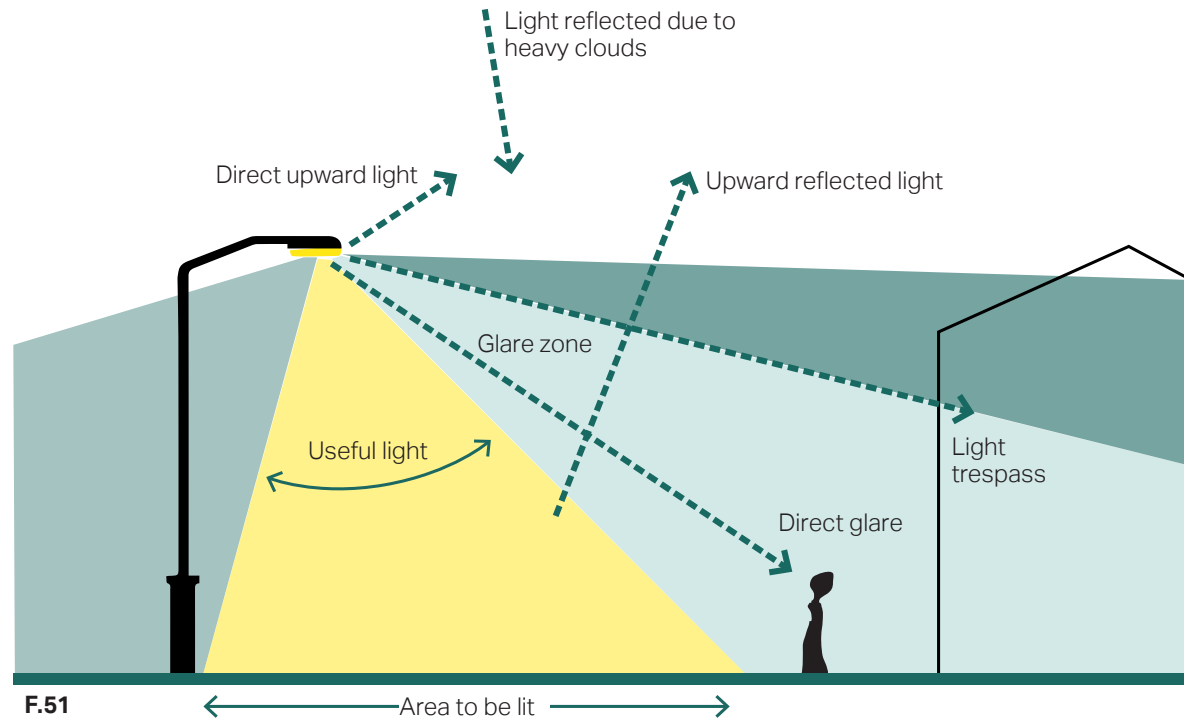
**F.50**

**Figure 50:** Diagram showing wayfinding elements.

## AM5. Street lighting

Street lighting should be used appropriately throughout the village and the countryside to minimise the impact on existing dark skies, reducing light pollution that disrupts natural habitats. Some design considerations for street lighting includes:

- Ensure that lighting schemes will not cause unacceptable levels of light pollution, particularly in intrinsically dark areas. These can be areas very close to the countryside or where dark skies are enjoyed.
- Consider lighting schemes that could be turned off when not needed (part night lighting) to reduce any potential adverse effects.
- Reduce the impact on sensitive wildlife receptors throughout the year, or at particular times by turning the lighting down or off.



**Figure 51:** Diagram showing the different elements of light pollution and 'good' lighting.

## 4.5 Landscape, nature and open space

### LO1. Create a green network

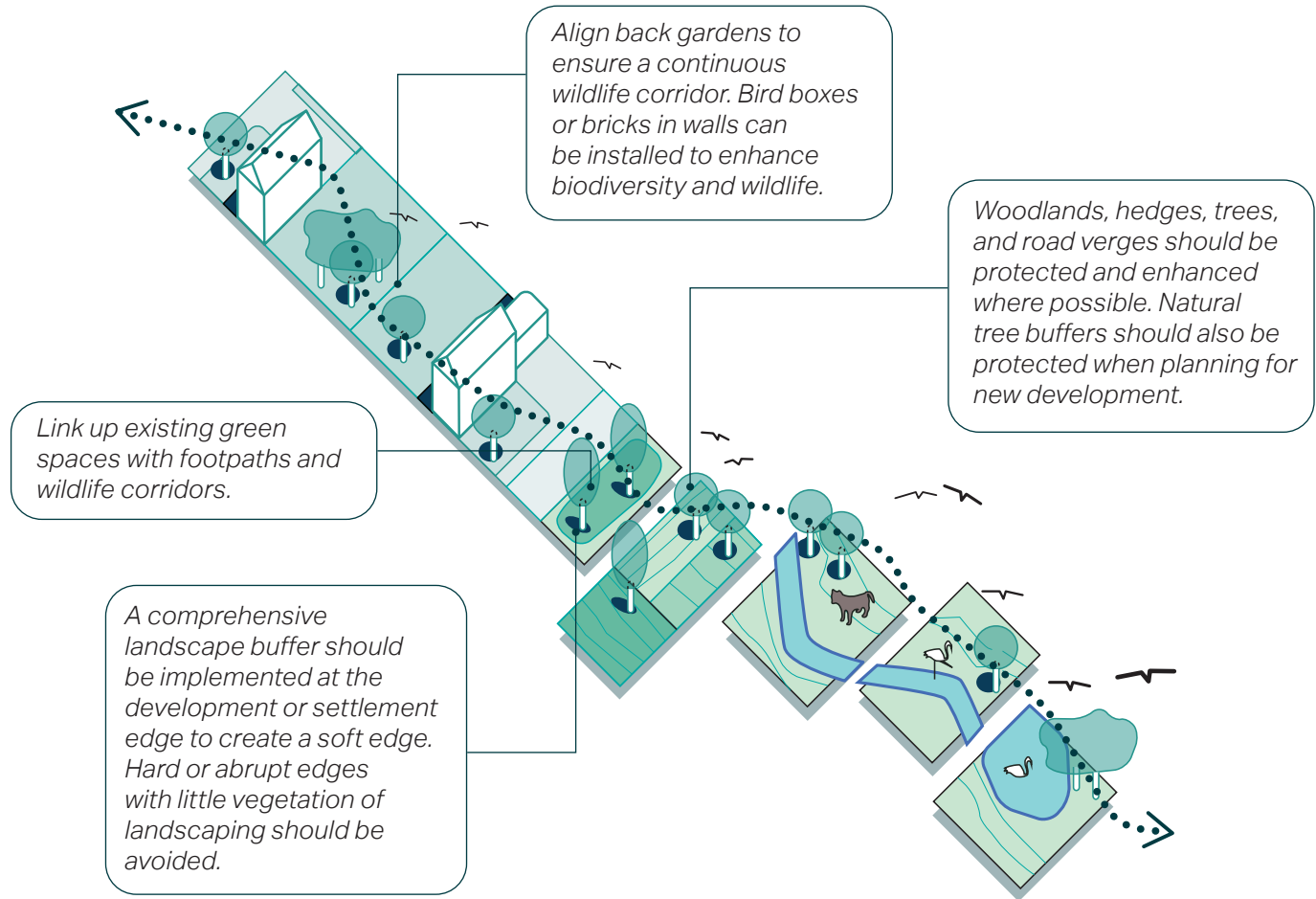
Elmstead has rich green infrastructure with open countryside surrounding the village as well as green spaces, front and back gardens, landscaping and street trees which all contribute to the green network.

In order to create a comprehensive green network existing green spaces and footpaths should be identified and linked up for the benefit of people and wildlife.

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**Figure 52:** Diagram showing how a green network can be created in Elmstead by linking existing green spaces.



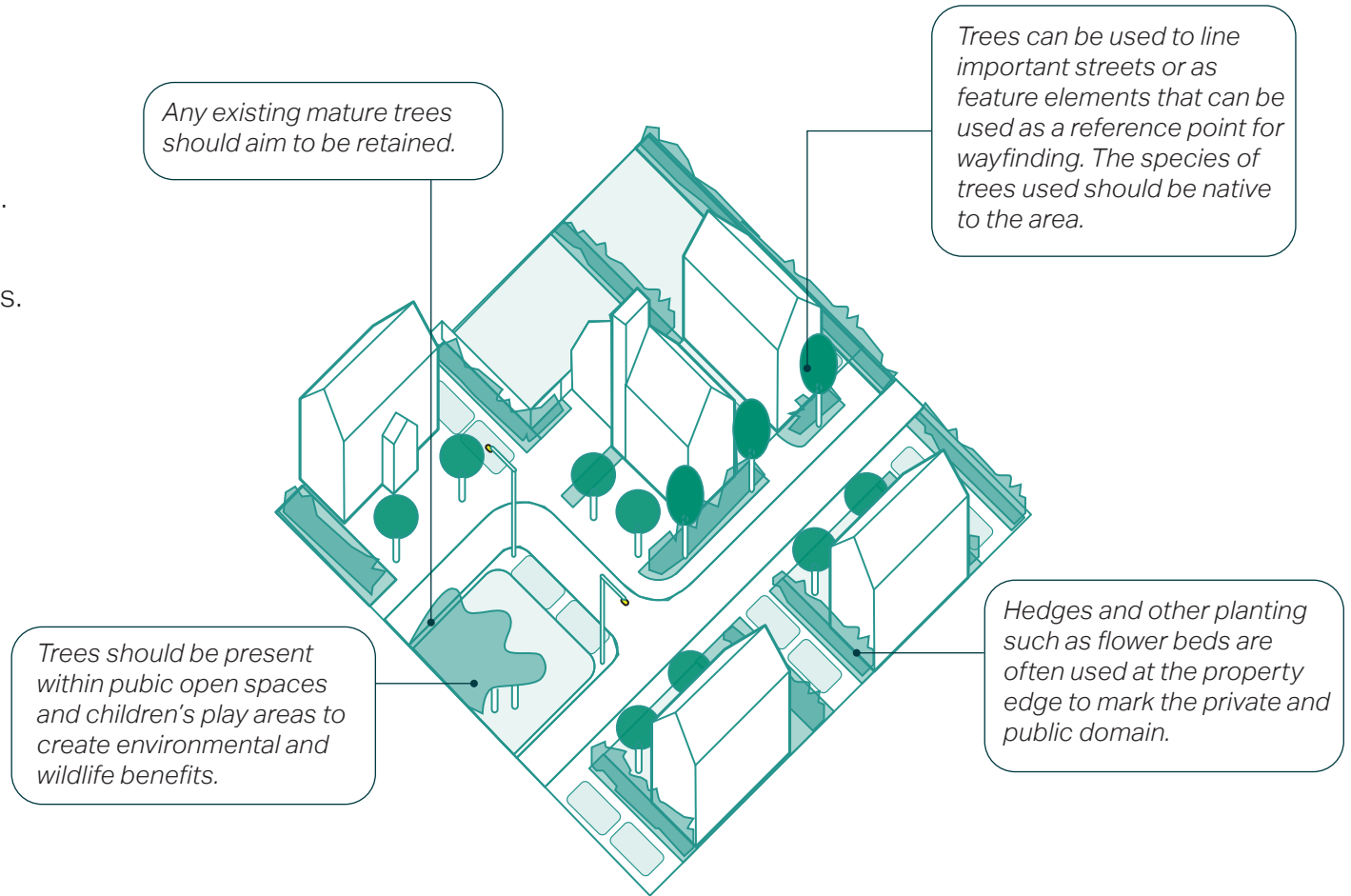
**F.53**

**Figure 53:** Diagram showing a green network.

## LO2. Landscape and trees

Providing street trees and landscaping within the built environment creates an interesting and varied streetscape and brings physical and mental health benefits.

Providing street trees within the built up areas of the village can bring many benefits. Firstly, they are aesthetically pleasing and create variation and interest along the street. Furthermore, they can add to the identity of a place and act as a traffic calming measure. They also can improve people's physical and mental health.



**F.54**

**Figure 54:** Illustrative diagram of landscaping and trees in a residential area.

## 4.6 Sustainability and climate change

### SC1. Sustainable buildings

Energy efficient or eco design combines all-round energy efficient construction, appliances, and lighting with commercially available renewable energy systems, such as solar water heating and solar electricity.

Starting from the design stage, there are strategies that can be incorporated towards passive solar heating, cooling and energy efficient landscaping which are determined by local climate and site conditions. The retrofit of existing buildings with eco design solutions should also be encouraged.

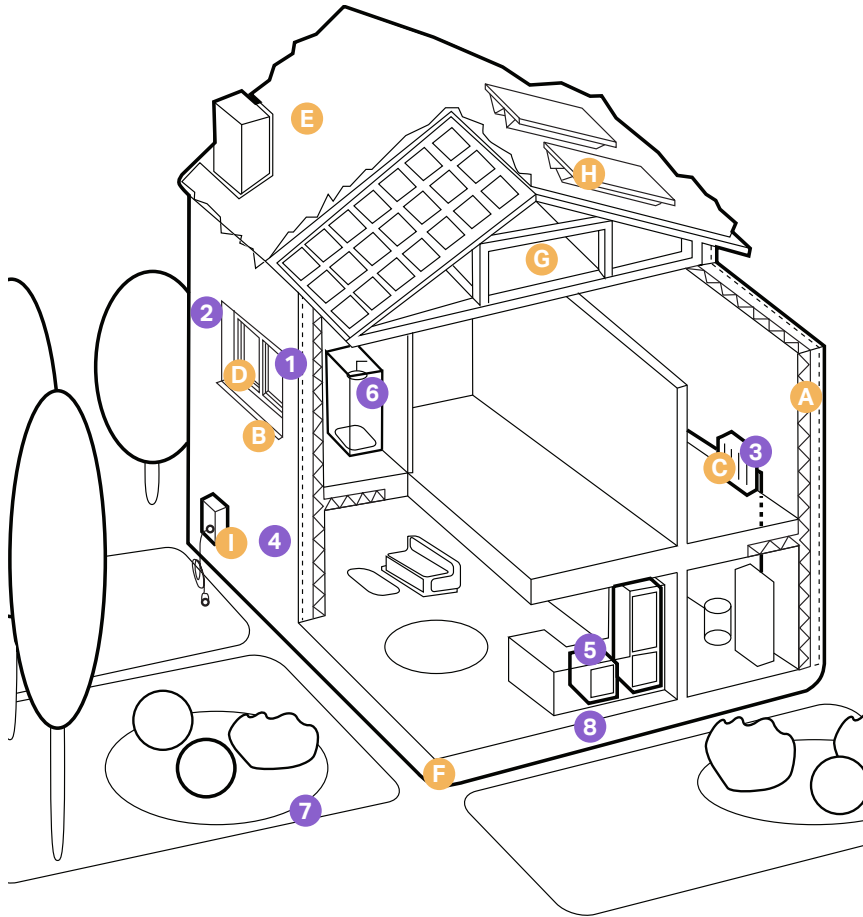
The aim of these interventions is to reduce overall home energy use as cost effectively as the circumstances permit. The final step towards a high-performance building would consist of other on site measures towards renewable energy systems.

It must be noted that eco design principles do not prescribe a particular architectural style and can be adapted to fit a wide variety of built characters. A wide range of solutions is also available to retrofit existing buildings, including listed properties, to improve their energy efficiency<sup>1</sup> to the heritage significance.

- Buildings must be built with high levels of energy efficiency. Construction materials should be effectively reused, recycled and locally sourced. Material should be transported on site in the most sustainable manner and have low embodied energy.
- Buildings must achieve at least a minimum level of carbon reductions through a combination of energy

efficiency, on-site energy supply and/or (where relevant) directly connected low carbon or renewable heat and choose from a range of (mainly off-site) solutions for tackling the remaining emissions.









<sup>1</sup> Historic England. <https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>












F.55

Figure 55: Diagram showing low-carbon homes in both existing homes and new builds.

### Existing homes

- 1  **Insulation**  
in lofts and walls (cavity and solid)
- 2  **Double or triple glazing with shading**  
(e.g. tinted window film, blinds, curtains and trees outside)
- 3  **Low-carbon heating**  
with heat pumps or connections to district heat network
- 4  **Draught proofing**  
of floors, windows and doors
- 5  **Highly energy-efficient appliances**  
(e.g. A++ and A+++ rating)
- 6  **Highly waste-efficient devices**  
with low-flow showers and taps, insulated tanks and hot water thermostats
- 7  **Green space (e.g. gardens and trees)**  
to help reduce the risks and impacts of flooding and overheating
- 8  **Flood resilience and resistance**  
with removable air back covers, relocated appliances (e.g. installing washing machines upstairs), treated wooden floors

### Additional features for new build homes

- A  **High levels of airtightness**
- B  **Triple glazed windows and external shading**  
especially on south and west faces
- C  **Low-carbon heating**  
and no new homes on the gas grid by 2025 at the latest
- D  **More fresh air**  
with mechanical ventilation and heat recovery, and passive cooling
- E  **Water management and cooling**  
more ambitious water efficiency standards, green roofs, rainwater harvesting and reflective walls
- F  **Flood resilience and resistance**  
e.g. raised electrical, concrete floors and greening your garden
- G  **Construction and site planning**  
timber frames, sustainable transport options (such as cycling)
- H  **Solar panel**
- I  **Electric car charging point**



## Electric vehicle charging points

New development should cater for electric vehicles on both on-street and off-street car parking spaces. Some guidelines for each typology are:

### On-street car parking

- Car charging points should be provided next to public open spaces;
- Where charging points are located on the footpath, a clear footway width of 1.5m is required next to the charging point, for a wheelchair user and a pedestrian to pass side-by-side; and
- Charging points should be located in a way that are not blocked by petrol or diesel vehicles.

### Off-street car parking

- Mounted charging points and associated services should be integrated into the design of new developments; and
- Cluttered elevations, especially main façades and front elevations, should be avoided.



Figure 56: Examples of on-street car charging points.



Figure 57: Examples of off-street mounted car charging points.

## SC2. Water management

The term sustainable drainage system (SuDS) covers a range of approaches to surface water management that reduce flood risk and improve water quality in a more sustainable way. Collecting water for reuse is the most sustainable option and has the added benefit of reducing pressure on important water sources. Where reuse is not possible the most effective type of SuDS depend on site-specific conditions such as the underlying ground conditions or topography. However, a number of overarching principles can be applied:

- Reduce runoff rates by facilitating infiltration into the ground or by providing attenuation that stores water so that it does not overwhelm water courses or the sewer network;
- Integrate into development and improve amenity through early consideration in the development process and good design practices;
- SuDS are often as important in areas that are not directly in an area of flood risk themselves, as they can help reduce downstream flood risk by storing water upstream;
- Some of the most effective SuDS are vegetated, using natural processes to slow and clean the water whilst increasing the biodiversity value of the area;
- Best practice SuDS schemes link the water cycle to make the most efficient use of water resources by reusing surface water; and
- SuDS must be designed sensitively to augment the landscape and provide biodiversity and amenity benefits.

## Sustainable Drainage Systems

Any development should seek to reduce flood risk overall through the creation of multi-functional green infrastructure and sustainable drainage systems. It is essential to demonstrate that the development will be safe and it does not increase the flood risk elsewhere.

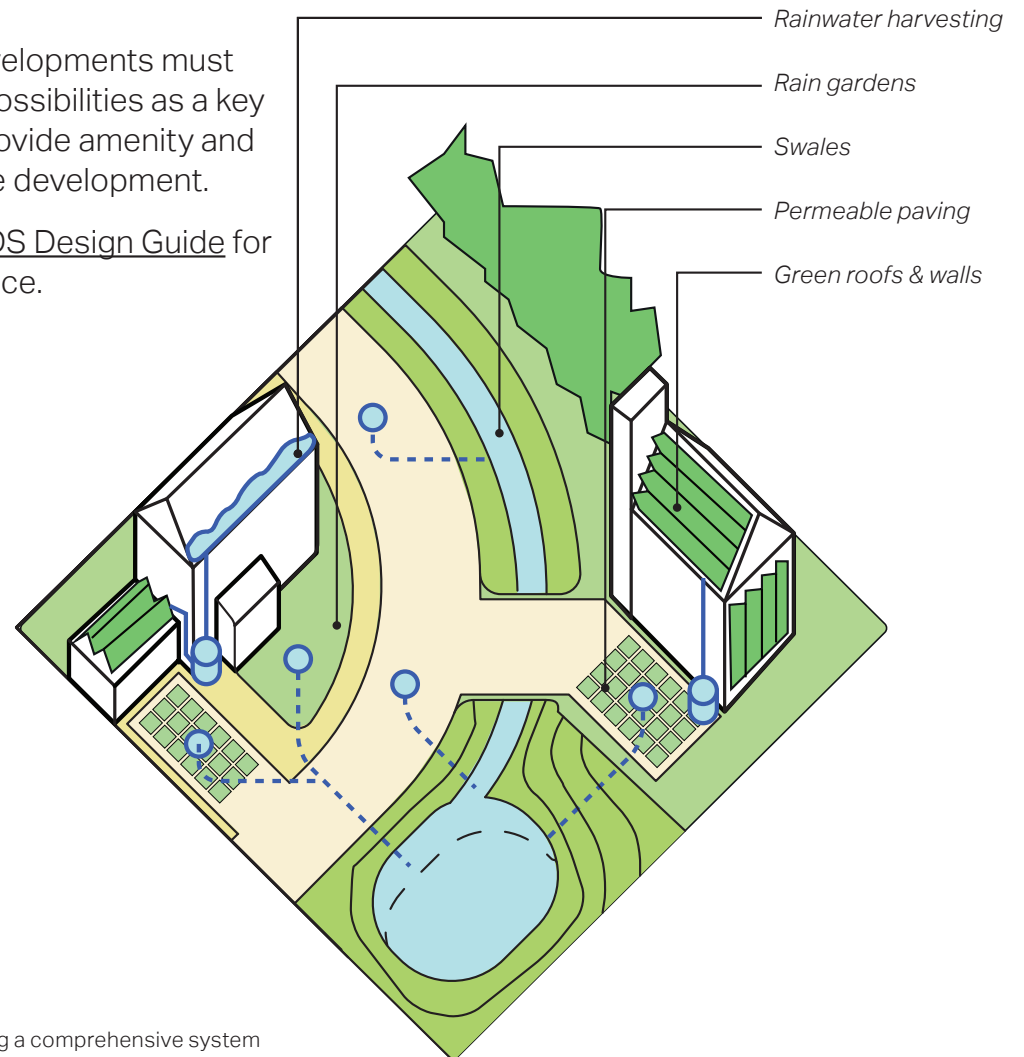
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It is important to challenge the traditional approach to managing flood risk and change to one that recognises the value of water as a resource and maximises the benefits through the design process.

New developments should consider the amenity and aesthetic value of surface water in the urban environment alongside long term environmental, biological and social factors in the context of climate change and urbanisation.

SuDS should be considered as a key design tool to achieve those wider goals and not a mere functional requirement.

- New and existing developments must capitalise on SuDS possibilities as a key design element to provide amenity and aesthetic value to the development.
- See to the [Essex SuDS Design Guide](#) for more detailed guidance.



### F.58

**Figure 58:** Diagram showing a comprehensive system of green and blue infrastructure.

### Storage and slow release

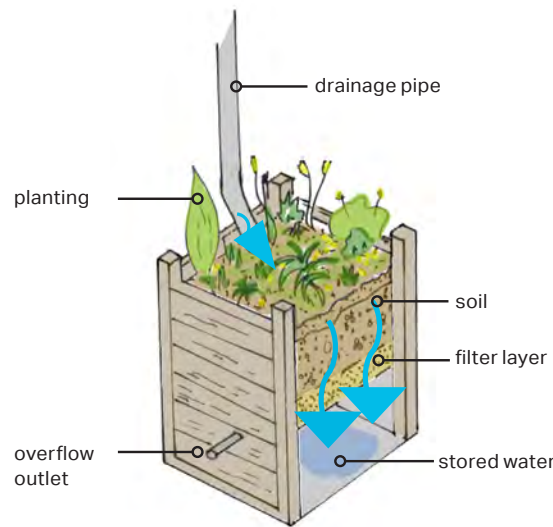
Rainwater harvesting refers to the systems allowing the capture and storage of rainwater as well as those enabling the reuse in-site of grey water. Simple storage solutions, such as water butts, can help provide significant attenuation. To be able to continue to provide benefits, there has to be some headroom within the storage solution. If water is not reused, a slow release valve allows water from the storage to trickle out, recreating capacity for future rainfall events.

New digital technologies that predict rainfall events can enable stored water to be released when the sewer has greatest capacity to accept it.

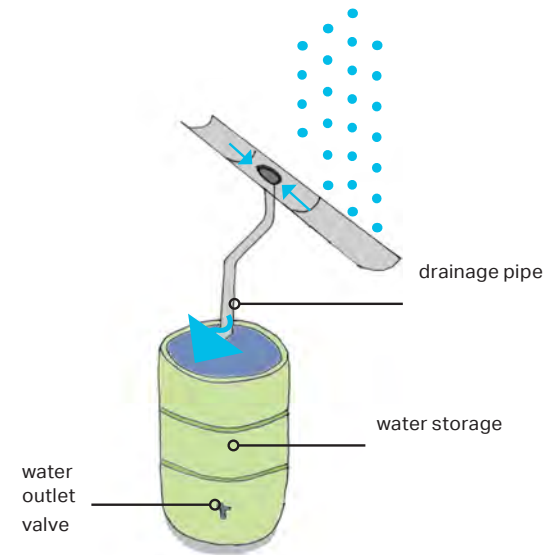
These systems involve pipes and storage devices that could be unsightly if added without an integral vision for design. Therefore, some design recommendations would be to:

- Conceal tanks by cladding them in complementary materials.
- Use attractive materials or finishing for pipes.

- Combine landscape/planters with water capture systems.
- Underground tanks.
- Utilise water bodies for storage.



**F.59** **Figure 59:** Diagram showing how a stormwater planter.



**F.60** **Figure 60:** Diagram showing how a water butt works.

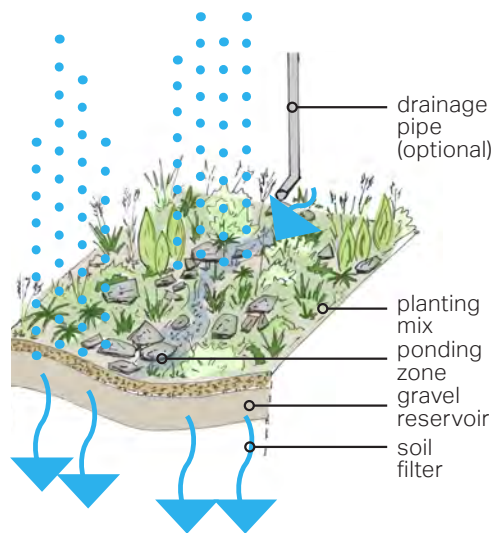
## Bioretention systems

Bioretention systems, including soak away and rain gardens, can be used within each development, along verges, and in semi-natural green spaces. They must be designed to sit cohesively with the surrounding landscape, reflecting the natural character of the town. Vegetation must reflect that of the surrounding environment.

They can be used at varying scales, from small-scale rain gardens serving individual properties, to long green-blue corridors incorporating bioretention swales, tree pits and mini-wetlands, serving roads or extensive built-up areas.

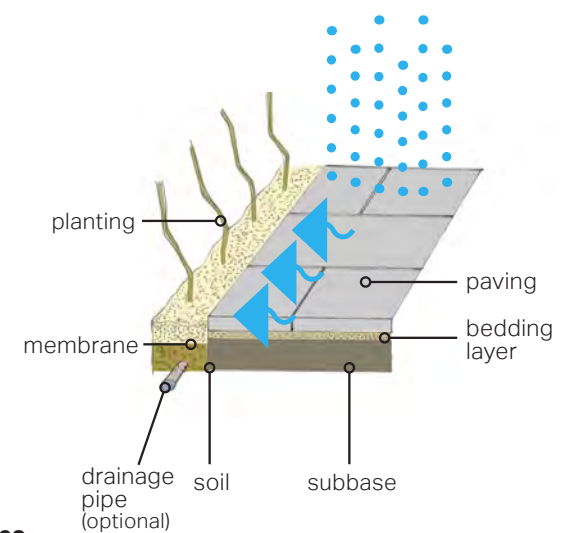
These planted spaces are designed to enable water to infiltrate into the ground. Cutting of downpipes and enabling roof water to flow into rain gardens can significantly reduce the runoff into the sewer system. The UK Rain Garden Design Guidelines provides more detailed guidance on their feasibility and suggests planting to help improve water quality as well as attract biodiversity.<sup>1</sup>

<sup>1</sup> UK Rain Gardens Guide. Available at: <https://raingardens.info/wp-content/uploads/2012/07/UKRainGarden-Guide.pdf>  
Elmstead Design Guidance and Codes



F.61

Figure 61: Diagram showing how a rain garden works.



F.62

Figure 62: Diagram showing how a soak away garden works.

## 4.7 Development proposal checklist

**As the design guidance and codes in this chapter cannot cover all design eventualities, this section provides a number of questions based on established good practice against which the design proposals should be evaluated.**

### **4.7.1 General questions to ask and issues to consider when presented with a development proposal**

The aim is to assess all proposals by objectively answering the questions below. Not all the questions will apply to every development. The relevant ones, however, should provide an assessment as to whether the design proposal has taken into account the context and provided an adequate design solution.

As a first step there are a number of ideas or principles that should be present in all proposals. These are listed under 'General design guidelines for development.' Following these ideas and principles, a number of questions are listed for more specific topics on the following pages.

## General design guidelines for new development:

- Integrate with existing paths, streets, circulation networks and patterns of activity.
- Reinforce or enhance the established settlement character of streets, greens, and other spaces.
- Harmonise and enhance existing settlement in terms of physical form, architecture and land use.
- Relate well to local topography and landscape features, including prominent ridge lines and long-distance views.
- Reflect, respect, and reinforce local architecture and historic distinctiveness.
- Retain and incorporate important existing features into the development.
- Respect surrounding buildings in terms of scale, height, form and massing.
- Adopt contextually appropriate materials and details.
- Provide adequate open space for the development in terms of both quantity and quality.
- Incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features.
- Ensure all components e.g. buildings, landscapes, access routes, parking and open space are well related to each other.
- Positively integrate energy efficient technologies.
- Make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation, and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.
- Ensure that places are designed with management, maintenance and the upkeep of utilities in mind.
- Seek to implement passive environmental design principles by, firstly, considering how the site layout can optimise beneficial solar gain and reduce energy demands (e.g. insulation), before specification of energy efficient building services and finally incorporate renewable energy sources.

# 2

## Local green spaces, views & character:

- What are the particular characteristics of this area which have been taken into account in the design; i.e. what are the landscape qualities of the area?
- Does the proposal maintain or enhance any identified views or views in general?
- How does the proposal affect the trees on or adjacent to the site?
- Can trees be used to provide natural shading from unwanted solar gain? i.e. deciduous trees can limit solar gains in summer, while maximising them in winter.
- Has the proposal been considered within its wider physical context?
- Has the impact on the landscape quality of the area been taken into account?
- In rural locations, has the impact of the development on the tranquillity of the area been fully considered?
- How does the proposal impact on existing views which are important to the area and how are these views incorporated in the design?
- Can any new views be created?
- Is there adequate amenity space for the development?
- Does the new development respect and enhance existing amenity space?
- Have opportunities for enhancing existing amenity spaces been explored?
- Will any communal amenity space be created? If so, how this will be used by the new owners and how will it be managed?
- Is there opportunity to increase the local area biodiversity?
- Can green space be used for natural flood prevention e.g. permeable landscaping, swales etc.?
- Can water bodies be used to provide evaporative cooling?
- Is there space to consider a ground source heat pump array, either horizontal ground loop or borehole (if excavation is required)?



# 3

## Street grid and layout:

- Does it favour accessibility and connectivity? If not, why?
- Do the new points of access and street layout have regard for all users of the development; in particular pedestrians, cyclists and those with disabilities?
- What are the essential characteristics of the existing street pattern; are these reflected in the proposal?
- How will the new design or extension integrate with the existing street arrangement?
- Are the new points of access appropriate in terms of patterns of movement?
- Do the points of access conform to the statutory technical requirements?

# 4

## Buildings layout and grouping:

- What are the typical groupings of buildings?
- How have the existing groupings been reflected in the proposal?
- Are proposed groups of buildings offering variety and texture to the townscape?
- What effect would the proposal have on the streetscape?
- Does the proposal maintain the character of dwelling clusters stemming from the main road?
- Does the proposal overlook any adjacent properties or gardens? How is this mitigated?
- Subject to topography and the clustering of existing buildings, are new buildings oriented to incorporate passive solar design principles, with, for example, one of the main glazed elevations within 30° due south, whilst also minimising overheating risk?
- Can buildings with complementary energy profiles be clustered together such that a communal low carbon energy source could be used to supply multiple buildings that might require energy at different times of day or night? This is to reduce peak loads. And/or can waste heat from one building be extracted to provide cooling to that building as well as heat to another building?

# 5

## Gateway and access features:

- What is the arrival point, how is it designed?
- Does the proposal maintain or enhance the existing gaps between settlements?
- Does the proposal affect or change the setting of a listed building or listed landscape?
- Is the landscaping to be hard or soft?

# 6

## Building materials & surface treatment:

- What is the distinctive material in the area?
- Does the proposed material harmonise with the local materials?
- Does the proposal use high-quality materials?
- Have the details of the windows, doors, eaves and roof details been addressed in the context of the overall design?
- Does the new proposed materials respect or enhance the existing area or adversely change its character?
- Are recycled materials, or those with high recycled content proposed?
- Has the embodied carbon of the materials been considered and are there options which can reduce the embodied carbon of the design? For example, wood structures and concrete alternatives.
- Can the proposed materials be locally and/or responsibly sourced? E.g. FSC timber, or certified under BES 6001, ISO 14001 Environmental Management Systems?

# 7

## Household extensions:

- Does the proposed design respect the character of the area and the immediate neighbourhood, and does it have an adverse impact on neighbouring properties in relation to privacy, overbearing or overshadowing impact?
- Is the roof form of the extension appropriate to the original dwelling (considering angle of pitch)?
- Do the proposed materials match those of the existing dwelling?
- In case of side extensions, does it retain important gaps within the street scene and avoid a 'terracing effect'?
- Are there any proposed dormer roof extensions set within the roof slope?
- Does the proposed extension respond to the existing pattern of window and door openings?
- Is the side extension set back from the front of the house?
- Does the extension offer the opportunity to retrofit energy efficiency measures to the existing building?
- Can any materials be re-used in situ to reduce waste and embodied carbon?

# 8

## Building heights and roofline:

- What are the characteristics of the roofline?
- Have the proposals paid careful attention to height, form, massing and scale?
- If a higher than average building(s) is proposed, what would be the reason for making the development higher?
- Will the roof structure be capable of supporting a photovoltaic or solar thermal array either now, or in the future?
- Will the inclusion of roof mounted renewable technologies be an issue from a visual or planning perspective? If so, can they be screened from view, being careful not to cause over shading?

# 9

## Building line and boundary treatment:

- What are the characteristics of the building line?
- How has the building line been respected in the proposals?
- Has the appropriateness of the boundary treatments been considered in the context of the site?

# 10

## Car parking:

- What parking solutions have been considered?
- Are the car spaces located and arranged in a way that is not dominant or detrimental to the sense of place?
- Has planting been considered to soften the presence of cars?
- Does the proposed car parking compromise the amenity of adjoining properties?
- Have the needs of wheelchair users been considered?
- Can electric vehicle charging points be provided?
- Can secure cycle storage be provided at an individual building level or through a central/ communal facility where appropriate?
- If covered car ports or cycle storage is included, can it incorporate roof mounted photovoltaic panels or a biodiverse roof in its design?

Next steps

05

# 5. Next steps

## 5.1 Delivery

The design guidelines and codes will be a valuable tool in securing context-driven, high-quality development within Elmstead. They will be used in different ways by different actors in the planning and development process, as summarised in the table.

Actors	How they will use the design guidelines
<b>Applicants, developers, &amp; landowners</b>	As a guide to community and Local Planning Authority expectations on design, allowing a degree of certainty – they will be expected to follow the Guidelines and Codes as planning consent is sought.
<b>Local Planning Authority</b>	As a reference point, embedded in policy, against which to assess planning applications.  The Design Guidelines and Codes should be discussed with applicants during any pre-application discussions.
<b>Parish Council</b>	As a guide when commenting on planning applications, ensuring that the Design Guidelines and Codes are complied with.
<b>Community organisations</b>	As a tool to promote community-backed development and to inform comments on planning applications.
<b>Statutory consultees</b>	As a reference point when commenting on planning applications.

## About AECOM

AECOM is the world's trusted infrastructure consulting firm, delivering professional services throughout the project lifecycle — from planning, design and engineering to program and construction management. On projects spanning transportation, buildings, water, new energy and the environment, our public- and private-sector clients trust us to solve their most complex challenges. Our teams are driven by a common purpose to deliver a better world through our unrivaled technical expertise and innovation, a culture of equity, diversity and inclusion, and a commitment to environmental, social and governance priorities. AECOM is a *Fortune 500* firm and its Professional Services business had revenue of \$13.2 billion in fiscal year 2020. See how we are delivering sustainable legacies for generations to come at [aecom.com](https://www.aecom.com) and [@AECOM](https://twitter.com/AECOM).





# Elmstead Parish Important Views



*Neighbourhood Plan Evidence Report*

*2024*



*Elmstead Parish Council*  
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No. *Picture and view*

1 **North Green**

*Direction*  
North East

**Momples Hall, Village Green, War Memorial, flagpole and historic buildings which surround the Village Green (North).**



This is an important view and location in the village for all villagers, both to view and as a place to gather for important village occasions such as Remembrance Sunday.

The panorama is of Momples Hall (a Grade II listed house. C17/C18 of possibly earlier origin, with later alterations and additions. Timber framed and rough rendered with a red plain tiled roof) adjacent to the large, grassed village green, planted with mature trees and with a paved path inset diagonally across it, which is regularly used by villagers to access other areas of the village. The Village Green is the site of the Elmstead Parish War Memorial.

Surrounding the village green are a number of historic buildings which include Spring Cottage (Grade II listed Cottage. C15/C16. Timber framed and plastered with a thatched roof and Tudor House (Grade II listed, C17 or earlier and timber framed).



South Green is a long stretch of grassed village green with herbaceous borders, cherry trees and planters. South Green is home to the Elmstead village sign and has a number of seats that are regularly used by villagers. The cherry blossom along South Green in the Spring is a sight enjoyed by all who pass through the village.

**Along the South Green, you will find the following buildings of interest:**

**Glen Cottage.** Grade II listed, probably C18. Timber framed and plastered. Thatched roof.

**Lime Cottages** Pair of cottages. C18. Timber framed and weatherboarded. Thatched roof.

**The Thatch Cottage.** Early C17 with later additions and alterations. Timber framed, C19 red brick faced. Thatched roof.

**The Limes** House. C17 with C18 facade, C19 right wing and other alterations and additions. Timber framed, painted brick facade, plastered right range.

3 **The lanes to Crockleford Heath**

North



An important view in the village, much enjoyed by walkers of the lanes that lead to the hamlet of Crockleford Heath.

4 **Stream and water meadows, south of Fen Farm**

South-East



A south-east facing view of arable land with a line of trees and hedging and track, just off the public foot path at Fen Farm.

5 **Palegate Wood, aka Bluebell Wood**

East



An ancient, lowland mixed deciduous Woodland which is well-known in the local area for the stunning carpet of Bluebells in the Spring.

6 **Landscape views behind Market Field School**

South



Looking towards Grove Farm, this view is of farmland, with a public footpath diagonally across the field. To the left will be the new 63 home development, Asterwood.



A world-known garden made up of five different types of gardens, which all deal with challenging soils and aspects and give different views across the site:

#### GRAVEL

This flat garden is situated in one of the driest parts of the country, not irrigated, and having poor, free-draining soil, it has become renowned for its spectacular display of drought-tolerant plants.

#### SCREE

The Scree Garden features a large collection of easy alpines.

#### WATER

The site slopes down towards the Water Garden which includes a series of ponds and moisture loving plants.

#### WOODLAND

The undulating Woodland Garden on the edge of the gardens is full of shade-loving bulbs, perennials and shrubs planted underneath a dense canopy of tall oaks.

#### RESERVOIR

An open area, recently re-designed and predominantly planted with low maintenance trees and shrubs, interspersed with a few herbaceous perennials and grasses.

8 **View from Park Farm towards blue-gates farm**

South-East



A south-east facing view from Park Farm of arable fields, tree line and hedging.

9 **Fields and hills behind Grange Farm**

South-West



A south-west facing view, next to the Grange Farm housing development, looking across the valley to the Frating hall Wood.



A view looking east, down Bromley Road. On the left is the Wood Trust site of scrubland, high hedging and looking towards Mill Wood and on the right-hand side of the road, past the high hedging is turfed field, looking in the distance to trees.



11 **Woodland Trust Nature Reserve**

East



Looking east over the grassland and field with horses towards Mill Wood.

12 **Near the Bridge overlooking Lodge Farm, Cold Hall and woodland**

South-East



A south-east view looking across the grass and scrub land.





A view looking north/north-west of the Elmstead Cricket Club building and grounds with the Vicarage (hidden behind the trees). The view across the pitch of open farmland has now disappeared and is now of the Pavilion View development.

14 **Elmcroft**

North



Situated next to the Cricket Pitch, Elmcroft is a grassed area with a mix of mature and younger trees, popular for local children to play in and for dog walkers to walk on. Looking north, there is a large ditch next to the Cricket pitch that separates both areas and to the left of Elmcroft, is the Elmcroft residential area and access road – a mix of houses and bungalows.



A popular view with walkers in the village as they walk down to the Church. On the left is open farmland which has been planted with sweetcorn in previous years and on the right, mature hedging and trees which neighbours open farmland.



A view, looking west of public footpath with mature trees that form a 'green tunnel' and mature hedging.



A view looking north-east, of Elmstead Church, which is hidden behind the mature trees and looking over towards Bromley across the arable fields.



Looking east from the approach to the bridge and the bridge over the A120 which looks towards Bromley Brook and Boudge Hill Wood. Arable farmland neighbours the A120 together with a line of mature trees and hedging.





Views of the Sand and Gravel pit. Open farm-land with dense hedging with mature trees.

20 **Sand and Gravel Pit ponds**

South-East



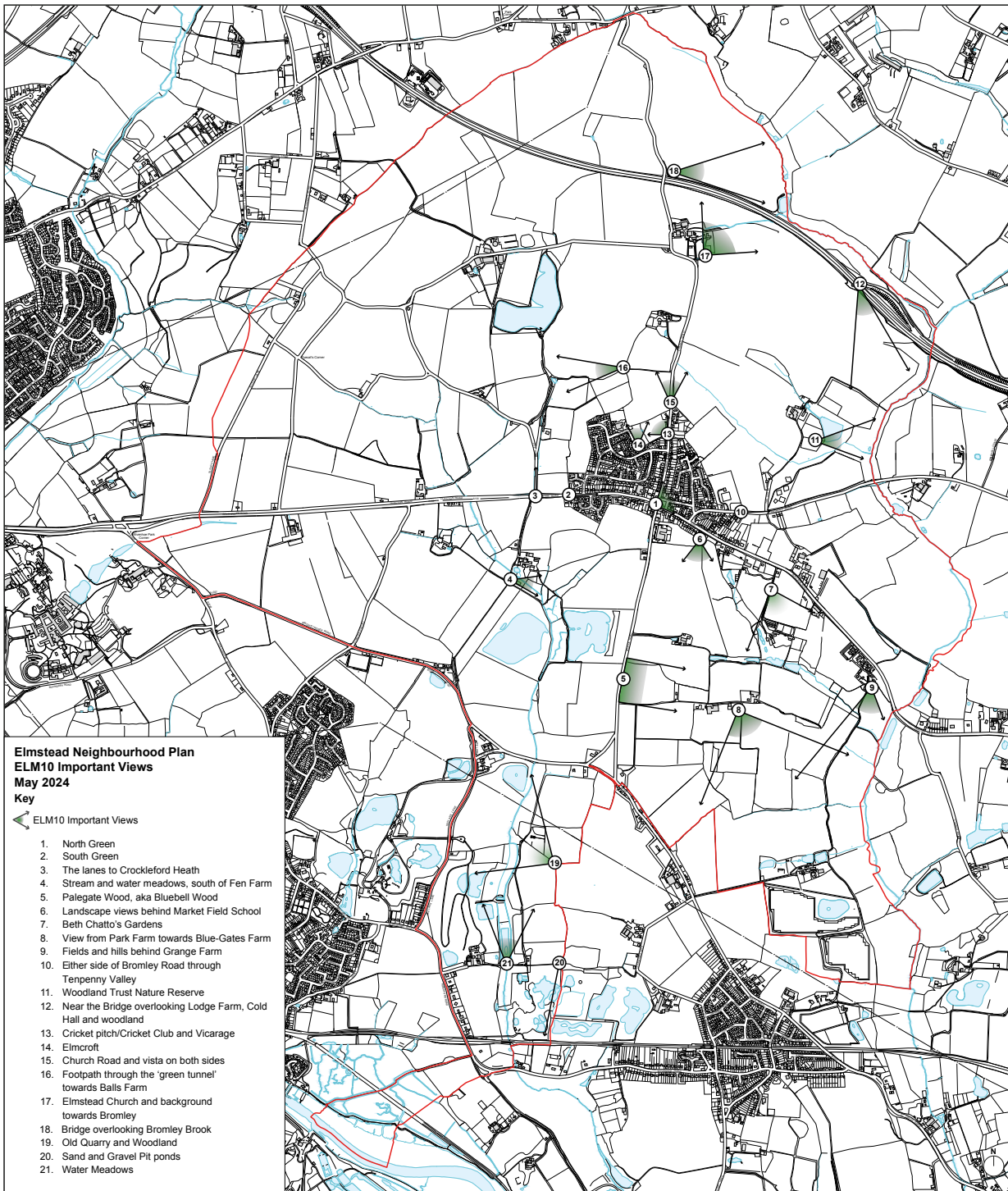
View bordering both Cockaynes wood and Villa woods. This is a disused sand and gravel pit. This is now a very large pond, teeming with wildlife with shrubs bordered by mature trees and shrubs.

21 **Water meadows**

North



A view from Sunnymead Farm which is a working farm breeding rare breed pigs, water buffalo, lambs. View showing lake bordered with established trees and hedging.





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