

Public Document Pack

TENDRING DISTRICT COUNCIL

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

5 October 2026

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 13 October 2026 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line and a small mark.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 13 October 2026

Prayers

1 Apologies for Absence

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

2 Minutes of the Last Meeting of the Council (Pages 7 - 26)

The Council is asked to approve, as a correct record, the minutes of the extraordinary meeting of the Council held on Tuesday 1 September 2026.

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 Chairman of the Council

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

5 Announcements by the Chief Executive

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

6 Statements by the Leader of the Council

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

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

7 Statements by Members of the Cabinet

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

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

8 Petitions to Council - Report of Assistant Director (Corporate Policy & Support) - A.1 - E-Petition: "Wheelie Bins for Recycling" (Pages 27 - 28)

To report a 'live' petition that has been submitted in accordance with the Petitions Scheme approved by the Council.

9 Questions Pursuant to Council Procedure Rule 10.1

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

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

10 Report of the Leader of the Council - A.2 - Executive Decision(s) taken as a matter of urgency (Pages 29 - 30)

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

11 Minutes of Committees (Pages 31 - 74)

The Council will receive the minutes of the following Committees:

- (a) Planning Policy & Local Plan of Tuesday 25 August 2026; and
- (b) Resources and Services Overview & Scrutiny of Tuesday 15 September 2026.

NOTES:

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

12 Motion to Council pursuant to Council Procedure Rule 12 - Establishing the financial cost to this Council in responding to the Government's Local Government Reorganisation programme to date plus, inter alia, a call on the Government to reimburse this Council for all costs incurred as a direct result of the Local Government Reorganisation process (Pages 75 - 76)

Council will consider a motion, notice of which has been given by Councillor P B Honeywood pursuant to Council Procedure Rule 12.

The provisions of Council Procedure Rule 12.5, (Professional Advice of the Council's Statutory Officers on the Motion) require the Council's three statutory officers (i.e. Monitoring Officer, Section 151 Officer and Head of Paid Service), once the Motion has been accepted as being valid, to produce a formal Advisory Note detailing any necessary initial professional advice in relation to the implications for the Council of that Motion. That Advisory Note will focus on implications for the Council relating to budgetary, constitutional or legislative requirements or staffing matters.

In this instance, the Council's Statutory Officers have indicated that they do not need to provide any such professional advice and therefore an Advisory Note does not need to be produced on this occasion.

13 Joint Report of the Cabinet and the Monitoring Officer - A.3 - Amendments to the Council's Constitution - Planning Committees and the National Scheme of Delegation of Planning Authority Functions (Pages 77 - 112)

To enable Council to consider proposed amendments to the Constitution recommended by the Cabinet following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation.

The main proposals cover miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remains effective, efficient and consistent at an operational level and complies with the new legislation.

14 Reference from the Community Leadership Overview and Scrutiny Committee - A.4 - Parish Councils for Clacton-on-Sea, Holland-on-Sea, and West Clacton & Jaywick Sands - Commencement Date & Initial Terms of Office (Pages 113 - 120)

To enable Council to consider the recommendations submitted by the Community Leadership Overview and Scrutiny Committee in relation to proposed amendments to:-

- (1) the commencement date for the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands; and
- (2) the initial term of office of Parish Councillors elected to the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands.

15 Report of the Chief Executive - A.5 - Appointment of a Tendring District Council Substitute Representative to serve, when required, on the Tendring / Colchester Borders Garden Community Joint Committee (Pages 121 - 122)

To enable Council to appoint a Member to serve on the Tendring / Colchester Borders Garden Community Joint Committee as Tendring District Council's designated Substitute in the stead of Councillor Fowler.

16 Report of the Chief Executive - A.6 - Changes in membership of Political Groups (Pages 123 - 124)

To inform Members of recent changes in the membership of political groups on Tendring District Council.

17 Report of the Chief Executive - A.7 - Membership of Committees (Pages 125 - 126)

To inform Members of changes in the membership of Committees made since the last meeting of the Council.

18 Questions Pursuant to Council Procedure Rule 11.2 (Pages 127 - 128)

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

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

19 Seating Plan for meetings of the Full Council for the remainder of the 2026/2027 Municipal Year (Pages 129 - 130)

To enable Full Council to approve the seating plan for its meetings to be held during the remainder of the 2026/2027 Municipal Year. The seating plan has been amended to account for the recent decisions by Councillors Land and Thompson to resign from their respective political groups.

20 Urgent Matters for Debate

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

Date of the Next Scheduled Meeting of the Council

Tuesday, 24 November 2026 at 7.30 pm - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

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

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

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

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

Filming by the Council

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to four years (the Council retains three full years of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 1ST SEPTEMBER, 2026 AT 7.30 PM
IN THE PRINCE'S THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Oxley (Chairman), Guglielmi (Vice-Chairman), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray (except items 43, 44 & 49), Calver, Casey, Chapman BEM, Codling, A Cossens, M Cossens, Davidson, Davis, Doyle, Everett, Fairley (except items 49 - 51), Ferguson, Fowler (except items 44 - 51), Goldman, Griffiths, Harris (except items 43, 44 & 49 - 51), I Henderson, J Henderson, P Honeywood, S Honeywood, Keteca (except items 43 & 44), Kotz, Land, Morrison, Placey, Platt, Scott, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson (except items 43 - 51), White and Wiggins
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Gary Guiver (Corporate Director (Planning & Community)), Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), Ian Ford (Democratic Services Manager), Rebecca Catchpole (Leadership Support Officer) and Simon Kedge (Casual Technician (Princes Theatre))
Also in Attendance:	Paul Woods (Planning Policy Manager), Will Fuller (Senior Planning Policy Officer), James Dwan (Communications Officer) and Christopher Bailey (Elections and Leadership Support Officer)

32. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bush and Newton.

33. MINUTES OF THE LAST MEETING OF THE COUNCIL

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

RESOLVED that the minutes of the ordinary meeting of the Council held on 2 June 2026 be approved as a correct record and be signed by the Chairman.

34. DECLARATIONS OF INTEREST

Councillor Fairley made the following statement:-

"I would like to declare a disclosable pecuniary interest in relation to item 18 - A5 on the Agenda this evening, in that my family own and farm land at both Horsley Cross and Little Bromley. The sites are included within the Local Plan Review Submission Version being considered this evening and detailed within the report. I will be leaving the meeting prior to this item being debated."

Councillor M A Cossens made the following statement:-

“I rent land for storage purposes at Birch Hall, and this is a registered Disclosable Pecuniary Interest and the site is referenced within the Sustainability Report in the Appendix to Item 18 – Report A5, however it is mentioned because the site was submitted for housing purposes of which I was unaware of and am unsure of the exact location. But, in any event it has been discounted and rejected for the reasons provided within the Place Services document, as not being suitable, and is therefore an unallocated site. Having sought the Monitoring Officer’s advice in advance of this meeting, my DPI is not a matter being directly decided upon or affected by any decision to be made this evening and therefore, I am able to participate in the meeting without any dispensations.”

Councillor A I Cossens informed the meeting that Councillor M A Cossens’ statement applied to her situation as well.

Councillor Bray declared a conflict of interest in relation to agenda items 12, 13 and 18 insofar as he was a member of the Cabinet of Essex County Council, as the Portfolio Holder for Regeneration, Planning & Heritage. He informed Council that he would withdraw from the meeting at the appropriate junctures and take no part in the consideration of those items.

Councillor Harris declared a conflict of interest in relation to agenda items 12, 13 and 18 insofar as he was the Leader of Essex County Council. He informed Council that he would withdraw from the meeting at the appropriate junctures and take no part in the consideration of those items.

Councillors Keteca and Thompson each declared conflicts of interest in relation to agenda items 12 and 13 insofar as they were both elected members of Essex County Council. They informed Council that they would withdraw from the meeting at the appropriate junctures and take no part in the consideration of those items.

35. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

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

36. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

Fire at a property in Edith Road, Clacton-on-Sea

The Chief Executive informed Council that there had been a property fire the previous night in Edith Road, Clacton-on-Sea. Eight people had been displaced, and Council staff had opened the Essex Hall, in the Town Hall as a rest centre for those people. By noon that day, the Council’s homelessness team had managed to settle those persons into temporary accommodation.

37. STATEMENTS BY THE LEADER OF THE COUNCIL

Clacton Parliamentary Constituency By-Election – 13 August 2026

The Leader of the Council (Councillor M E Stephenson) made the following statement:-

“I want to use my statement today as Leader to recognise what I think has been an exceptional effort by staff across the council in delivering the Clacton by-election. None

of us saw this coming. Then, suddenly, we had a parliamentary by-election to deliver, with only a matter of weeks to prepare.

And this was no straightforward election either. We had 34 candidates, the largest number ever in a UK parliamentary election, a huge ballot paper, significant logistical challenges and an intense level of national and international scrutiny.

Most people see polling day, the count and the result. What they do not see is the enormous amount of work going on behind the scenes to make all of that happen. Our Elections and Democratic Services team had to go from zero warning to delivery mode almost immediately. That took an enormous amount of work and commitment, and I want to thank every one of them for what they did.

I also want to recognise our Returning Officer, Ian Davidson, and the senior team around him. The responsibility for delivering the election ultimately rested on Ian's shoulders. I know the pressure he and his team were under throughout this process, and they dealt with that pressure professionally from beginning to end. I want to put my personal thanks to Ian and his senior team on the record.

But this went far beyond one team.

Staff from right across the council stepped forward to work at polling stations, at the count and in all the different roles needed to keep an election of this scale moving.

And I also want to mention those who were not directly involved in the election. The colleagues who covered for others and kept everything else running. Residents still relied on us. Council services still had to be delivered. That work continued because people across the organisation stepped up.

For me, this was a whole council effort.

To those who organised it, to those who delivered it on the day, and to those who kept the rest of the council going around them, I want to put on record my heartfelt thanks and gratitude.

You were handed a difficult and completely unexpected job, under extraordinary scrutiny, and you delivered.

I am proud of what you achieved, and I know colleagues across this chamber will want to join me in giving Ian, his team and everyone else involved a sincere and thoroughly deserved thank you."

Members endorsed the Leader's sentiments with a round of applause.

Councillor Platt asked a question on the Leader's statement to which the Leader of the Council responded.

38. STATEMENTS BY MEMBERS OF THE CABINET

33rd Clacton Air Show – August 2026

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) made the following statement:-

"I wish to make a statement to Councillors on the back of the fantastic and successful Air Show which has just taken place. Once again, we had two days of thrilling flying displays, ground attractions and family entertainment. This was the 33rd Airshow that the Council has put on. We estimate that around 215,000 people attended over the two days and the theme for this year was "A celebration of aviation" and it certainly shone through the programme throughout that time.

We had the headline favourites such as the Red Arrows, over the two days with their precision flying, which the crowd loves as one of their favourites, and we had the heritage flights of two Spitfires, marking the 90th anniversary of the Spitfire's first flight.

We had added flights also to that. We had the bonus of a new flight – G-Force Aerobatics – and we had a MiG-17. The most special flight that I saw was the "Sally B", the B-17 Flying Fortress, the last airworthy B-17, that provided one of the stand-out moments of the programme and added a powerful piece of living aviation history to the skies above Clacton.

Madam Chairman, we had the twilight flights, for residents and visitors, one of their favourite occasions in the year. The Air Show is one of the biggest calendar events of our summer and it is much loved by everyone. But to see those twilight flights – the Firebirds Aerobatic Team and the favourite Otto the Helicopter with its pyrotechnics and fireworks lighting up the sky over Clacton seafront – it was a memorable occasion.

But we also need to remember that it is not just about the brilliant spectacle in the sky. It was a celebration of aviation, our seafront, our local economy, and the thousands of visitors, local residents, local businesses, volunteers, sponsors and partners who all help make the event such a success each year.

On that note, I want to thank the sponsors – Red Nova IT Solutions; Actual Radio (who brought the sound and excitement of the airshow to audiences beyond the seafront); LocaliQ; Black Jacket; Fisher Jones Greenwood LLP; MRL Productions; Freeport East; The Lifehouse PH; Central Connect and Aspen Fire & Rescue.

I also want to say a big thank you to Jessica Bryan, the Airshow's event director and her brilliant supporting team. We know that once the Air Show has completed its second day that they start planning again for the next year and they are already looking at exciting opportunities for 2027. I want to mention two members of the event team who were unfortunately missing over the two days due to family bereavements, so I want to give a special thank you to Sarah Daniells and Joanne Needham for helping to make the Airshow such a success in the leadup to the event.

I want to thank too Council staff across every department who worked tirelessly to make the event such a success – selling programmes; collecting donations – and not forgetting the emergency services and the volunteers and traders on the Greensward.

One of the biggest attractions on the Greensward was the replica Typhoon cockpit – it was fantastic to see children, parents, people getting into that cockpit and seeing for themselves what it feels like and what the pilot can see and do.

And not forgetting David Walton of TSA Consultants Ltd., the Air Show Display Director who plays a really important role making sure everything goes to plan on the day. Finally, I'd like to say a big thank you to Air Marshal Phillip Osborn for all his support being the scenes and on the day. I know how much Air Marshal Osborn does to support us and make sure that we've got the right aircraft and some of the groundwork which he does to make sure that the Greensward has got the right attractions as well so a big thank you to him as well.

I'm sure that all Members give a big thanks to all the staff and look forward to next year's two day Air Show and that it will be as exciting as this year's show."

Beach Patrol Service

The Portfolio Holder for Leisure & Public Realm (Councillor Barry) made the following statement:-

"Chairman, I would like to take a moment to say a heartfelt thank you to the members of staff of our Beach Patrol team and recognise them for everything they have done to help keep residents and visitors safe along our coastline this summer - which has been particularly busy due to the prolonged hot weather we have experienced, with some media suggesting this could be the hottest UK summer on record.

The Essex Sunshine Coast is one of our District's greatest assets. Every year, tens of thousands of people come to enjoy our beaches, but we also know that the sea can be unpredictable and that conditions can change very quickly.

Throughout the summer, our Beach Patrol staff have worked incredibly hard, often in busy and challenging conditions. Much of their most important work is preventative. It is about spotting potential dangers early, speaking to people before they get into difficulty, encouraging swimmers to remain within safe areas and moving people away from piers, groynes, breakwaters and other coastal structures.

*Initial figures covering July and August show the scale of that work. Across our beaches, the team recorded **4,525 occasions when safety advice was given to members of the public**, provided first aid on **44 occasions**, and worked jointly with the emergency services in relation to **42 incidents**. The figures also record **64 rescues during July and August**. These are initial figures, they do not include the recent Clacton Airshow and the Bank Holiday period - nor the additional step-up patrols we put in place earlier in the season due to the hot weather - and due to the nature of the work there will inevitably be some gaps and 'tidying up' of the data to be completed.*

*The team's work is not limited to responding to incidents. A key part of their role is helping people understand how to stay safe in and around the water. This summer, the Council also supported the Swim Safe programme, with more than **530 young people** taking part in sessions designed to teach vital open-water safety skills and what to do if they or someone else gets into difficulty.*

The whole team has worked with professionalism and vigilance throughout a relentlessly hot summer period. They have shown the value of prevention and education in offering safety guidance, providing first aid and stepping in when people get into difficulty.

Sadly, we must also acknowledge that there have been tragic fatalities here and elsewhere on the Essex coast this summer.

First and foremost, our thoughts are with the families and friends of everyone affected by these tragic incidents. They have been heartbreaking for the communities involved, and I want to echo the condolences previously expressed.

The responsibility for staying safe at the coast is one we all share, but I hope Council will join me in recognising the dedication of our Beach Patrol team. Their work is not limited to the moments when a rescue is required. It is also found in the thousands of quieter interventions which prevent incidents from happening in the first place.

On behalf of Tendring District Council, I would like to place on record our sincere thanks to every member of the Beach Patrol team, and also to the emergency services and partner organisations who have worked alongside them throughout the summer. Their commitment, professionalism and public service have made a real difference throughout the season, and we are extremely grateful to them."

39. PETITIONS TO COUNCIL

On this occasion it was reported that no 'live' petitions had been submitted in accordance with the Scheme approved by the Council.

40. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

It was reported that, on this occasion, no such questions on notice had been submitted.

41. REPORT OF THE LEADER OF THE COUNCIL - A.1 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

Council considered a report of the Leader of the Council (A.1) that, in accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, notified Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

(1) Short Term Licence to Occupy over Rush Green Bowl, Rush Green Road, Clacton-on-Sea

On 23 June 2026, in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules, the Corporate Director (Planning & Community), acting on behalf of the Portfolio Holder for Assets & Community Safety, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Portfolio Holder's urgent "Part B" decision, relating to the agreement of terms for a short-term licence to Clacton Town Football Club Ltd could be taken under the special urgency procedure and therefore be automatically exempted from the call-in procedure.

The Portfolio Holder's decision had been as follows:-

- (a) *To agree terms for a short-term licence to Clacton Town Football Club Ltd on terms and conditions set out in Appendix A; and*
- (b) *To authorise the Corporate Director for Planning and Community to complete the licence on the agreed terms and on any other terms as he considers appropriate.*

It had been felt that any delay likely to be caused by the normal "Part B" decision process and/or the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The Football Club required the licence to be confirmed imminently in order to enter into new contracts with utility companies."

This decision enabled this Council to regularise current occupation arrangements and ensure appropriate legal and governance controls. As well as enabling continued community use of the facility whilst allowing time for a compliant and transparent tender process, it also meant that the current football club operating from the site avoided losing their place in the league, which would have prejudiced their position when it came time to submit a tender.

- (2) Extension of the Householder Permit scheme through July and August 2026 for Orwell Place car park, Dovercourt

On 10 July 2026, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency), the Portfolio Holder for Leisure & Public Realm sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Portfolio Holder's urgent decision, relating to the extension of the householder permit scheme through July and August 2026 for the Orwell Place car park, Dovercourt, would be exempted from the call-in procedure.

The Portfolio Holder's decision had been as follows:-

"To extend the householder permit scheme through the months of July and August 2026 for Orwell Place car park Dovercourt."

It had been felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"That the public works in Dovercourt were already underway removing parking bays and the mitigating actions for parking to support local firms were required immediately."

It was moved by Councillor M Stephenson and:-

RESOLVED that the contents of the report be noted.

42. MINUTES OF COMMITTEES

It was moved by Councillor M E Stephenson and:-

RESOLVED that the minutes of the following Committees, as circulated, be received and noted:-

- (a) Resources and Services Overview & Scrutiny of Thursday 21 May 2026;
- (b) Planning Policy & Local Plan of Monday 8 June 2026;
- (c) Resources and Services Overview & Scrutiny of Tuesday 16 June 2026;
- (d) Community Leadership Overview & Scrutiny of Tuesday 23 June 2026;
- (e) Audit of Thursday 25 June 2026;
- (f) Standards of Wednesday 15 July 2026; and
- (g) Human Resources & Council Tax of Thursday 30 July 2026.

43. MOTION TO COUNCIL - OPPOSITION TO ANY MOVE BY ESSEX COUNTY COUNCIL TO RETREAT FROM ITS COMMITMENTS ON CLIMATE ACTION, BIODIVERSITY, ENVIRONMENTAL PROTECTION OR NATURE RECOVERY

Further to declarations of interest made under minute 34 above, Councillors Bray, Harris, Keteca and Thompson withdrew from the meeting whilst this item was considered and determined.

Council had before it the following motion, notice of which had been given by Councillor Barrett pursuant to Council Procedure Rule 12:-

“This Council –

- (a) notes that **Essex County Council** has adopted clear and significant policies and strategies to protect the environment, tackle climate change and support nature recovery across Essex, and that these commitments have been presented as central to the county’s long-term wellbeing and resilience;*
- (b) further notes that these policies are not symbolic gestures but are grounded in scientific evidence, statutory duties, cross-party commitments and years of partnership working, including through the **Essex Climate Action Commission**, the **Climate Action Plan** and the **Local Nature Recovery Strategy**;*
- (c) therefore expresses its unequivocal opposition to any move by **Essex County Council** to dilute, delay, dismantle or walk away from its commitments on climate action, biodiversity, environmental protection or nature recovery, as any such retreat would be reckless, short-sighted and wholly contrary to the interests of residents, communities and future generations, particularly if pursued without proper consultation, transparent evidence or a credible public mandate;*
- (d) **resolves:** (1) to reaffirm its full support for robust climate action, environmental protection and nature recovery across Essex; (2) to make clear its opposition to any attempt to weaken or remove existing strategies, protections or programmes in these areas without compelling evidence and full public accountability; and (3) to request that the Leader of the Council write to the Leader of **Essex County Council** in the strongest possible terms, urging that there must be no reduction in commitment to climate and environmental protection and that all existing strategies and programmes should be maintained and implemented in full.”*

At the time that the agenda had been published it had been confirmed that the statutory officers did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Barrett formally moved the motion, and Councillor Barry formally seconded the motion.

Councillor Barrett then indicated that he wished to alter his motion so that it instead read as follows:-

“This Council –

- (a) notes that Essex County Council previously adopted clear and significant policies and strategies to protect the environment, tackle climate change and support nature recovery across Essex, and that those commitments were presented as central to the county’s long-term wellbeing and resilience;*
- (b) further notes that those policies were not symbolic gestures but were grounded in scientific evidence, statutory duties, cross-party commitments and years of partnership working, including through the Essex Climate Action Commission, the Climate Action Plan and the Local Nature Recovery Strategy;*
- (c) therefore, expresses its unequivocal opposition to the recent move by Essex County Council to dismantle and walk away from its commitments on climate action as any such retreat would be reckless, short-sighted and wholly contrary to the interests of residents, communities and future generations, particularly if pursued without proper consultation, transparent evidence or a credible public mandate;*
- (d) resolves: (1) to reaffirm its full support for robust climate action across Essex; (2) to make clear its opposition to this attempt to weaken or remove existing strategies, protections or programmes in the area of climate action without compelling evidence and full public accountability; and (3) to request that the Leader of the Council write to the Leader of Essex County Council in the strongest possible terms, urging that Essex County Council reconsiders and reverses its decision to scrap "net-zero and greenhouse gas reduction" policies and to no longer commit to being a net-zero organisation by 2030, and to sever support for the Essex Climate Action Commission;*
- (e) further requests that the Leader of the Council writes to the Leader of Essex County Council seeking:*
 - 1. an itemised account of the climate, net-zero, biodiversity, nature-recovery and environmental commitments that will continue, be amended or cease;*
 - 2. confirmation of the status of the Essex Climate Action Plan 2025–2028 and its constituent programmes;*
 - 3. confirmation of the resources that will remain available for the Local Nature Recovery Strategy, biodiversity, air and water quality, flood resilience and coastal environmental work;*
 - 4. details of the anticipated savings arising from the changes and any assessment of potential financial, environmental, health or service consequences;*
 - 5. confirmation of how progress will be monitored and publicly reported following the proposed ending of annual climate reporting and benchmarking; and*
 - 6. a commitment to consult district, borough and unitary councils and other delivery partners before any further significant changes are made.*

- (f) *requests that Essex County Council's response be reported to a future meeting of this Council so that Members can consider whether further representations or action are required.*

The seconder of the motion (Councillor Barry) duly gave his consent to the alteration, as required by Council Procedure Rule 16.6(a) (Alteration of Motion).

In accordance with provisions of Council Procedure 12.6 Councillor Barrett then explained the purpose of the Motion and Council proceeded to debate it.

Councillors Barrett, Barry, Smith, P B Honeywood, I J Henderson, Scott, Morrison, Calver, Doyle and Alexander spoke during the debate on this matter.

Pursuant to the provisions of Council Procedure Rule 19.5, Councillor Morrison, supported by, at least, nine other Members rising in their places, requisitioned a record of the voting on Councillor Barrett's motion, as altered, as set out above. That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Baker	Amos	Alexander	Bray
Barrett	Codling	A I Cossens	Bush
Barry	Land	M A Cossens	Harris
Bensilum	Skeels	Davis	Keteca
Calver		Everett	Newton
Casey		Fairley	Thompson
Chapman BEM		Ferguson	
Davidson		Griffiths	
Doyle		Guglielmi	
Fowler		P B Honeywood	
Goldman		S A Honeywood	
I J Henderson		Platt	
J Henderson			
Kotz			
Morrison			
Oxley			
Placey			
Scott			
Smith			
Steady			
G L Stephenson			
M E Stephenson			
Sudra			
Talbot			
White			
Wiggins			

Councillor Barrett's motion, as altered, was thereupon declared **CARRIED**.

44. MOTION TO COUNCIL - CALL ON ESSEX COUNTY COUNCIL ET AL TO DIRECT THAT THE OLIVER MCGOWAN MANDATORY TRAINING ON LEARNING

DISABILITY AND AUTISM FOR ALL STAFF ACROSS SCHOOLS IN THE DISTRICT OF TENDRING BE IMPLEMENTED URGENTLY

Further to declarations of interest made under minute 34 above, Councillors Bray, Harris, Keteca and Thompson withdrew from the meeting whilst this item was considered.

Council had before it the following motion, notice of which had been given by Councillor Doyle pursuant to Council Procedure Rule 12:-

“That Tendring District Council –

- (1) Believes that too many children with Special Educational Needs & Disability (SEND) are still misunderstood or unsupported at school, and too many families must fight to get the right help;*
- (2) Reiterates that this is not a criticism of school staff but about making sure they have the training and confidence to support every child properly;*
- (3) Notes that Oliver McGowan Mandatory Training is the Government’s preferred and recommended training for learning disability and autism in health and social care, as set out in the most recent Code of Practice published in September 2025 and which is nationally recognised and co-produced with people with lived experience;*
- (4) Believes in inclusive education, and that understanding should not be optional or dependent on which school a child attends and that every child deserves to be understood, to feel safe at school, and to have the chance to achieve their full potential;*
- (5) Feels strongly that mandatory training for school staff would bring consistency, earlier understanding, better communication with families, and better outcomes for children across Tendring and that better informed staff can reduce anxiety, improve attendance and create a stronger learning environment for everyone;*
- (6) Therefore, calls on Essex County Council and relevant Academies to direct that the Oliver McGowan Mandatory Training on Learning Disability and Autism for all staff across schools in the District of Tendring be implemented urgently as a simple matter of fairness, inclusion and responsibility.”*

At the time the agenda had been published it had been confirmed that the statutory officers did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

However, prior to the commencement of the meeting the Council’s Corporate Director (Law and Governance) & Monitoring Officer had circulated the following email to Members:-

“I am writing to you on behalf of Ian Davidson [the Council’s Chief Executive] and I regarding the Motion to Council pursuant to Council Procedure Rule 12, submitted by Councillor Carrie Doyle, calling on Essex County Council to direct that the Oliver McGowan Mandatory Training on Learning Disability and Autism for all staff across schools in the District of Tendring be implemented urgently.

Some Elected Members have approached Ian and I separately, to enquire how can they debate this topic without further information regarding the subject matter, which is sensitive and technical, and upon reflection both of us agree with this viewpoint.

Having reread the motion and reflected upon its contents, while it does not have legal, financial or resource implications for TDC (which would have been the purposes of any statutory officers' advice), the wording makes reference to specific types of training and 'believes in inclusive education', and asks full Council to support this, in effect as a policy position. Article 13 in Part 2 of the Constitution refers to the principles of decision making, 13.02 (b) requires consideration of all the relevant factors and options and (e) refers to clarity of aims and desired outcomes.

As the Council's Corporate Director for Law & Governance, I am bound to advise all Members on decision making and following discussions with the Chief Executive who supports the approach, we are of the opinion that this motion should be referred to the Community Leadership Overview and Scrutiny Committee under the provisions in Council Procedure Rule 12.7 (3)(a) to require further information of the implications of the potential decision to be researched and submitted. This process can be achieved through an amendment in the normal manner.

As you will appreciate only Members can move amendments, therefore the purpose of this email is to give all Members our advice in advance of the meeting."

Councillor Doyle formally moved the motion, and Councillor Davidson formally seconded the motion.

Councillor Doyle then indicated that she wished to alter her motion by the addition of the following text as a new opening paragraph:-

"That my Motion as set out below in full, calling on Essex County Council to direct that the Oliver McGowan Mandatory Training on Learning Disability and Autism for all staff across schools in the District of Tendring, be referred to the Community Leadership Overview and Scrutiny Committee for further information on the type of training mentioned and the implications of 'inclusive education' being researched, with evidence in support, and then submitted back to Full Council prior to making its informed decision on the subject matter."

The seconder of the motion (Councillor Davidson) duly gave his consent to the alteration, as required by Council Procedure Rule 16.6(a) (Alteration of Motion).

In accordance with provisions of Council Procedure 12.6 Councillor Doyle then explained the purpose of the Motion and Council proceeded to debate it.

Councillors Doyle, Davidson, P B Honeywood, Ferguson, Griffiths and M E Stephenson spoke during the debate on this matter.

Councillor Doyle's motion, as altered, on being put to the vote was declared **CARRIED**.

45. REFERENCES OR REPORTS FROM THE CABINET

On this occasion Members were informed that there were no references or reports from the Cabinet that needed to be considered by Council.

46. REFERENCE FROM THE COUNCIL'S TWO OVERVIEW AND SCRUTINY COMMITTEES - A.2 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED

WORK PROGRAMMES FOR 2026/2027 AND A REVIEW OF THE WORK CARRIED OUT DURING 2025/2026

Council considered a joint reference report that sought its approval of the respective proposed work programmes for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the remainder of 2026/27. Through the report, Council was also asked to receive the proposed 'Annual Report 2025/26' for the overview and scrutiny work undertaken through those Committees.

Members were aware that, at this Council, the overview and scrutiny function was facilitated through two separate Committees. Those were the Community Leadership and the Resources & Services Overview and Scrutiny Committees. Together, their work comprised the whole overview and scrutiny function on the Council.

Under the Council's Overview and Scrutiny Procedure Rules, the Constitution stated, in relation to the Work Programme (Rule 7), that:-

"Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year's activities to the Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis."

In submitting their proposed work programmes for 2026/27, the Overview and Scrutiny Committees had taken into account:-

- *the General Role and Principles of undertaking its functions, as set out in Part 2, Article 6;*
- *the planned work on the preparation of elements of the Budget and Policy Framework;*
- *provision for budget scrutiny and scrutiny of the Treasury Management Strategy, as appropriate;*
- *the need for statutory timetables to be met;*
- *the wishes of the Members of the Committee;*
- *requests from the Cabinet to carry out reviews and/or suggestions from the liaison meetings held under the Cabinet Overview & Scrutiny Protocol; and*
- *requests from Members and/or Group Leaders in accordance with Rule 8.*

In addition, under Article 6.02 of the Constitution the separate Overview & Scrutiny Committees (OSCs) performed the role of overview and scrutiny in relation to:-

Resources and Services Overview and Scrutiny Committee

"the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness of:

- *Financial Forecast and Budget setting and monitoring (including the General Fund and the Housing Revenue Account but excluding those budgetary matters delegated to the Community Leadership Overview & Scrutiny Committee);*
- *Colchester/Tendring Borders Garden Community;*
- *Housing Strategy and Homeless Service;*
- *Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee);*

- *Procurement and Contract Management;*
- *Transformation and Digital Strategies; and*
- *Customer Service and Standards.”*

Community Leadership Overview and Scrutiny Committee

“(a) Community Leadership – developing the external focus of overview and scrutiny on ‘district-wide issues’ (and where appropriate sub-regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.

- *Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:*
 - *Community Safety;*
 - *Health and Well-being;*
 - *Economy, Skills and Educational Attainment;*
 - *Community engagement, development and empowerment;*
 - *Economic Development, Regeneration and Freeport East;*
 - *Leisure and Tourism (except matters relating to budgets);*
 - *Planning & Building Control and Strategic Planning (including the Local Plan);*
 - *Emergency Planning; and*
 - *To scrutinise/review the outcomes and implications for the Council of its financial support to community organisations and also from its receipt and use of funds received from local partner organisations.*

(b) The Community Leadership Overview & Scrutiny Committee will also act as the Council’s designated “crime and disorder committee” for the purposes of Section 19 of the Police and Justice Act 2006 and will have the power –

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities[*] of their crime and disorder function; and*
- (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.*

****“The responsible authorities” means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c.37) (authorities responsible for crime and disorder strategies) in relation to the local authority’s area.*

In fulfilling that function, the Community Leadership Overview & Scrutiny Committee will have the power (whether by virtue of section 9F(2) or 21(2) of the Local Government Act 2000 or regulations made under section 9JA(2) or 32(3) of that Act or otherwise) to make a report or recommendation to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority.

The crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder function as the committee considered appropriate but no less than once in a twelve-month period.

(c) The Community Leadership Overview & Scrutiny Committee, in accordance with Section 9F (d) and (e) of the Local Government Act 2000 (as amended) will also perform the functions relating to community governance reviews as provided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") where those functions have been delegated to the Committee by full Council (as set out in Part 3 Schedule 2 Responsibility for Council (Non-Executive) Functions).

In performing its delegated functions, the Committee is required, by section 100(4) of the 2007 Act, to have regard to the guidance, which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act."

In considering the Work Programme of enquires to submit for approval to Council, the separate Overview and Scrutiny Committees had had regard to the Corporate Plan 2024-28 and the themes of that Corporate Plan. Those themes were:

- 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; and
- Financial Sustainability and Openness.

The Overview and Scrutiny Committees had each formally reviewed the work carried out in 2025/26 and had considered items for inclusion in their respective proposed Work Programmes for 2026/27 as follows:

INFORMAL MEETING

Joint meeting of the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee held on 4 June 2026.

FORMAL MEETINGS

Community Leadership Overview and Scrutiny Committee – 23 June 2026; and
Resources and Services Overview and Scrutiny Committee – 16 June 2026.

Those formal approvals had followed informal development of concepts by Members of the two Committees. All Councillors on Tendring District Council had been provided with the opportunity to contribute proposals for Work Programme items for 2026/27.

Both Committees had received the results of the public consultation that had run from 13 April 2026 to 30 May 2026. Details to access the consultation had been sent directly to all Town and Parish Councils in the District with electronic copies of posters that they had been invited to display. It had been also published on the Council's website in conjunction with a social media engagement campaign by the Council's Communications Team.

Having considered all of the above, the two Overview and Scrutiny Committees had then determined their proposed Work Programmes for 2026/27 and those were now submitted for approval by Council along with a review of the scrutiny function at the Council in 2025/26 as performed through the two Committees. This had been developed

in dialogue with the Chairmen of the two Committees, and a draft had been submitted at the Committee meetings already referenced above.

Appendix Ai to report A.2 set out the proposed work programme for the Community Leadership Overview and Scrutiny Committee, Appendix Aii set out the proposed work programme for the Resources and Services Overview & Scrutiny Committee and Appendix B set out the review of the scrutiny function in 2025/26. All were submitted for consideration by Council.

It was reported that both of the Overview and Scrutiny Committees had approved arrangements to enable appointments of relevant Task and Finish Groups to take forward enquiries from the approved work programmes. Those arrangements would enable those appointments to be made prior to the next respective Committee meetings.

It was moved by Councillor Steady, seconded by Councillor P B Honeywood and:-

RESOLVED that Council –

- (a) approves the proposed work programme for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the 2026/27 Municipal Year, as set out in Appendices Ai and Aii respectively; and
- (b) notes the work carried out by those Committees in the year 2025/26, as set out in Appendix B.

47. REPORT OF THE CHIEF EXECUTIVE - A.3 - MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the expressed wishes of the Leader of the Conservative Group, and the authority delegated to him, the following appointment had been duly made since the last meeting of the Council, namely:-

Planning Committee

Councillor Dan Land had been appointed to fill the vacant allocated seat.

Council **NOTED** the foregoing.

48. REFERENCE FROM THE STANDARDS COMMITTEE - A.4 - AMENDMENTS TO TENDRING DISTRICT COUNCIL'S LICENSING GUIDANCE FOR COUNCILLORS

Council considered a reference report that proposed amendments to the Members' Licensing Guidance (now called the Licensing and Registration Probity Protocol) following a review carried out by the Standards Committee.

It was reported that the Standards Committee ("the Committee"), at its meeting held on 15 July 2026 (Minute 5 referred), had considered a report of the Monitoring Officer (A.1) which had presented the updated revised version of the Licensing and Registration Probity Protocol, following consultation with the members of the Licensing and Registration Committee, the Portfolio Holder for Assets and Community Safety (the Cabinet Member with responsibility for overseeing licensing policy matters specifically under the Gambling Act 2005, but more widely (excluding under the Licensing Act 2003) including for taxis and private hire matters), Officers responsible for licensing services in

the Law & Governance and the Environment & Housing Directorates and the Council's Independent Persons.

It had been reported that some themes emerging from the consultation were:

- *expand more on 'prejudicial' interest;*
- *add to Member training section about training to be allowed to sit on the Committee should be from the Council but could be topped up through other means such as LGA;*
- *make 'to stay open-minded' stronger; and*
- *to add that Members are not allowed to discuss blue pages documents outside of the Committee membership.*

Members had been made aware that the outcome of the consultation had been set out in Appendix B of the Officer report. In addition, the Committee had noted their opinion that the relevant Ward Councillors should be informed of any changes to a premises licence or the removal of a premises licence.

It had been RESOLVED that the Standards Committee –

- (a) *notes the outcome of the consultation with members of the Licensing and Registration Committee, the Portfolio Holder for Assets and Community, Officers responsible for licensing services in the Governance and the Environment & Housing Directorates and the Independent Persons;*
- (b) *endorses the revised Licensing and Registration Probity Protocol (with the tracked changes being accepted) and recommends to Full Council that it be adopted and incorporated into the Council's Constitution; and*
- (c) *authorises the Council's Monitoring Officer to make the administrative amendments, as highlights at the Committee meeting, prior to the Protocol's consideration at Full Council.*

Having duly considered this report:-

It was moved by Councillor Wiggins and:-

RESOLVED that the revised Licensing and Registration Probity Protocol be and is formally approved and adopted and that it be incorporated into the Council's Constitution.

49. REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.5 - TENDRING DISTRICT LOCAL PLAN REVIEW: SUBMISSION VERSION

Further to declarations of interest made under minute 34 above, Councillors Bray, Fairley and Harris withdrew from the meeting whilst this matter was considered and determined.

Council considered a reference report (and its addendum) that set out the recommendations made to it by the Planning Policy and Local Plan Committee in relation to the Tendring District Local Plan Review – Submission Version.

It was reported that the Planning Policy and Local Plan Committee (“the Committee”), at its meeting held on 25 August 2026 (minute 15 referred), had considered a comprehensive report of the Corporate Director (Planning and Community) (A.1) which had presented the Tendring District Local Plan ‘Submission Version’ to the Committee and which had sought the Committee’s agreement for this document, along with the Sustainability Appraisal and Habitat Regulations Assessment, to be recommended for approval by Full Council. That approval would allow that document to proceed to formal public consultation in line with Regulation 19 of the statutory plan-making process.

Having considered that report the Committee had formally resolved unanimously:-

“that the Planning Policy and Local Plan Committee –

- a) notes the contents of this report that explains how the Tendring District Local Plan – Submission Version has been developed having regard to the direction given and decisions taken by the Committee at previous meetings, feedback from the public consultation on the Preferred Options Draft carried out in February and March 2026 and the updated evidence base especially, together with the Sustainability Appraisal and Habitats Regulation Assessment, which have been an integral part of the Local Plan preparation and informed the Local Plan for submission, as well as the requirements of national planning policy;*
- b) subject to the agreement of the Leader of the Council and the Portfolio Holder responsible for Planning, agrees to recommend to Full Council:*
 - i. that the Tendring District Local Plan – Submission Version (at Appendix 1), being considered to meet the tests of soundness, be approved for six-weeks’ formal public consultation, alongside the related Sustainability Appraisal (at Appendix 2), Habitat Regulations Assessment (at Appendix 3) and other updated supporting evidence (including those listed as background documents) in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended); and*
 - ii. that the Corporate Director (Planning and Community) be authorised, in consultation with the Chairman of the Planning Policy and Local Plan Committee, to make corrections, if necessary, to address minor formatting, mapping, typographical, grammatical or factual errors within the aforementioned Draft Plan (in Appendix 1), in the event that any are discovered before the public consultation commences;*
- (c) notes that a final decision to confirm the Council’s wish to submit the Local Plan and associated documents to the Secretary of State will need to be taken by Full Council, on the recommendation of the Planning Policy and Local Plan Committee, following the closure of the Regulation 19 public consultation; and*
- (d) notes that the submission of the Local Plan to the Secretary of State will need to happen before 31 December 2026 or else the Council will need to begin the Local Plan review ‘from scratch’ under a new system.”*

In addition, on 26 August 2026, the Leader of the Council and the Portfolio Holder for Housing & Planning had made a joint decision to agree, inter alia, and on behalf of the Cabinet, to recommend to Full Council that the Submission Version of the Local Plan be approved for six-weeks public consultation, alongside the related Sustainability Appraisal (at Appendix 2), Habitats Regulation Assessment (at Appendix 3) and other supporting evidence (including those listed as background documents) in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations 2004, as amended.

Councillors Guglielmi, Keteca, Barry, M A Cossens, Scott, Baker and M E Stephenson addressed Council during the debate on this matter.

Having duly considered the recommendations submitted to it by the Planning Policy and Local Plan Committee, and by the Leader of the Council and the Housing & Planning Portfolio Holder, acting on behalf of the Cabinet:-

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

RESOLVED that –

- (a) the Tendring District Local Plan – Submission Version, being considered to meet the tests of soundness, be approved for six-weeks public consultation, alongside the related Sustainability Appraisal, Habitats Regulations Assessment and other supporting evidence (including those listed as background documents) in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations, as amended;
- (b) the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Policy and Local Plan Committee, be authorised to make corrections, if necessary, to address any minor formatting, mapping, typographical, grammatical or factual errors within the aforementioned Draft Plan, in the event that any are discovered before the consultation commences;
- (c) it is noted that a final decision to confirm the Council's wish to submit the Local Plan and associated documents to the Secretary of State will need to be taken by Full Council, on the recommendation of the Planning Policy and Local Plan Committee, following the closure of the Regulation 19 public consultation; and
- (d) it is noted that the submission of the Local Plan to the Secretary of State will need to happen before 31 December 2026 or else the Council will need to begin the Local Plan review 'from scratch' under a new system.

50. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

It was reported that no questions on notice had been submitted by Members on this occasion.

51. URGENT MATTERS FOR DEBATE

No urgent matters had been submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p) for this meeting.

The Meeting was declared closed at 9.37 pm

Chairman

COUNCIL

13 OCTOBER 2026

REPORT OF ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT)

A.1 **E-PETITION: "WHEELIE BINS FOR RECYCLING"**

(Report prepared by Ian Ford)

I formally report that, in accordance with the Council's approved scheme for dealing with petitions, an e-petition was submitted by Sharon Tyler on 16 September 2026. The wording of that e-petition is as follows:

"We want TDC to provide wheelie bins for recycling rather than boxes."

That e-petition has been validated and is 'live' on the Council's website. The e-petition will run until 31 January 2027, following which further reports will be submitted to Members, as appropriate and necessary, in accordance with the provisions of the Council's approved scheme for dealing with petitions.

This item is submitted for **INFORMATION ONLY**.

KEITH SIMMONS
ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT)

COUNCIL

13 OCTOBER 2026

**BACKGROUND PAPERS LIST FOR
REPORT OF ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT)**

A.1 E-PETITION: "WHEELIE BINS FOR RECYCLING"

E-petition received from Sharon Tyler on 16 September 2026.

COUNCIL

13 OCTOBER 2026

REPORT OF LEADER OF THE COUNCIL

A.2 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of this report be NOTED.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The “Special Urgency” procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the “call-in” procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISION(S) TAKEN AS A MATTER OF URGENCY

Corporate Insurance Arrangements: Transitional Modification

On 30 September 2026, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency), the Corporate Director (Finance & IT), acting on my behalf, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that my urgent decision, on behalf of the Cabinet relating to the Council's corporate insurance arrangements would be exempted from the call-in procedure.

My decision was as follows:-

"On behalf of the Cabinet and using special urgency powers, in accordance with Parts 3 and 5.8, of the Council's Constitution, the Leader of the Council hereby formally:

- a) acknowledges the applicability and criteria set out within of Section 72(1)(c) of the Public Contract Regulations 2015 to the decision being proposed;*
- b) notes and acknowledges that the information set out within the Officer's report and Appendix thereto successfully demonstrates its applicability to the proposal to modify the Council's existing insurance arrangements;*
- c) agrees the proposed modification to extend for a period of one year (from 1 October 2026 to 30 September 2027), the Council's existing corporate insurance arrangements;*
- d) authorises the Corporate Director (Finance and IT) to make the necessary arrangements to implement the proposals set out within the Officer report and its Appendix including the requirement to undertake a full competitive procurement exercise as soon as reasonably practicable once the future requirement and timetable are sufficiently clear; and*
- e) authorises publication of any contract modification notice that may be required by the Public Contract / Procurement Regulations."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The Council would not have had in place secure uninterrupted corporate insurance cover from 1 October 2026, and the Council must maintain appropriate insurance protection for its assets, liabilities, employees and for operational reasons."

BACKGROUND PAPERS

Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Paul Honeywood) consent to allow the urgent decision of the Leader of the Council to be exempted from call-in.

APPENDICES

None

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON TUESDAY, 25TH AUGUST, 2026 AT 6.17 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Guglielmi (Chairman), M Cossens (Vice-Chairman), Bush (except item 9 (part)), Chapman BEM, Newton, Scott, M Stephenson and White
Also Present:	Councillors Baker (Portfolio Holder for Housing & Planning) and Keteca (except item 15 (part))
In Attendance:	Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Gary Guiver (Corporate Director (Planning & Community)), Ian Ford (Democratic Services Manager), Paul Woods (Planning Policy Manager) and Maddie Adger (Leadership Support Manager)
Also in Attendance:	Will Fuller (Senior Planning Policy Officer), Kate Patterson (Planning Officer (Policy)) and Carlos Valenzuela (Planning Policy Officer)

9. CHAIRMAN'S OPENING REMARKS

The Chairman of the Committee (Councillor Guglielmi) made the following opening remarks:-

“Good evening, Members, Officers, members of the public, and everyone joining us online. Welcome to this meeting of the Planning Policy and Local Plan Committee on Tuesday, 25th August 2026, held in Clacton Town Hall Committee Room. I am pleased to open the meeting and thank you all for your attendance.

I have a few words that I would like to say before we go to the actual agenda itself. The work of this Committee has been pivotal to defining how our communities will grow and change, and I would like to once again thank our officers for the sterling work undertaken in preparing the reports and supporting papers, and the excellent quality of the maps that have been produced.

I would also like to thank all those who have so far engaged and contributed to the consultation whose views have helped to inform and shape the progress of our Local Plan.

The Committee is this evening asked to endorse the final draft of the Local Plan and to recommend a six-week public consultation. Because of the introduction of mandatory and unprecedented housebuilding targets by the Government in 2024, forced upon the Council and our communities, the overall scale of additional housing growth set out in the Local Plan, 1069 new homes per year, will no doubt attract further objections. But let me assure everyone that we all agree that these figures are unrealistic, unachievable, and incredibly difficult to plan for.

Our Officers have therefore worked wonders to accommodate this requirement. Although the Submission Version contains notable changes that should address some of the previous objections, it still contains some unpopular policies and proposals needed to achieve the number of dwellings forced upon us.

On this very topic, I feel that a word of warning is due to all of us to resist any further changes that may be suggested, simply because at this very late and crucial stage, any alteration to what we are considering this evening will create delay.

Anyone who strongly disagrees with what has been produced so far, can argue their case when the plan will be heard in public in the new year, and of course during the next round of public consultation that will soon get under way.

It is absolutely crucial that we meet the end of December 2026 deadline and submit the Plan to the Planning Inspectorate to be independently examined; if we don't, the risk is to be having to restart the whole process under a new planning system, and I think I am right in saying that we all understand the consequences of that, and the "free for all" regime that it will generate.

When we come to the appropriate stage of the agenda, I would very much like Officers to explain in more details the full meaning of recommendation D on page 51, which asks the Committee to: note that the submission of the Local Plan to the Secretary of State will need to happen before 31st December 2026 or else the Council will need to begin the Local Plan review from scratch under a new system.

On pages 60 and 61 the report talks about the number of uncoordinated, unwanted, and unplanned speculative proposals, totalling 1600 new homes, that have already come forward, so it is imperative that we have our Local Plan in place as soon as possible.

Now, before we begin, I ask everyone present to ensure that mobile telephones are switched to silent. For the benefit of the public record and those following the meeting remotely, Members should please use their microphones and speak clearly. If anyone needs to leave the chamber, please do so with as little disruption as possible.

With these brief remarks, I formally open the meeting, and we will now proceed to the first item on the agenda."

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Everett (with no substitution).

11. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on Monday 8 June 2026, be approved as a correct record and be signed by the Chairman.

12. DECLARATIONS OF INTEREST

Councillor M Cossens made the following statement:-

"I rent land for storage purposes at Birch Hall, and this is a registered Disclosable Pecuniary Interest and the site is referenced within the Sustainability Report in Appendix 2 to Item 6 – Report A1, however it is mentioned because the site was submitted for housing purposes of which I was unaware of and am unsure of the exact location. But, in any event it has been discounted and rejected for the reasons provided within the Place Services document, as not being suitable, and is therefore an unallocated site.

Having sought the Monitoring Officer's advice in advance of this meeting, my DPI is not a matter being directly decided upon or affected by any decision to be made this evening and therefore, I am able to participate in the meeting without any dispensations."

Councillor Bush declared an interest in Strategic Policy SPL1: Managing Growth and specifically the classification of Little Oakley as part of the Harwich and Dovercourt Strategic Urban Settlement as it affected part of his Ward.

In the interests of transparency and having noticed that one of the listed public speakers was a representative of the Lawford Tye Action Group, the Portfolio Holder for Housing & Planning (Councillor Baker) declared that he was a former member of that Action Group.

Similarly, the Chairman of the Committee (Councillor Guglielmi) declared for the record that he attended meetings of the Lawford Tye Action Group.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

14. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question on the Officer report.

Several members of the public, attended and made oral statements, in relation to report A.1 of the Corporate Director (Planning and Community). Those statements touched upon the following matters:-

Bill Marshall

- *Well done to Officers and the Committee who had produced an excellent and futuristic Local Plan in trying and challenging times with a target of adoption after modification before Spring 2027;*
- *Officers used AI to assist with the data needed to make this Local Plan sound;*
- *undoubtedly PINS will feed the Local Plan through its own AI due to the lack of Planning Inspectors;*
- *what confidence do Officers have that this double AI process will be successful?;*
- *on the Update Sheet, railway stations are mentioned – TDC could promote Fox Street, Ardleigh mainline sidings as a new transport centre and hub that could serve the "Tolchester" Garden Community, Colchester and beyond.*

Mat Court

- *gave thanks for the removal of SAH4;*
- *supported the two sites at the Well House site, Chestnut Way and at the BT Exchange, New Street in Brightlingsea;*
- *his concern was the three greenfield site allocations at Pannell Place, Vicarage Field, Church Road and land north of Robinson Road, Brightlingsea;*

- *TDC's requirement was 18,173 homes and this Plan identified 18,334 homes to be built;*
- *removal of all 75 homes from those three greenfield sites would still leave 86 above the overall requirement;*
- *Pannell Place was consulted upon for 10 homes, and it was now proposed for 20 homes despite TDC's own assessment that identified a nearby wildlife site and a pond described as a likely wildlife habitat;*
- *Vicarage Field raised a more fundamental question – in June 2024 a Planning Inspector had dismissed appeals for just two homes there, stating that all the site fell within the coastal protection belt, the proposal was unacceptable in principle, and it was an inappropriate location for a residential development.*
- *The Inspector had also found harm to the nearby Grade II Listed property Greythorpe;*
- *TDC's December 2025 assessment had found this site to be unsuitable and had questioned whether 18 homes could be achieved and would likely cause great heritage harm, and the field is still shown as within the coastal protection belt and yet it was now proposed for 30 homes;*
- *the new Sustainability Appraisal now described the site as being outside the coastal protection belt – what changed? What new evidence was there to justify this?;*
- *MSA35 Robinson Road cannot be considered in isolation – there was an already implemented permission along that corridor for 104 holiday lodges, 36 retirement units and 5 houses – an even larger application was pending determination;*
- *don't know the 'real world' impact of this yet – Brightlingsea had a single access, and the cumulative impact would matter;*
- *MSA34 and MSA 35 were not in the Regulation 18 consultation – documents being available on the website did not equal meaningful public engagement;*
- *so, it was a simple request – please remove those three greenfield sites and move on with the rest of the Local Plan but do not sacrifice more of Brightlingsea's "green edge" without real justification.*

Tom Howard

- *at the last Local Plan, made successful applications to the Inquiry Inspector to separate Little Oakley from the Harwich urban settlement area;*
- *now asking for Little Oakley to continue as a 'Smaller Rural Settlement' as it remains a discrete village;*
- *did not oppose the substantial new development between Low Road, Deans Lane and the Essex Way as all of this was within Dovercourt and Ramsey and continued to fall within the proposed Harwich Urban Development Area even with Little Oakley excluded;*
- *suggested that the development boundary should instead run along Mayes Lane between the school and Harwich Road – this was both the parish and the Constituency boundary and therefore made a clear and logical boundary;*
- *to further separate Harwich and Little Oakley, additionally proposed that the Little Oakley smaller rural settlement should stop on the Harwich Road at either the entrance to the Little Oakley Memorial Club or at Seaview, which was the strategic green gap beside and opposite it and previously accepted as a sensible boundary by both TDC and the Inquiry Inspector for the 2007 Local Plan;*
- *Little Oakley closely aligned with the definition of a smaller rural settlement as set out within the Local Plan – it had very limited facilities, limited infrastructure, limited employment and limited transport – nearest railway station was Wrabness and*

- infrequent bus service – with a strong reliance on private cars for both work and recreational use;*
- clear rural character to Little Oakley - surrounded by active farmland, equestrian land and idyllic footpaths that included the Essex Way;*
 - retention as a smaller rural settlement would benefit the community – it offered additional protection to amenities such as Ye Olde Cherry Tree Public House as it would be treated as a rural public house rather than an urban public house – would offer protection against change of use development – it had also Asset of Community Value status – also offered rural rate relief for business rates to aid sustainability;*
 - his proposed boundary changes would not affect any housing allocations within the Local Plan but would maintain associated rural protection for Little Oakley in terms of planning and other public policies.*

Parish Councillor Neil Stock OBE (Chairman of Little Bromley Parish Council)

- referred to Policy COM31A in the 2007 Local Plan for sewerage provision and the very large (for Little Bromley) housing allocation;*
- Little Bromley was the smallest parish in the District;*
- original allocation had been for 17 homes which had been deleted by Officers on the grounds of sewerage provision;*
- Rose Builders had addressed the Committee at its last meeting and had argued that the sewerage provision would not be an insurmountable problem;*
- felt that new homes built in the 2020s without access to mains sewerage were not really fit for purpose;*
- Little Bromley had traditionally been regarded as an unsustainable location for development due to its lack of infrastructure – as well as no mains sewerage, there were no pavements/footpaths or mains gas supply or mains water supply to the whole village;*
- in terms of amenities and facilities the village was incredibly backwards;*
- therefore, the proposed housing allocation was too intense and the largest ever for the parish even at only 10 houses;*
- the parish council is working on an emerging neighbourhood plan and urged the Committee to be mindful of all of this in progressing the emerging Local Plan.*

Will Vote (on behalf of Rose Builders)

- spoke in support of the allocation of an additional site for housing in Weeley;*
- pointed out that the housing provision contingency in the Local Plan had been drastically reduced from 8% to 1% which was full of risk as it was open to challenge;*
- meant that TDC was overly reliant on almost every allocated site being developed without delay;*
- better for the Council to control this risk and manage the process by allocating more sites in sustainable locations as the current approach would likely lead to uncontrolled “wild card” applications dealt with by a Planning Inspector and therefore beyond the Council’s control;*
- contingency was therefore needed to ensure a Plan-led approach;*
- the site in question at Weeley came forward through the “call for sites” process and is sited behind the village pond at Crow Lane opposite the former TDC offices at Weeley;*
- it could deliver 100+ homes and had significant benefits for housing delivery;*

- *the site was close to existing services / facilities in Weeley, and a new school was earmarked for land behind the former TDC offices and would be within a five minute walk of the site;*
- *in terms of transport, there was a bus service and a train station (with services to Clacton, Colchester and London) in Weeley – in the new NPPF the Government had reconfirmed a focus on building homes near to train stations;*
- *therefore, this site ticked all of the boxes in terms of a sustainable, deliverable site – the vision was for high quality housing for local people, including bungalows, family homes and ‘downsizing’ and included affordable homes and plenty of open space – it would be near the centre of the village with easy access to the countryside for amenity walks – the area around the village pond could be enlarged into a village green;*
- *therefore, respectfully asked for this site to be included in the Local Plan.*

Clare Taylor (on behalf of Lawford Tye Action Group)

- *the Action Group was extremely grateful for the decision to designate Lawford Tye field as a safeguarded open space;*
- *could not overstate what this meant to so many people in Lawford – many residents used the public footpaths for amenity purposes;*
- *this designation was a recognition of the value that Lawford Tye field held for the local community;*
- *the field was in the zone of influence for the Stour Estuary SPA and RAMSAR sites which had been referred to by an Inspector when they had dismissed a planning appeal in 2018;*
- *this designation recognised this landscape for wildlife and heritage and for quiet enjoyment and a green space that promoted well-being, bio-diversity, and the character of Lawford itself;*
- *safeguarding this field ensured that future generations could enjoy this land that promoted connection, identity and a sense of belonging;*
- *this decision demonstrates a thoughtful balance between growth and preservation – planning could be both forward-looking and protective;*
- *Tye Henge, a 4,000 year old Scheduled Ancient Monument on this field was a quiet and powerful reminder of the previous generations that had walked the same grounds – this protection ensured that this valuable piece of history remained unbroken and available to future residents who would be able to stand there and feel that continuity and connection to the past;*
- *this field was also a sanctuary for important wildlife including several species of insects and bats whose habitats were threatened – part of a food web and ecosystem that depended upon places like Lawford Tye field to survive – an irreplaceable piece of natural heritage had been protected;*
- *the Action Group alongside the Parish Council would be running a petition of support to inform strong and informed public engagement;*
- *on behalf of all those who valued Lawford Tye field, was truly grateful for this designation.*

Martin Robeson (Town Planning Consultant on behalf of developers)

- *referred to the new NPPF which stated that LPAs should only consult statutory consultees if they felt that they needed to;*

- *there were lots of worthy projects to support and worthy allocations to support – TDC needed to make the local plan policies work for the developers who wanted to work with TDC – work with them, talk to them and trust them – and avoid ‘last minute’ barriers; have faith in experienced developers and their advisors, those who wanted to work with the Council.*

Mark Edgerley (Associate Partner – Ceres Property, on behalf of client, Richborough)

- *spoke in support of the development site at land south of Colchester Road, Thorpe-le-Soken;*
- *regulation 18 consultation document had included that site under Policy SAH10 for residential development of up to 150 dwellings with associated open space and landscaping and infrastructure;*
- *Richborough had responded positively to the consultation and had highlighted the deliverability of the site and had also offered an alternative which had included additional dwellings;*
- *In response to the regulation 18 consultation Thorpe-le-Soken Parish Council had expressed its support for that site as a sustainable location;*
- *Essex County Council had not supported the proposed allocation of 260 homes in Thorpe-le-Soken across two sites on the grounds it would be too much for the existing facilities and not large enough to deliver a new primary school or additional facilities;*
- *current primary school was constrained and not able to expand which limited future growth and development in Thorpe-le-Soken and surrounding villages;*
- *Richborough had subsequently updated its plans to accommodate a site for a new primary school and early years setting – would ensure that the Essex Education requirements in terms of design, walking and cycling routes and educational needs could be achieved on a site that was deliverable;*
- *the Regulation 19 document had removed this Colchester Road site, but it had confirmed that Thorpe-le-Soken was a sustainable settlement and had identified policy SAH11 for 70 dwellings – that site would take up any existing capacity in the primary school and would result in significant challenges for education in the area;*
- *as required by national policy, a local plan needed to be positively prepared, justified and effective and capable of responding over the plan period;*
- *by removing the Colchester Road site, the plan was not justified nor effective as it failed to address a known constraint in primary education in the Thorpe area;*
- *Richborough had engaged with ECC Education and had confirmed that primary and early years capacity is oversubscribed and that they had no strategy in place to accommodate future demand that might arise;*
- *Education infrastructure was dependent on extra land being made available and the current Regulation 19 document was silent on how this essential infrastructure would be provided;*
- *therefore, respectfully requested that the land south of Colchester Road, Thorpe-le-Soken was reinstated as an allocation in the Regulation 19 document.*

The Chairman of the Committee thanked all of the speakers for their presentations and requested Officers to pick up those matters raised during their own presentation as most of the topics that had been mentioned formed very much part of the agenda item that was now to be considered.

15. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - TENDRING DISTRICT LOCAL PLAN REVIEW: SUBMISSION VERSION

The Committee considered a comprehensive report of the Corporate Director (Planning & Community) (A.1) which provided it with the Tendring District Local Plan 'Submission Version' and which sought its agreement for this important document, along with the associated Sustainability Appraisal and Habitat Regulations Assessment, to be recommended for approval by Full Council to proceed to six-weeks' formal public consultation in line with Regulation 19 of the statutory plan-making process.

It was reported that the Submission Version contained the full suite of revised planning policies and detailed policies maps incorporating both the changes to housing and mixed-use site allocations considered and agreed by the Committee at its last meeting held on 8 June 2026, and other recommended changes to policies and maps aimed at improving the Plan and addressing potential soundness issues, having taken into account the many representations received in response to the public consultation on the earlier Preferred Options Draft, carried out in February and March of this year.

The Committee was made aware that, although the Submission Version contained notable changes that should address some of the previous objections, it still contained a few policies and proposals that were known to be unpopular locally and would undoubtedly attract further objections. However, as had been reported and discussed extensively with the Committee over the course of the Local Plan review process, the overall scale of additional housing growth set out in the Local Plan had been forced upon the Council following the introduction of mandatory housebuilding targets by the Government in 2024 and the consequence of failing to have an up-to-date Local Plan that met Government requirements was losing control of the pattern and quality of development; continued vulnerability to uncoordinated, unwanted and unplanned speculative development; and the risk of Government intervention or planning decisions being overturned on appeal.

Given the importance of the Local Plan, this report contained detailed commentary on the various risks and consequences of not proceeding to the next stage of the Local Plan review process as well as the risks that were likely to be encountered in moving forward to the next stage. Those included the Planning Inspectorate's limited capacity to examine the number of Local Plans expected to be submitted across the country before the end of this year, the likelihood of continued public objections, the risks involved in progressing a Local Plan with very limited headroom contingency within the supply of sites for housing and mixed-use development, the ongoing need for the Council to make difficult and potentially unpopular decisions both on the Local Plan and on planning applications, the ongoing risk of planning appeals, the risk of Government intervention, the likelihood of public criticism of the consultation exercise, the risk of economic and housing market conditions not supporting the delivery of proposals in the Plan and the risks if, for whatever reason, the Planning Inspector concluded that the Local Plan was not sound.

Members were told that the Submission Version should be treated as the final draft of the Plan that the Council believed had met the legal requirements of the plan-making process and the Government's 'tests of soundness' set out in the National Planning Policy Framework (NPPF). On this basis, it was the version of the Plan the Council would intend to submit to the Secretary of State following the public consultation for it to then be examined by a Government-appointed Planning Inspector as part of the

statutory process. The Council was under an obligation to submit the Local Plan to the Secretary of State before the end of 2026 under the current regulations to avoid having to start the process from scratch under a new system.

Background

The Committee was cognisant that the preparation and review of the Local Plan was both a legal duty for the Council and one of its corporate priorities. As the blueprint for future growth and the rulebook of policies that would apply in the determination of planning applications, planning appeals and some enforcement cases, the Local Plan would guide the direction of growth and the shape of the Tendring area – not just in the coming years to address immediate pressures, but for the longer term over future decades and generations to come. The choices made by the Council on the content of the Local Plan in 2026 could be more important than ever, as it could well be the last Plan prepared by Tendring District Council before Local Government Reorganisation and the establishment of a new unitary authority in 2028.

Members were aware that this Council, like many others across the country, was having to review its Local Plan under extremely challenging circumstances against the backdrop of ambitious Government-imposed mandatory housebuilding targets that required Tendring to plan for 1,069 homes a year - nearly double the amount of housing required under its previous Plan. The Council was also having to work to an extremely tight programme as was obliged to submit its new Local Plan to the Secretary of State before the end of 2026 or else risk having to start the whole process from the beginning under a new system, a delay that would have significant negative consequences for the District and this Council's ability to control the quality and pattern of development.

Having already carried out two rounds of formal public consultation on Issues and Options in 2025 and the Preferred Options Draft of the Local Plan in February/March 2026, the Council had reached the next important stage in the statutory plan-making process where it needed to carry out a final round of public consultation on a revised 'Submission Version' of the Local Plan. This was essentially the final draft that, following consultation, would be submitted to the Secretary of State who would then appoint a Planning Inspector to carry out a formal examination of the Plan to determine its legal compliance and soundness. Only once the Local Plan was confirmed legally compliant and sound could it be lawfully adopted by the Council. If Local Government Reorganisation did proceed as currently proposed, the new Local Plan would be inherited by the new unitary authority for decision making purposes.

The Committee was informed that the recommended Submission Version incorporated various revisions to policies and proposals that considered and sought to address (as far as practical) comments and objections received in response to the consultation on the earlier Preferred Options Draft. The most notable of those revisions related to sites allocated for housing and mixed-use development, which had been discussed by the Planning Policy and Local Plan Committee at its last meeting held on 8 June 2026. Those included the removal from the Plan, for justified planning reasons, two of its most objected-to development proposals at Brightlingsea and Walton-on-the-Naze, acknowledging however that the revised Plan still contained a number of significant development proposals known to be unpopular locally and that would, understandably, continue to attract further objections.

Many of the development proposals in the Draft Local Plan had been included to meet the Government's mandatory housebuilding targets. The Council's opposition to the imposition of those targets had been well documented over the course of the last two years, however it had been made very clear by the Government that failure to produce an up to date Local Plan that complied with its expectations for housing growth would result in an intervention (as had been experienced by Basildon Borough Council) and planning decisions being overturned on appeal (as had been experienced by this Council both in the past and in respect of a very recent planning application) if housing supply requirements were not being met.

Overall strategy for growth

Although the Submission Version incorporated changes to certain site allocations, the overall vision, objectives and spatial strategy for growth had been carried forward broadly unchanged from the earlier Preferred Options Draft. Having considered the responses to the public consultation and the findings of the updated technical evidence base, Officers remained of the view that there were no other realistic spatial strategy options that could deliver the Government's expectation of 1,069 homes a year (18,173 over the 17-year period 2026-2043) in a sustainable and appropriate manner having regard to this District's significant physical, environmental, geographic and economic constraints and the agreed overarching principles that had guided the review of the Local Plan since the beginning of the process (which included the continued protection of established Strategic Green Gaps).

It was expected that around 10,211 of the required 18,173 homes would be built on sites carried forward from the Council's last Local Plan (including the Tendring / Colchester Borders Garden Community and strategic development sites around Clacton) as well as sites that were either already under construction, had planning permission for housing development or were otherwise expected to come forward on smaller sites through 'windfall' provision.

The strategy for delivering the additional 8,000 homes and associated infrastructure and employment growth up to 2043 (and further longer-term strategic growth beyond 2043) remained broadly unchanged from the 'preferred options' that had been published for consultation in February/March 2026. The preferred spatial strategy option represented a combination of Options A and B from the 2025 Issues and Options consultation.

It was pointed out that the only notable deviation from the original preferred option was at Thorpe-le-Soken where the allocation of housing development in the Submission Version of the Plan had been reduced to 70 homes due to issues with primary school capacity which meant Thorpe now fell within the 'medium' growth category of 30-100 homes (B) rather than the 'large' growth category (C) of 100-300 homes originally envisaged.

Whilst the Local Plan dealt with much more than just housing growth, it was undoubtedly the spatial strategy, distribution of housing growth, allocation of land for housing and mixed-use development and the deliverability of the Government's mandatory housebuilding targets that would be a main focus of the Planning Inspector's examination of the Plan and the main matter on which the soundness of the Plan would be scrutinised.

Changes to site allocations

The Submission Version of the Local Plan incorporated nearly all of the changes to housing and mixed-use site allocations that had been discussed and agreed by the Committee at its June 2026 meeting including the following:

- Site SAH2 – Land North of Thorpe Road, Kirby Cross – an increase in the indicative dwelling number from 420 to 450 homes having considered further information submitted by the site promoter with their representations. It was noted that revisions to corresponding Policy SAH2 had been incorporated into the Submission Version to strengthen the protection of footpath connections and ecology as well as stronger requirements around open space provision – noting that this proposal had attracted a high level of public objection previously.
- Site SAH3 – Land off Arthur Ransome Way, Walton – originally proposed for 200 homes but now deleted from the Plan in response to objections raised by the Essex Wildlife Trust and a large number of residents. The related site-specific Policy SAH3 had therefore been deleted accordingly from the Submission Version of the Plan.
- Site SAH4 – Land East of Church Road, Brightlingsea – previously proposed for 300 homes but deleted from the Plan, along with corresponding Policy SAH4, in response to objections from Brightlingsea Town Council and a large number of residents which had raised legitimate planning concerns.
- Site SAH10 – Land south of Colchester Road, Thorpe-le-Soken – previously proposed for 150 homes but deleted from the Plan, along with corresponding Policy SAH10, in response to an objection from Essex County Council that had raised concern about limited primary school capacity in the Thorpe area.
- Site SAH11 – Land North of Lifehouse Spa & Hotel, Thorpe-le-Soken – a reduction in the indicative dwelling number from 110 to 70 having reviewed the site's realistic capacity. It was noted that two parts of this site were the subject of current, but yet to be determined, planning applications for bungalow development.
- Site MSA4 – Crisp Maltings, School Lane, Mistley – a reduction in the indicative dwelling number from 80 to 50 on the advice of the site promoter who had carried out further work on the potential capacity of the site.
- Site MSA6 – Land at Pannell Place, Brightlingsea – an increase in the indicative dwelling number from 10 to 20.
- Site MSA8 – Land adjacent the Village Hall, Harwich Road, Beaumont – a reduction in the indicative dwelling number from 20 to 12 homes.
- Site MSA9 – Land south of Windmill Road and east of Straight Road, Bradfield – previously proposed for 100 homes had been reduced in area with a reduction in the expected number of homes to just 20 dwellings, in favour of a distribution of housing across Bradfield across three smaller sites.
- Site MSA18 – Land north of Kirby-le-Soken Evangelical Church – previously proposed for 20 homes but now deleted from the Plan due to concerns about highway access.
- Site MSA20 – Land south of Shop Road, Little Bromley – originally proposed for 17 homes but now with a reduced expectation of 10 homes to better reflect the character

and density of development within the village. It was noted that Little Bromley Parish Council had written to formally object to the Committee's resolution made at the 8 June 2026 meeting to retain this site in the Local Plan, and to request the Committee to reconsider its non-deletion of the site. Copies of the correspondence between the Parish Council and Tendring District Council had been circulated to the Committee and published on the Council's website prior to the commencement of the meeting.

- Site MSA27 – Land at Abbey Bottom Farm, Harwich Road, Wix – previously proposed for 20 homes but now deleted having learnt that the principal landowner had no interest in developing the site.
- Site MSA33 – Former Wellhouse Site, Chestnut Way, Brightlingsea – addition of new site with an indicative capacity of 60 homes in the form of an extra-care/assisted living scheme. One of three new sites for Brightlingsea that replaced, in part, some of the numbers lost as a result of deleting Site SAH4 from the Plan.
- Site MSA34 – Vicarage Field, Church Road, Brightlingsea – addition of a new site with an indicative capacity of 30 homes.
- Site MSA35 – Land North of Robinson Road, Brightlingsea – addition of a new site with an indicative capacity of 25 homes.
- Site MSA36 – Land north of Wix Road, Bradfield – addition of a new site with an indicative capacity of 25 homes. One of two new sites for Bradfield aimed at achieving a thinner distribution of housing across the village following the reduction in size of Site MSA9.
- Site MSA37 – Peacock Site, south of Bradfield Playing Field, east of The Street, Bradfield – addition of new site with an indicative capacity of 30 homes.

It was reported that the June 2026 proposed changes to housing and mixed-use allocations in the Plan would have had the effect of reducing the amount of headroom contingency from around 1,300 to just 271 homes. However, Officers had had to revisit this figure for this meeting following the discovery of a double-counting error in the numbers presented previously which, when corrected, gave a deficit of around 400 homes against the 18,173 (rather than a surplus).

To address this discrepancy without adding or reinstating other sites, Officers had had no choice but to look again at the trajectory assumptions for the Hare Green and Horsley Cross Garden Village proposals, and instead of reducing the estimate of homes expected to be delivered up to 2043 from 1,700 to 1,450 as had been suggested in the June 2026 report, it was now recommended that the figures for each proposal be instead kept at 1,700 in each location by incorporating more optimistic assumptions around the annual rates of development within the plan period, albeit still with a revised assumption that the first new homes would likely not come forward until at least 2033/34. In addition, the dwelling capacities at Hartley Gardens, Clacton (SAMU2) and Oakwood Park, Clacton (SAMU3) had been revised from 1,700 to 1,870 and from 900 to 925 respectively based on the latest evidence and, in respect of Oakwood Park, the current but yet to be determined planning application 22/00537/OUT.

The Committee was advised that, whilst most of the changes listed above would hopefully address a large number of local objections that had been received in response

to the Preferred Options Draft and the proposals in the Submission Version, and having discovered and addressed the above-mentioned error, it was still technically sufficient to meet the Government requirement of 18,173 homes between 2026 and 2043, the very limited level of headroom (just 161 units) was likely to come under particular scrutiny and challenge from landowners, developers and planning agents – particularly given the reliance placed on the Garden Villages to deliver new homes in the second half of the plan-period. Those fine margins further demonstrated how challenging, and potentially unrealistic, the Government's mandatory housebuilding targets were for the District of Tendring.

Changes to planning policies

Members recalled that, in line with the overarching principle agreed by the Committee at the beginning of the Local Plan review back in December 2023, the Council had approached the review of planning policies with the aim of updating rather than completely re-writing the Council's existing Local Plan. Therefore, the Submission Version of the Local Plan, like the earlier Preferred Options Draft, had followed a similar format and chapter headings to that of the Council's existing adopted Local Plan and many of the policies had been carried forward either unchanged or only slightly updated and revised. The Preferred Options Draft had, however, included some policies with significant revisions from the previous adopted version along with some entirely new policies – many of which were site-specific relating to the new locations and sites identified in the Plan for additional future development to meet the Government's housebuilding targets.

Having carried out the public consultation on the Preferred Options Draft and taken into account the many representations and objections received in response to the consultation, Officers were of the view that the majority of policies from the Preferred Options Draft could be carried forward into the Submission Version of the Plan either unchanged or with relatively minor revisions – mainly in response to the advice of statutory consultees and other technical bodies. There were, however, various, more significant or notable revisions to policies in the Submission Version.

The following policies had been deleted in their entirety from the Submission Version of the Local Plan:

- Policy SAH3: Development of land off Arthur Ransome Way, Walton – site-specific policy deleted and no longer featured in Chapter 9 of the Plan following the decision to delete the proposal for 200 homes in response to objections raised by the Essex Wildlife Trust and many residents.
- Policy SAH4: Development of land east of Church Road, Brightlingsea – site-specific policy deleted and no longer featured in Chapter 9 of the Plan following the decision to delete the proposal for 300 homes in response to objections from Brightlingsea Town Council and many residents which had raised legitimate planning concerns.
- Policy SAH10: Development of land south of Colchester Road, Thorpe-le-Soken – site-specific policy deleted and no longer featured in Chapter 9 of the Plan following the decision to delete the proposal for 150 homes in response to an objection from Essex County Council that had raised concern about the limited primary school capacity in the Thorpe area.

The following policies had been revised in the Submission Version of the Local Plan to include changes of a significant or otherwise notable nature:

- Strategic Policy SPL1: Managing Growth – the policy in Chapter 3 of the Plan setting out the ‘settlement hierarchy’ categorising towns and villages and underpinning the spatial strategy and distribution of growth had been revised to classify Little Oakley as part of the Harwich and Dovercourt Strategic Urban Settlement given their physical connection and to be consistent with the approach taken to Parkeston. The existing village of Weeley had also been included in the hierarchy alongside the proposed Weeley Green Garden Village proposal, having been omitted in the Preferred Options Draft.
- Policy HP1: Improving Health and Wellbeing – on the advice of the NHS Suffolk and North Essex Integrated Care Board (ICB), this policy in Chapter 4 of the Plan had been revised to be less specific in committing to health and wellbeing centres at the Tendring / Colchester Borders Garden Community and in Clacton, or to a multi-use community hub at the Hartley Gardens development in Clacton or expansion and improvement of facilities at the Fryatt Hospital, Harwich. This was because the most appropriate means of addressing the healthcare requirements for each growth area had not been determined by the various health partners of the ICB and therefore flexibility needed to be built into the Local Plan to allow for mitigation to be secured either through direct provision of land or floorspace, or via a developer contribution towards healthcare infrastructure projects to be identified.
- Policy LP1: Housing Supply – this policy in Chapter 5 of the Plan set out the overall sources of housing supply to meet the Government’s housebuilding requirement of 18,173 between 2026 and 2043. The policy along with the associated tables listing all of the relevant housing and mixed-use site allocations had been comprehensively updated in the Submission Version of the Plan to reflect the changes to site allocations set out in this report and rolling forward the plan period. The revised policy showed that the Local Plan made provision for 18,334 homes which incorporated 161 units of contingency headroom above the Government requirement.
- Policy LP2: Housing Choice – this policy in Chapter 5 of the Plan had been revised to include specific reference to the latest evidence on need for supported and specialist housing and armed forces veterans as a group in society that could have specific housing and support needs. The revised policy also referred to park homes, modular homes and other innovative forms of residential development being supported where they complied with other policies in the Local Plan.
- Policy LP4: Development Layout & Design – this policy in Chapter 5 of the Plan had been revised to include more detailed guidance around Biodiversity Net Gain and the incorporation of green infrastructure and vegetation within new developments and referenced other relevant guidance including that relating to inclusive design, age friendly environments and dementia-friendly design.
- Policy LP5: Affordable Housing – this policy in Chapter 5 of the Plan incorporated revisions to highlight exceptional reasons why it might not be possible to limit groups of affordable homes to no more than 10 in different parts of a site, for example, where site-specific constraints, the scale of development, management considerations or Registered Provider requirements justified an alternative approach. The revised policy

also included reference to specialist and supported housing to meet identified needs within the District.

- *Strategic Policy LP9: Gypsy and Traveller Sites* – possibly the most significant policy revisions proposed in the Submission Version of the Local Plan related to this policy in Chapter 5. To comply with national planning policy set out in the Planning Policy for Traveller Sites (PPTS), there was an expectation that Local Plans would be specific about the sites or locations in which the projected need for gypsy and traveller sites would be met. The evidence on gypsy and traveller need had been updated, and the revised policy reflected the updated projected need for 45 pitches up to 2043. The underlying evidence recognised that accommodation needs could be met through a variety of mechanisms, including site intensification, reconfiguration, additional mobile homes and other forms of provision on existing sites, and therefore the Local Plan expressed site capacity in terms of additional pitches or pitch equivalents.

The previous version of the policy in the Preferred Options Draft had identified existing established sites at Woodfield Bungalow in Great Bentley and Gutteridge Hall Lane in Weeley as locations for proportionate expansion to meet short-term needs, with the intention to invite submissions from relevant landowners to identify the extent of available land in those locations to determine their suitability for allocation. However, because no specific submissions had been made though the Council was still required to identify specific locations, the updated study had looked more widely at where existing accommodation needs arose and where additional capacity could reasonably be delivered through expansion, intensification or reconfiguration of existing sites.

The revised policy therefore reflected the latest study and had identified existing sites at Great Bromley, Ardleigh, Weeley, Bradfield and Kirby-le-Soken as locations capable of delivering 27 pitches or pitch equivalents through site intensification, reconfiguration or extension or other forms of accommodation provision. In many cases, the identified need arose from households already living on established sites who required their own independent accommodation, meaning delivery of the allocated capacity would not necessarily result in a corresponding or proportionate increase in vehicle movements, activity levels or other impacts typically associated with entirely new households moving onto a site. The impact of any proposal on traffic, residential amenity and the wider environment would nevertheless need to be assessed on its individual merits through the planning application process.

To meet longer-term needs, the Tendring / Colchester Borders Garden Community would provide new purpose-built Gypsy and Traveller pitches, with additional provision to be delivered through the Garden Villages at Hare Green and Horsley Cross.

- *Non-strategic Policy LP11: HMOs and Bedsits* – this policy in Chapter 5 of the Plan had been revised in the Submission Version to strengthen the requirement for both individual and cumulative impacts of HMOs and bedsits to be considered in the determination of planning applications. The revised policy had also included additional expectations around the standard of accommodation for future occupiers, the consideration of impacts on neighbouring residents through noise, disturbance, activity levels, refuse storage requirements, parking demand and general operational impacts. Proposals would also have to demonstrate suitable management arrangements were in place for the maintenance of communal facilities, waste storage areas and external spaces.

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- Strategic Policy PP7: Employment Allocations – this policy in Chapter 6 listed all of the sites specifically allocated for new employment development including B2 General Industry; B8 Storage and Distribution; e.g. (ii) Research and Development; and e.g. (iii) Light Industrial Processes. The only change proposed to this policy was the deletion of land off Clacton Road/Dead Lane, Mistley as a 2ha employment site in the knowledge that development for that purpose had not come forward as part of the wider mixed-use development that was already under construction, and that a different parcel of the wider site was the subject of a current, but yet to be determined, planning application (26/00645/FUL) which indicated that employment provision might be incorporated into the development in a different form, and in a different location than previously identified in the Local Plan.
 - Non-strategic Policies PP10: Camping and Touring Caravan Sites; and PP11: Holiday Parks – those policies in Chapter 6 of the Plan had been revised in the Submission Version to include specific reference to National Landscapes (formerly known as Areas of Outstanding Natural Beauty) to ensure any new development affecting their setting conserved and enhanced their natural beauty, landscape character and special qualities. The revisions specifically required that development was appropriately located, designed and landscaped to avoid adverse impacts on important views, tranquillity, dark skies and the wider landscape setting.
 - Strategic Policy PP12: Improving Education and Skills – revisions to this policy in Chapter 6 of the Plan had been made on the advice of Sport England to include a requirement for new educational facilities including indoor or outdoor recreational facilities to be designed to facilitate community use outside normal educational hours; with long-term community use agreements put in place to secure ongoing public access where appropriate.
 - Non-strategic Policy PP15: Walton Mere – this policy had been carried forward into the Submission Version of the Plan with a simple addition requiring that any Biodiversity Net Gain, new saltmarsh habitat or other ecological enhancement supported the objectives of the Essex Local Nature Recovery Strategy, including opportunities for coastal habitat creation, nature recovery and strengthened ecological connectivity.
 - Policy PPL3: The Rural Landscape – this policy in Chapter 7 of the Plan had been revised in the Submission Version to make more specific reference to National Landscapes and for proposals for electricity schemes or communication requirement to be undergrounded in those areas, and for the priorities in the Essex Local Nature Recovery Strategy to be taken into account in considering the impact of development on the rural landscape.
 - Strategic Policy PPL4: Biodiversity and Geodiversity – significant revisions had been made to this policy in Chapter 7 of the Plan in response to advice from Natural England and Essex Wildlife Trust and to reflect the latest evidence underpinning the Habitat Regulations Assessment. The revised policy included strengthened requirements relating to the protection of internationally designated habitat sites and introduced specific policy provisions relating to Functionally Linked Land, recognising that land outside designated sites could nevertheless be important to qualifying bird species. The policy also introduced a framework for the provision of Suitable Alternative Natural Greenspace (SANG), which involved providing attractive places for walking, dog exercising and informal recreation away from the District's most sensitive wildlife habitats. The purpose was to help protect internationally important sites by encouraging

some visitors to use alternative green spaces instead. Additional policy requirements clarified the relationship between SANG provision and the Essex Coast RAMS strategy and sought to ensure that recreational impacts on protected habitats were appropriately addressed. The policy also aligned development proposals with the Essex Local Nature Recovery Strategy and strengthened expectations around biodiversity net gain, green and blue infrastructure, ecological connectivity and habitat enhancement, to ensure that development contributed positively towards nature recovery and environmental improvement.

- Non-strategic Policy PPL12a: St. Osyth Priory – this policy in Chapter 7 of the earlier Preferred Options Draft had included a statement that for any residential enabling development proposals in respect of the Priory, the Council would expect the development to have a reasonable geographical relationship and connection to St. Osyth, the Priory and the community to which it most related. However, this requirement had attracted objections both from St. Osyth Parish Council and the owners of the Priory and, in response, Officers proposed deleting that requirement from the policy in the Submission Version. Officers had accepted that whilst it might have been the Council's preference to discourage residential enabling development schemes in or around settlements and communities unrelated to St. Osyth and the Priory, there was no legal basis for restricting enabling proposals to certain geographical locations and, in any event, proposals in any location would need to be considered on their merits against relevant national and local policies.

- Strategic Policy CP1: Sustainable Transport and Active Travel – revisions to this policy in Chapter 8 of the Plan had been made in response to advice from Essex County Council and included additional references to the Tendring District Cycling Action Plan, Essex Walking Strategy and Local Cycling and Walking Infrastructure Plan (LCWIP). The revised policy would also require all major developments to secure monitored Travel Plans with enforceable remedial mechanisms, demonstrating quantified mode share and carbon reduction trajectories. The revised policy also included a statement that parking provision was to be assessed using ECC's Parking Guidance and Electric Vehicle Strategy and for electric vehicle charging to follow relevant building regulations and ECC's Electric Vehicle Charge Point Strategy.

- Strategic Policy DI1: Infrastructure Delivery and Impact Mitigation – although no notable changes were proposed to the wording of this policy in Chapter 10 itself, the associated table 10.1 had been expanded to give the Council the ability to seek financial contributions, where justified, against the relevant regulations, for the provision of emergency services facilities and infrastructure – following advice received from Essex Police, Essex County Fire & Rescue Services and the East of England Ambulance Service NHS Trust.

Changes to site-specific policies

The Committee was reminded that Chapter 9 in the Local Plan set out the 'site-specific' policies relating to particular proposals for Garden Communities, Garden Villages, other strategic or larger residential and mixed-use sites or employment allocations with specific requirements. As already stated, Policies SAH3, SAH4 and SAH10 in respect of sites in Walton, Brightlingsea and Thorpe had been deleted from the Submission Version of the Plan, but all others had been carried forward, including some where some notable changes had been made.

Having considered the advice of Natural England, Essex Wildlife Trust and the consultants carrying out the Local Plan's Habitat Regulations Assessment and Appropriate Assessment, a number of the site-specific policies had been revised to include specific provision for 'Suitable Accessible Natural Greenspace' (SANGs) to address recreational impacts on protected habitats as well as references to functionally linked land and its protection and impact mitigation/compensation.

A few of the policies had also been revised to include specific reference to Green and Blue Infrastructure and to ensure opportunities were taken to retain, enhance and ingrate such features within a multi-functional network. Some policies had also been strengthened to require development to seek to improve walking and cycling connectivity to surrounding neighbourhoods, services and facilities. Officers had also taken the opportunity to review policy wording to ensure consistency and to incorporate wording to better reflect the findings of the latest Infrastructure Delivery Plan (IDP) which had been updated as part of the technical evidence base.

For the Garden Village proposals at Hare Green and Horsley Cross, Strategic Policies SAMU8 and SAMU9 had been strengthened to include requirements around SEND provision; the need for open space, sport and recreation strategies and a Heritage Impact Assessment to inform the future master planning work; and multi-user walking, cycling and bridleway network provision. In addition, whilst it would be the intention for each of the developments to be guided by its own Development Plan Document (DPD), with an ever-changing planning system the policies had also been revised to indicate that further detail could also be developed as part of any future review of the overall Local Plan (which might well be a new Local Plan for the future unitary authority).

Some other notable changes were highlighted as follows:

- Strategic Policy SAMU6: Development of Weeley Green Garden Village – the policy for this 900-home mixed use development had been strengthened with the addition of a requirement that development proposals be accompanied by an infrastructure phasing, delivery, funding and monitoring strategy to demonstrate how infrastructure necessary to support each phase of development would be secured and delivered. The development should deliver its own infrastructure requirements and contribute proportionately to any shared strategic infrastructure where required.
- Strategic Policy SAMU7: Redevelopment of Saltings Quarter, Riverside Avenue, Manningtree – the policy for this riverside mixed-use development had been revised on the advice of the Environment Agency to include a specific requirement for the development to be informed by the findings of the Local Plan's Level 2 Strategic Flood Risk Assessment and be supported by a site-specific Flood Risk Assessment demonstrating that the development would be safe for its lifetime, taking account of climate change, safe access and egress, flood resilience measures and emergency planning arrangements.
- Strategic Policy SAMU9 – Development of Horsley Cross Garden Village – following the Preferred Options consultation, the site promoter (Rose Builders) had provided the Council with additional evidence setting out the extent and configuration of the land under their control and being promoted for development. Having reviewed this information, Officers had proposed a number of minor amendments to the broad location boundary to better reflect site ownership, physical features and development

constraints, and to ensure that Policy SAMU9 represented a robust and deliverable proposal in the Submission Version of the Local Plan.

- *Strategic Policy SAH2: Development North of Thorpe Road, Kirby Cross – the policy for this 450 home development (increased from 420) had been strengthened* having regard to consultation responses, to specifically require the development to retain and enhance Footpath 17 and its connections to the wider Public Rights of Way network, including provision for a multi-user route where appropriate.
- *Strategic Policy SAE3: Collierswood Farm A120 Strategic Business Park – the policy for this strategic business park proposal north of the Tendring Colchester Borders Garden Community had been revised and strengthened* to require the development to deliver and, where necessary, safeguard land for necessary infrastructure and to require the submission of an infrastructure phasing, delivery and monitoring strategy. That strategy would have to demonstrate how the required infrastructure would be funded, delivered, maintained and reviewed, and ensure that no phase of development proceeded unless the infrastructure necessary to support that phase had been secured.

Changes to the Policies Maps

Members were reassured that the policies maps that accompanied the Submission Version Local Plan had been presented in a similar format to those in the Council's current adopted Local Plan and the more recent Preferred Options Draft in the interests of familiarity and continuity. As per the current Local Plan, they would include large scale maps at District level over three fold-out maps covering the west, south-east and north-east of the District respectively; and then separately, at a more close-up scale, area by area and settlement by settlement on specific inset maps presented in alphabetical order.

Members were told that the most significant changes to the Policies Maps between the Preferred Options Draft and Submission Version related to the depiction of housing and mixed-use development sites including the deletion of sites SAH3, SAH4 and SAH10 in Walton, Brightlingsea and Thorpe, the amended broad location boundary at Horsley Cross, the inclusion of new allocations and any consequential changes to settlement development boundaries or other designations (such as Coastal Protection Belt) that had arose.

Elsewhere there were relatively few changes, with the most notable being the designation of safeguarded open space at Lawford Tye and land adjoining the Lady Nelson Playing Field in Thorpe (which was intended to be transferred to the Parish Council under the provisions of Policy SAH11 for development north of Lifehouse Spa & Hotel, although this designation had been omitted from the Appendix maps in error and would be corrected prior to the public consultation) and the extension of the Strategic Green Gaps between:

- Clacton and Little Clacton;
- Clacton and Jaywick;
- Dovercourt, Ramsey, and Little Oakley;
- Kirby Cross and Kirby-le-Soken;
- Elmstead Market and the TCBGC; and
- Little Clacton and Weeley Heath.

Legal compliance and soundness

The Committee recognised that the Council was required to produce a Local Plan that was legally compliant and sound and that this had to be tested and confirmed by a Government-appointed Planning Inspector at the examination stage of the process before the Council could lawfully proceed to formally adopt the Plan.

The legal test was for the Local Plan to have been prepared in accordance with all the relevant legislation, regulations and procedures, carrying out consultation in the correct manner and preparing and consulting on a Sustainability Appraisal and Habitat Regulations Assessment. The soundness test for the Local Plan was set out in the National Planning Policy Framework (NPPF) which stated that Plans could be considered 'sound' if they were positively prepared, justified, effective and consistent with national policy.

Officers believed that the Submission Version of the Local Plan now presented did represent a legally compliant and sound Plan produced to the best of the Council's ability given the extremely challenging housebuilding targets and tight work programme. However, others could indicate otherwise through their representations in response to the public consultation; and once the Plan was submitted to the Secretary of State those representations could then be considered by the Planning Inspector as part of their examination.

Although an Inspector could, through the later examination process, propose modifications to rectify resolvable soundness issues, it could lengthen the examination and delay formal adoption – and it was therefore advisable that this Council carried out its own assessment as the Plan progressed through the different stages of the process. With that in mind, Officers had continually assessed the soundness of policies in the emerging Plan with reference to guidance produced by the Planning Advisory Service (PAS) and had attended a Planning Inspectorate advisory visit.

Weight to be given to the emerging Local Plan

Since 26 January 2026 the Council's existing Section 1 Local Plan containing the current housebuilding requirement of 550 homes a year had been more than five-years old – which had required the Council to revert to the new Government mandatory housebuilding target (now 1,069) for the purposes of calculating housing supply and making decisions on planning applications for housing. This had resulted in the Council being unable to demonstrate a five-year supply of deliverable housing land and this would remain the case in the coming months until such time that sufficient sites had obtained planning permission or could otherwise be shown to be deliverable within five years.

Until the supply of housing land increased to the extent that a five-year supply could be demonstrated, the District would be vulnerable to a potential increase in planning applications for housing development. National planning policy would expect the application of the 'tilted balance' to the Government's 'Presumption in Favour of Sustainable Development', which essentially required Councils to grant planning permission for new housing unless there were very good reasons not to do so, regardless of whether sites were allocated in the Local Plan. This created a heightened risk that refusals without sufficiently robust justification could be overturned on appeal by a Government-appointed Planning Inspector.

However, Councils were allowed to give some weight to the policies and proposals in emerging Local Plans according to their stage of preparation, the extent to which there were unresolved objections to relevant policies and the degree of consistency with the policies in the NPPF. Therefore, if the Council had agreed to publish the Submission Version of the Local Plan for public consultation, Planning Officers and the Council's Planning Committee would have the ability to give some additional weight to the emerging policies in the determination of planning applications, alongside the existing adopted policies – with the weight increasing further when the Plan was submitted to the Secretary of State and as it progressed through the examination process.

Updates to the technical evidence base

The Committee was cognisant that the Submission Version of the Local Plan was supported by an extensive but proportionate technical evidence base which had been updated and added to since the Preferred Options stage of the process. As well as considering the consultation responses in making revisions to the Submission Version, the updated evidence had informed some of the notable changes to certain policies and proposals. Because Local Plan preparation was an evidence-based process, the various studies and other documents that formed the evidence base were critical in demonstrating the Plan's soundness.

Since the publication of the Preferred Options Draft, several studies and documents had either been updated or added to as part of the technical evidence base or were in the process of being finalised ahead of the publication of the Submission Version for consultation. The most significant studies and documents were as follows:

- An updated Sustainability Appraisal (a legal requirement of the plan-making process);
- An updated Habitat Regulations Assessment (also a legal requirement);
- Strategic Housing Land Availability Assessment;
- Employment Land Review;
- Whole Plan Viability Assessment;
- Infrastructure Delivery Plan;
- Transport Assessment;
- Education Scenario Test;
- Strategic Flood Risk Assessment;
- Water Cycle Study;
- Landscape Character Appraisal;
- Strategic Green Gap Study; and
- Gypsy and Traveller Pitch Delivery Assessment.

Public consultation

Members recalled that, under the plan-making regulations, the Submission Version Local Plan must be published alongside the Sustainability Appraisal and Habitat Regulations Assessment for six-weeks' public consultation. All the evidence base documents that supported the Local Plan, including the draft Consultation Statement and Statement of Cooperation, would also be published for public inspection as background information.

The focus of the public consultation exercise for the Submission Version of the Local Plan would be to encourage and invite residents and other interested parties to consider and comment specifically on whether they thought that the Plan complied with the legal requirements of the planning system; and specifically, whether they thought the policies and proposals in the Plan met with the 'tests of soundness' as set out in national planning policy. This was because the representations received in response to the consultation would go to the Government-appointed Planning Inspector as part of the examination process, whose job it would be to examine the Plan's legal compliance and soundness.

It was proposed that the consultation would take place from early September to mid-October and would include several public events, consistent with previous consultations.

Prior to the commencement of the meeting an Officer Update Sheet had been circulated to the Committee and published on the Council's website. That update sheet stated the following:-

"Background

Since publication of the Committee agenda, the Government has published a new National Planning Policy Framework (NPPF) on 17 August 2026. The Framework replaces the December 2024 version and introduces a structure separating plan-making policies from national decision-making policies. Officers have undertaken an initial review of the new document and set out below the key implications for the emerging Local Plan. The introduction of National Decision-Making Policies is one of the most significant changes in the new Framework and has potential implications for the weight given to some development plan policies when determining planning applications.

Transitional Arrangements

Annex A of the new NPPF confirms that plans already being prepared under the previous plan-making system should continue to be prepared in accordance with the December 2024 version of the Framework, subject to the relevant transitional provisions. The Tendring Local Plan Review will therefore continue under the existing arrangements and the publication of the new NPPF does not affect the recommendations contained within this report. However, the new NPPF is now a material consideration in the determination of planning applications with immediate effect.

BNG

The new NPPF includes specific provisions relating to Biodiversity Net Gain (BNG). Policy N2(3) indicates that where a Local Plan seeks to secure BNG above the statutory

minimum requirement, weight in decision making should generally only be given to site-specific policies requiring a higher level of BNG.

The effect of this policy is that greater weight is likely to be given to locally justified BNG requirements attached to specific development allocations or locations. By contrast, more general Local Plan policies seeking to apply higher BNG requirements across an entire district may carry less weight.

The Submission Version Local Plan includes policies relating to biodiversity enhancement and Biodiversity Net Gain. Officers are currently reviewing the implications of Policy N2(3) and the extent to which it may affect the application and weight afforded to relevant policies within the emerging Local Plan.

Energy and Carbon Policies

The Submission Version Local Plan contains local policies relating to operational energy, embodied carbon and renewable energy (Policies PPL10a, PPL10b and PPL10c). Whilst the Local Plan Review will continue to be considered against the national policy framework under which it has been prepared, the new NPPF includes national policies relating to climate change, clean energy and water resources.

Officers consider that the overall direction of the Council's policies remains broadly aligned with national objectives. However, the emerging energy and carbon policies are likely to attract particular scrutiny through the examination process and in the determination of future planning applications as the implications of the revised national policy framework are considered.

Strategic Planning and Spatial Development Strategies

The new NPPF includes a policy framework for Spatial Development Strategies (SDSs), reflecting the Government's wider reforms to strategic planning and the emerging devolution agenda.

Whilst the Tendring Local Plan continues to progress under existing arrangements, the increasing emphasis on strategic planning reinforces the importance of having an up-to-date Local Plan in place ahead of the preparation of future strategic planning arrangements for Greater Essex. The emerging Local Plan will therefore provide an important framework for future strategic planning decisions affecting Tendring and the wider area.

Railway Stations and Sustainable Growth

The new NPPF includes support for directing development towards well-connected railway stations and sustainable transport hubs. Officers have reviewed the position in Tendring and note that Manningtree is the only station within Tendring potentially affected by these provisions.

However, Officers do not currently consider that this policy is likely to have significant implications for the Local Plan's strategy or future growth around Manningtree because of existing constraints, including flood risk, the Dedham Vale National Landscape, environmental sensitivities and infrastructure limitations.

Overall Implications for the Local Plan

Officers do not consider that the publication of the new NPPF gives rise to any issue requiring amendment to the Submission Version Local Plan or the recommendations before Committee. The detailed implications of the new Framework will continue to be reviewed through the Regulation 19 consultation process and subsequent examination."

At the meeting, the Corporate Director (Planning and Community) (Gary Guiver), assisted by the Planning Policy Manager (Paul Woods), introduced the report.

Mr. Guiver particularly detailed how the Submission Version matched up against the tests of soundness which required a local plan to be:-

- (1) Positively prepared;
- (2) Justified;
- (3) Effective; and
- (4) Consistent with national policy.

Mr. Guiver acknowledged the contentious nature of the Local Plan due to its housing targets but contended that having a such a Plan was better than having a Plan that was out of date and not compliant with Government policies. This ran the risk of the Secretary of State triggering their powers of intervention as had recently happened to Basildon Borough Council and Epping Forest District Council.

Mr. Guiver reminded Members that the end of 2026 was the cut-off point for Councils submitting Local Plans prepared under the current plan-making regulations and procedures; after which any new Local Plans would be expected to be prepared in accordance with the new procedures which required a very different standardised format of Local Plan for which the full process would need to start from the beginning. It was vitally important therefore that the Council submitted its new Local Plan to the Secretary of State before the end of 2026. Any delay in progressing through the next consultation stage of the process would put that timeframe at risk.

The consequence of having to switch to the new system of plan-making would be that the Council would not be able to carry forward much of the content of the existing Local Plan (which included bespoke policies of local significance); and the District would be left without an up to date Plan to guide the direction of future housing, employment land and other development for a longer period, in which time the District would remain vulnerable to speculative planning applications whilst a new-style Local Plan was being drawn up (an eventuality of which that the District had previous bitter experience). Such a delay would potentially also mean that the Council would lose its opportunity to set the planning framework for the Tendring area in the remaining years ahead of Local Government Reorganisation and the establishment of a new unitary authority.

Mr. Guiver then provided a response to the matters raised by the public speakers as a conclusion to his presentation.

Mr. Woods outlined to the Committee how the Council and its consultants had responded to the tight timeframe in which the Local Plan had had to be put together.

Mr. Woods then provided details of the importance to the Plan and the findings of the following evidence base documents:-

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- Integrated Sustainability Appraisal report;
 - Habitats Regulations Assessment;
 - Local Plan Viability Assessment;
 - Infrastructure Delivery Plan;
 - Education Scenario Testing;
 - Transport Modelling;
 - Integrated Water Cycle Study;
 - Strategic Green Gap Study;
 - Landscape Character Assessment;
 - Gypsy and Traveller Accommodation Assessment & Gypsy and Traveller Pitch Delivery Assessment (Strategic Policy LP9).

Mr. Woods gave an update on the final spatial strategy and distribution of growth and changes to site allocations (Table LP1 in the Local Plan Submission Version), together with the amendments made to policies, and in particular to Strategic Policy PPL4: Biodiversity and Geodiversity.

Mr. Woods concluded his presentation by remarking on the changes made to the policies maps with the most notable including the designation of safeguarded open space at Lawford Tye and the land adjoining Lady Nelson Playing Field in Thorpe-le-Soken.

Mr. Woods then responded to the following questions/concerns/queries et cetera from Committee Members:-

- *why is Brightlingsea not listed with the seaside towns;*
- *under Employment Sites, the industrial units by All Saints' Church, Brightlingsea should be a protected area just like Morses Lane;*
- *concerned about the reclassification of Little Oakley under Strategic Policy SPL1, as Little Oakley is part of a predominantly rural Ward and feel it is unjustified to classify Little Oakley as part of the Harwich and Dovercourt Strategic Urban Settlement as it would threaten its village appearance and therefore would like this to be re-examined and reconfigured.*

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) addressed the Committee. Councillor Baker acknowledged that the Officer presentations had been lengthy and detailed, but it needed to be said. He expressed his thanks, on behalf of the Cabinet that the Officers had done a sterling job. They had started the review of the Local Plan but then everything had changed because of the newly elected Government in 2024 changing national planning policies, but they had taken that on and coped admirably. Once the Plan was approved by Full Council and submitted some weight could be given to it in determining planning applications. Councillor Baker confirmed that he was in agreement with this Submission Version going forward to Full Council.

Having duly taken all the above information into account and having discussed the matter, it was moved by Councillor M Cossens, seconded by Councillor Scott and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee –

- a) notes the contents of this report that explains how the Tendring District Local Plan – Submission Version has been developed having regard to the direction given and decisions taken by the Committee at previous meetings, feedback from the public consultation on the Preferred Options Draft carried out in February and March 2026 and the updated evidence base especially, together with the Sustainability Appraisal and Habitats Regulation Assessment, which have been an integral part of the Local Plan preparation and informed the Local Plan for submission, as well as the requirements of national planning policy;
- b) subject to the agreement of the Leader of the Council and the Portfolio Holder responsible for Planning, agrees to recommend to Full Council:
 - i. that the Tendring District Local Plan – Submission Version (at Appendix 1), being considered to meet the tests of soundness, be approved for six-weeks' formal public consultation, alongside the related Sustainability Appraisal (at Appendix 2), Habitat Regulations Assessment (at Appendix 3) and other updated supporting evidence (including those listed as background documents) in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended); and
 - ii. that the Corporate Director (Planning and Community) be authorised, in consultation with the Chairman of the Planning Policy and Local Plan Committee, to make corrections, if necessary, to address minor formatting, mapping, typographical, grammatical or factual errors within the aforementioned Draft Plan (in Appendix 1), in the event that any are discovered before the public consultation commences;
- (c) notes that a final decision to confirm the Council's wish to submit the Local Plan and associated documents to the Secretary of State will need to be taken by Full Council, on the recommendation of the Planning Policy and Local Plan Committee, following the closure of the Regulation 19 public consultation; and
- (d) notes that the submission of the Local Plan to the Secretary of State will need to happen before 31 December 2026 or else the Council will need to begin the Local Plan review 'from scratch' under a new system.

The meeting was declared closed at 8.35 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

15 September 2026

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON TUESDAY, 15TH SEPTEMBER, 2026 AT 7.30 PM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors P Honeywood (Chairman), Amos (Vice-Chairman), Bensilum, Casey, J Henderson, Keteca and Steady
Also Present:	Councillor Smith (Portfolio Holder for Environment and IT) (items 13-17 (part) only)
In Attendance:	Tim Clarke (Assistant Director (Housing and Environment)) (items 13-17 (part) only), Keith Simmons (Assistant Director (Corporate Policy & Support), Jonathan Hamlet (Waste and Recycling Manager) (items 13-17 (part) only), Christopher Bailey (Elections and Leadership Support Officer) and Katie Moss (Democratic Services Officer)
Also in Attendance:	Oliver Hammond (Regional Project Manager – Veolia) (items 13-17 (part) only)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Goldman and Newton with no substitutes appointed. Apologies for absence were also received from Councillor Bush who had appointed Councillor Keteca as his substitute.

14. MINUTES OF THE LAST MEETING

It was moved by Councillor Amos, seconded by Councillor Bensilum and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday, 16 June 2026 be confirmed as a correct record and be signed by the Chairman.

The Chairman noted that in minute 9 of the minutes of the previous meeting, a written response had been requested from the Portfolio Holder for Housing and Planning and he requested that this be followed up.

15. DECLARATIONS OF INTEREST

Councillors J Henderson and Steady both noted for the public record that they were members of the Portfolio Holder Working Party for the implementation of the waste and street cleaning contract.

16. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

17. REPORT OF THE ASSISTANT DIRECTOR (HOUSING & ENVIRONMENT) - A.1 - WASTE AND STREET CLEANING CONTRACT ROLL OUT UPDATE

It was reported that the purpose of the report of the Assistant Director (Housing and Environment) was to support the Committee with its enquiry into the roll out of the Council's waste collection and street cleaning contract.

The Committee was reminded that its agreed Work Programme had included an item for consideration of an update on the roll out of the new waste and recycling contract.

Members were further reminded that, at its meeting held on 14 November 2025, Cabinet had approved the award of the contract to Veolia Environmental Services.

It was reported that the new contract had commenced on 1 April 2026 and that, in order to support the operational delivery and smooth roll out of the contract, an officer working group had been established, meeting initially on a fortnightly basis before moving to monthly meetings as the project progressed. A basic implementation plan had been developed, supported by a separate communications plan.

The Portfolio Holder Working Party had been also re-established and had met on three occasions, namely on 4 March 2026, 15 June 2026 and 12 August 2026.

Members were informed that weekly contract mobilisation meetings had been taking place with the Veolia project manager.

Principal activities and achievements associated with the rollout of the contract included:

Street Cleaning

- Deployment of 238 seasonal blue street litter bins in seafront areas during the first week of April. Those seafront bins had been emptied twice daily and remained in place until the end of September 2026 and would be redeployed in March 2027.
- Additional street cleaning operatives had been employed for seafront areas and working patterns amended.
- Deployment of two electric/pedal-powered carts to facilitate faster responses and easier access for town centre and seafront bin emptying (Clacton and Frinton/Walton)
- Deployment of five vacuum barrows to facilitate faster/more accurate street cleaning in town centre areas.
- Electronic mapping of litter bins and reconciliation with existing records – this would facilitate easier monitoring of emptying schedules.

Waste & Recycling Collection

- Delivery of 1,400 food waste recycling caddies to street level homes that had not been offered food waste collections under the previous contract. The caddies and associated information leaflets had been delivered in time for those collections to commence from the beginning of April.
- Review of waste and recycling collection rounds in preparation for 1 October commencement of the new Simpler Recycling compliant collection service. This had been intended to minimise changes for residents and meant that only 900 residents would experience changes to their waste and recycling collection days.
- Four different versions of information leaflets had been required.

- Commencement on 17 August 2026 of the delivery of an additional green recycling box, lid and information leaflet for all street level households in order to provide additional capacity for the wider range of recycling that would be collected. At the time of reporting, the delivery programme was 50% complete and on target to deliver all 70,000 by mid-September.
- Commencement of a public-facing communications campaign promoting the collection changes taking effect from October.
- Issue of information packs to all ward councillors and town and parish council clerks. The pack included collection change leaflets relevant to their location and a set of FAQs and had been issued to coincide with the commencement of the additional recycling box delivery programme.

General and day to day management

- Development of Veolia's IT (ECHO) systems and interfacing with Tendring District Council (TDC) IT systems to enable smoother reporting of missed collections for residents. From mid-September officers had direct access to Veolia's ECHO to view collection data and facilitate contractor monitoring. ECHO had been introduced to the street cleaning side of the service.
- Introduction of weekly operational meetings attended by Veolia supervisors and TDC officers, aimed at ensuring improved day-to-day communication regarding operational issues. Those meetings supplemented the more comprehensive monthly operational meetings.
- Introduction of twice daily (morning and evening) situation reports so TDC officers were aware of issues and could alert contact centre staff where collections may have been delayed or missed.
- Replacement of ageing vehicle fleet.
- Veolia had undertaken improvement works at the Fowler Road depot.
- Improvement works were planned to one seafront barrow store in Clacton.

Key future activities included:

- Employment of temporary agency staff to assist with phone enquiries associated with the collection changes during October.
- Employment of temporary agency staff to assist with on the ground monitoring of recycling collections and to visit all blocks of flats to update labelling on communal recycling bins and assess for suitability for food waste collections.
- Food waste recycling promotional activity was to be undertaken with the support of Essex County Council (ECC).

It was reported that the contract had been awarded very close to the commencement date. Members were advised that a contract of that significance would normally have benefited from a lead-in period of between nine and twelve months. It was further explained that, consequently, enhancements to IT systems and operational practices had been implemented during the contract period, with the expectation that all such measures would be fully in place by October 2026.

Members were informed that the first bi-annual Contract Partnership Board meeting would take place in October 2026, at which Veolia would present performance data for the first six months of the contract for review by the Council.

Questions by Committee Members (unless otherwise stated):	Answers:
On 14 November 2025, the Cabinet approved the award of the contract to Veolia for a three-year period (with a further two-year option). It set out that the then total existing annual budget for the waste, recycling and street cleaning services were £7.529m per year. This included the Garden waste service. This was already in the underlying base budget for the Council. Over that <u>initial</u> three years of the new contract, the additional cost was £7.796m. This additional cost was to be funded by £4.942m from New Homes Bonus, Corporate Investment Fund and Other variances, £2.417m from the 2024/25 outturn and £0.437m in grant funding. In approving this allocation of one-off funds, the new contract could be funded to the start of 2029/30, Cabinet was advised by the Portfolio Holder for Environment and ICT: “When taken into account with the potential impact of Local Government Reorganisation, the increased waste and street cleansing contract costs highlighted above and the proposed approach to meet those costs, can be seen as an important financial ‘cross roads’ that sets the financial context for the Council over the next two years ahead of a successor Unitary Council being established as early as April 2028. In reflecting our commitment to be open and transparent and not shy away from difficult decisions, the need to revisit / revise our financial plans over the next two years is brought into sharp focus.” We are six months into the new three-year contract period, and it would be good to know how the contract cost is panning out against the plan approved by Cabinet in November last year. It would be good to know when in that	(Cllr. Smith) The contract is being delivered within the budget set, using the funding as identified in the November 2025 Cabinet report. In light of the very recent announcement by Government that they are withdrawing the LGR decision to undertake a review, it is too early to say exactly what the programme in respect of future service provision for Tendring or a wider unitary area will look like. The Council is continuing to engage with both Colchester and Braintree Council’s over the potential for working more closely in the future regardless of what any further decisions on LGR might be, and waste collection is one of the areas that is being discussed.

three-year contract it would be envisaged that decisions would need to be programmed around re-procurement/exercise of the two-year extension option. Plus, what are the plans, now that LGR plans for Essex have been withdrawn and we must plan of the current position, until things change, for allocating the additional costs into the base budget? Or are we hoping we can allocate further one-off funds to plug that gap in 2029/30 and beyond?	
In answering the above question, could you also cover: • Is the contract currently operating within the approved budget? • Have any unexpected mobilisation or implementation costs been incurred by the Council? • What contractual mechanisms exist to recover costs or losses arising from contractor underperformance? • Are there any emerging financial pressures that Members should be aware of? What efficiencies or savings are expected over the life of the contract, and are these still achievable?	(Cllr. Smith) Yes, the contract is operating within the approved budget • No unexpected costs have been incurred • The contract includes clauses and a Performance Management Regime that covers matters relating to contractor underperformance • There are no emerging financial pressures that Members should be aware of No efficiencies or savings are currently expected although the contract does allow for an annual efficiency review where potential efficiencies can be discussed.
I am aware, in another capacity, that the location of TDC street bins in Brightlingsea is made available to the Town Council there. I think that is very helpful and wonder if you can outline whether this same detail is provided to all Parish Councils in the District where there are TDC litter bins. There is then the question as to the appropriate transparency of that data in un-parished areas; should that detail go to local Ward Councillors. Can you provide the detail, please?	(Cllr. Smith) This information can be provided where it is of interest to a Town or Parish Council. District Councillors can be provided with that information upon request.
Please can all Members of both Tendring District Council and Town and Parish Councils be made aware of the location of street bins?	(Cllr. Smith) Yes.
Is it easier if that data is published on the TDC website?	(Cllr. Smith) It is something we have discussed and could form part of the Committee's recommendations if Members wish to do so.

At the top of Page 9 of the report (under Street Cleaning), it references the deployment of two electric/pedal powered carts and five vacuum barrows. My question is simply to ask about who has funded the acquisition and who is funding the ongoing use of those carts and barrows as the report is silent on those points.	(Cllr. Smith) These resources are funded as part of the contract.
In that same section of the report, it references the electronic mapping of litter bins and reconciliation with existing records – the report provides no update on that work, and it would be helpful to the Committee in reviewing the service to understand where we are with this work. Is it still to be started, is it about half way complete or has it been fully completed. Can you help?	(Cllr. Smith) This work has been completed, with final checks and adjustments being made to align the data with existing records.
Also, on page 9 of the report (the third bullet point under Waste & Recycling Collection) there is reference to all 70,000 additional green boxes etc being delivered by mid-September for the expanded range of recycling – can you update the Committee on that roll out, the areas still to have the roll out and the completion date of mid-September.	(Cllr. Smith) Completion is anticipated the week commencing 21 September.
Another question on page 9 of the report. This time under General and day to day management, there is reference to: • Replacement of ageing vehicle fleet • Veolia have undertaken improvement works at the Fowler Road depot • Improvement Works are planned to one seafront barrow store in Clacton The report is silent as to who ultimately is funding these works – is it the Council or Veolia?	(Cllr. Smith) These works are funded as part of the contract and in respect of the depot in accordance with the terms of the previous and current lease that Veolia holds. The seafront barrow store is being funded jointly by the Council and Veolia.

Within the section on General and Day to Day management on page 9 of the report, there is a reference to the development of Veolia's ECHO IT system and direct access by the Council from mid-September. Is that on course and what difference will that make to the Client side operation that has been missing. Plus, can you set out what you expect to be the main difference in that client-contractor relationship once ECHO is fully available to the Council.	(Cllr. Smith) Yes, this is on course and officers have access. Day to day performance management and data capture will become easier and it will be easier to follow up on reported problems.
What are the biggest risks facing successful delivery over the next 12 months?	(Cllr. Smith) Some of the biggest risks include resident participation, poor communication from all shareholders (residents, TDC and Town and Parish Councils) and workforce problems.

Councillor J. Henderson noted that, having attended the Portfolio Holder Working Party meetings in relation to the implementation of the Waste and Street Cleaning Contract, she had found the information provided by Officers and the Portfolio Holder for Environment and IT to be informative and beneficial. She acknowledged the significant work undertaken to date in support of the implementation of the contract and thanked Officers and the Portfolio Holder for their efforts.

Staying in the section of the report on General and Day to Day management, it references day to day communications, weekly operational meetings and more comprehensive monthly meetings. The report doesn't say if those meetings have taken place, when they started and what issues have been resolved and remained unresolved through those mechanisms. Can you set this out for the Committee so that we can consider that crucial detail?	(Cllr. Smith) These meetings have been taking place and have been since April and even prior to that in the run up to contract commencement. Contract mobilisation meetings have been taking place since December 2025 and have focussed on matters relating to the new contract an associated service changes. (Tim Clarke) The meetings covered a wide range of topics but ultimately, none of those remain unresolved.
Finally on page 9 under future activities, the report references employment of temporary staff to help deal with an anticipated spike in telephone enquiries in October and to implement recycling in communal bin stores. Can you give us a little bit more information about the levels of temporary staff to be engaged, how recruitment is progressing, the term of employment intended who is picking	(Cllr. Smith) The temporary staff are provided across IT, customer contact centre and the waste and recycling team. This additional resource is being covered within the £400k budget set for consultancy services – as referred to in the November 2025 Cabinet report. The IT resource has been put in place during the year

up the cost of those additional staff.	The customer contact centre resource commenced on 14 September. Recruitment is underway for a further individual aiming to be in place by 1 October. The waste and recycling team resource is in recruitment with individuals identified for interview. All the resources are flexible and can be stood down if not required.
On page 10 of the report, it references the first Bi-annual (or six monthly) meeting of the contract partnership board in October. Has a date for this been set? It references the submission of the first six months performance data. Does that mean the first time you see performance data will be at that meeting? I would hope that there was rolling access to such data so that we can respond in a timely way.	(Cllr. Smith) The Partnership Board meeting is being arranged for 29 October. Performance data has been provided already for the period from April to August, set out on a monthly basis.
Can you clarify if bi-annual is once every two years or twice per calendar year?	(Jonathan Hamlet) I can confirm it is one meeting every six months
If residents experience an issue, such as a missed bin collection, out of hours, how would that be dealt with?	(Jonathan Hamlet) In relation to street collections, Officers would be as proactive as possible. Veolia operate seven days a week and TDC Officers would collaboratively work to provide a robust service.
Who would residents contact in that instance, TDC or Veolia?	(Jonathan Hamlet) It would need to be reported directly to the Authority.
When speaking about residential bin collections, what would happen if a missed collection occurred on a Friday and residents were not able to contact TDC because the offices are closed for the weekend?	(Cllr. Smith) The new ECHO system would send a notification of that missed collection, so Veolia would collect on the Saturday. (Jonathan Hamlet) It would need to be reported online, which would then be directed automatically to Veolia, who would then return over the weekend to collect.
There has previously been overflowing bins on the Clacton seafront area during school holidays. What is being done about this?	(Cllr. Smith) This incident occurred in March 2026, prior to the new contract being implemented. Incidents like these will now be minimised under the new contract.
I read the report and could find no	(Cllr. Smith) 21,854 customers in

mention of the Garden Waste collection service (brown bins). It would be good to understand how many households use this service (and whether it is increasing year on year) and what the relationship of this scheme is to the new contract referenced in the report. It would also be good to know whether everyone receiving the service is now paying for it and that previous issues of service delivery and invoice payment have been fully resolved.	August – ongoing increase. Garden waste collections are now a core part of the contract with improvements associated with the delivery of bins to new customers and additional operatives. Previous issues associated with invoice payments / outstanding payments have been resolved. 20,723 customers are using MyTendring to pay their invoice and self-serve in respect of missed collections. The remaining customers pay via Direct Debit – there is an existing IT-led project to eventually migrate these customers to MyTendring.
Where can the data that has already been provided be found?	(Tim Clarke) The data is kept on the system. It has not been published in the past but is something that can be upon request.
Has the data been requested to be published previously?	(Cllr. Smith) There is a vast amount of data on the system, so it may be the case that we meet with the Committee and decide what data is most relevant for publication.
Would it be possible to produce a summary of the data for publication?	(Tim Clarke) It is possible we can provide a summary of data to the Management Team and publish from the Partnership Board meeting.
The report does not reference the arrangements for doorstep textile collections. I appreciate that this is about the Veolia contract, but it is relevant to considering waste and recycling arrangement in the District. Can you update the Committee about these arrangements and what research has been undertaken to assess the level of knowledge among households about that scheme, what the communication plan is around this scheme and the volumes collected through it.	(Cllr. Smith) As you have highlighted this service is not part of the main waste and recycling collection service that we are discussing this evening. The service is independent to the Veolia service and currently residents can access the service either via an on demand, bookable doorstep collection service or via the existing network of textile banks. Current collections average 3 to 4 tonnes per month and is reflective of a suppressed commodity market for second hand textiles. The authority is regularly reviewing how we communicate and promote services to residents and consequently the new recycling guides which are included in the information packs currently being

	delivered to households as part of the green box delivery program promotes the kerbside textile service, along with Tendring Furniture scheme which are also both promoted on the Councils website.
What does the green waste collection service cost the Council?	(Tim Clarke) Those costs are included as part of the contract.
So, if the residents are paying £55 per year, does that cover those collections fully or is there a subsidy to cover the rest?	(Tim Clarke) The charge is designed to cover the full cost of collections, therefore there is no subsidy from elsewhere.
What has been the level of missed collections since implementation and how does it compare with the previous contractor's performance?	(Cllr. Smith) The statistics are as follows: 45.45 per 100,000 which equates to roughly 0.1% missed collections. We do not have data to hand for the previous year but would be happy to provide a written response with those numbers included.
How many complaints have been received since contract commencement and what are the main themes? How does this compare to the same period in 2025?	(Cllr. Smith) In relation to waste and recycling collections there have been 56 complaints made between 1 April 2026 and 15 September. This is one less than for the same period in 2025. Based upon just the street cleansing aspect of the contract there were 67 service enquiries/requests/complaints in 2026 compared to 72 were received in 2025 - a reduction of 6.9%. General themes are related to litter bins and requests for more to be installed.
How effective has the Council's communication with residents been throughout the transition?	(Cllr. Smith) The authority has a comprehensive communications plan, including but not limited to: • leaflet that went out with Council tax bills. • Website changes • Press releases: Food waste expansion (March); recycling box deliveries (August) • Social media: Recycling boxes going out (mid-August); changes are coming (8 July); new e-bikes for street cleaning (2 July); how glass recycling will work (16 July); what happens to your recycling (June) • E-mail briefings and information packs sent to councillors and town/parish clerks and chairs

	• Food caddy how-to guides for hard-to-reach properties delivered along with containers. Currently in progress also includes: • Paid-for adverts on Meta (Facebook and Instagram) • Quotes/bookings for paid for advertising in local Gazette/Standard; Look Magazine • New box deliveries, including suite of leaflets for each household And then with Upcoming/planned • Further paid-for adverts on social media (including targeted post for areas with day/week changes) • Further social media posts about the roll-out of boxes • Leafleting at Love Clacton Day (26 September) • TBC - static displays in local libraries and our receptions • Press releases: Various over next few weeks • Food waste promotion campaign (led by ECC, supported and amplified by us during mid-October) • Longer-term plan: Christmas waste arrangements (plus further promotion of new recyclable products) combined with the bottle bank site removals
Based on the feedback I have received, the response from residents has been extremely positive. How does the Council intend to maintain this level of public awareness moving forward, and are there plans to focus on different aspects of the waste collection service through future communications or awareness campaigns over time?	(Cllr. Smith) The Council is continually exploring new and effective ways to communicate with residents, Councillors, and Town and Parish Councils. It remains committed to ensuring that important information is communicated as widely as possible, recognising that residents can only benefit from services and initiatives if they are aware of them. Officers and I continue to work closely with the Communications Team to deliver clear, timely, and effective messaging. The Council is always open to suggestions and would welcome any ideas that could help extend the reach of its communications and engage an even

	wider audience.
What measures are being taken to rebuild confidence where residents have experienced disruption to service delivery?	(Cllr. Smith) With the new recycling service not due to commence until the 5 October the Authority and the contractor has planned additional resources to minimise disruption to service delivery. This includes the additional temporary TDC staff to support customer support team, I.T and waste team. For the recycling collections, the contractor has identified projected additional tonnage collected in the green box and the provision of an additional recycling round (vehicle, driver and loaders) to absorb the additional tonnage. As seen in other authorities who have introduced new collections services, the authority and contractor expect the first four weeks of the new service to deliver excess recycling tonnage where residents have stockpiled glass bottles, jars and plastics and cartons and provisions will be available to assist in the collections where required. Confidence is built by delivering problem free collections and this is the aim.
Has there been any measurable change in street cleanliness standards since implementation of the new contract compared with the old contract? What performance indicators are used to assess street cleansing quality and what are the latest results?	(Cllr. Smith) Whilst the street cleansing schedule remains largely unchanged compared to the old contract, Veolia have introduced innovation to improve service standards, this includes the use of two e-bikes to provide greater flexibility whilst supported by five vacuum barrows to help provide an enhanced cleansing standard in high footfall areas. In relation to performance indicators, the contract has a specified and defined Performance Management Regime consisting of a total of 22 Key Performance Indicators, one of which relates to Street and Environmental cleanliness with ex National Indicator 195 used to measure this KPI. For August 33 inspections carried out 0.0 % remediation notices issued, June 21

	inspections 2 remediation notices issued (9.5%). To confirm there is no data provided for July due to Officer absences around that period.
(Keith Simmons) Please can a list of those 22 KPIs be provided to the Committee in a written response.	(Jonathan Hamlet) Yes.
The report mentions two e-bikes and five vacuum barrows. Please can you highlight which areas those resources are currently covering?	(Jonathan Hamlet) One of the two e-bikes is operating in the Clacton town centre and seafront areas. The other is operating in Frinton and Walton seafront. The vacuum barrows are currently operating in Clacton Town Centre and Jaywick.
Would you consider expanding those resources to other areas of the district?	(Jonathan Hamlet) The deployment of the vacuum barrows is very dependent on the footfall within the area. We would be happy to work with partners and explore those options but note that there are constraints such as storage and costs.
Would the Council be happy to consider this via approaches from Town and Parish Councils?	(Jonathan Hamlet) Yes.
What do the e-bikes do?	(Cllr. Smith) The cargo bikes provide access to locations that are unsuitable or inaccessible for larger collection vehicles, such as seafront areas during peak periods and other restricted-access locations. (Jonathan Hamlet) The e-bike is a four-wheeled cargo vehicle with a carrying capacity of approximately 12 refuse sacks. Its deployment enables the rapid resolution of issues such as overflowing litter bins and fly-tipping incidents, while complementing and supporting the Council's scheduled waste collection operations.
How are cleansing frequencies performing against contractual requirements?	(Cllr. Smith) The authority carries out a combination of routine monitoring inspections and complaint-based inspections along with joint inspections with the contractor. As described above, and based upon these inspections, the contractual performance indicates a level of satisfactory standard, with both the authority and the contractor working

	together to continuously improve cleansing standards when found to be below standard.
Does the role of the beach cleaning team extend beyond emptying litter bins along the seafront, and does it also include the cleaning and maintenance of the beach itself?	(Cllr. Smith) Within the teams that I am familiar with in Clacton on Sea and Holland on Sea, they actively clean the beach and litter pick.
Are the beach cleaning teams made up of Veolia staff?	(Cllr. Smith) Yes.
In relation to fly tipping, I believe there is a contractual requirement for waste to be removed within 72 hours, what is the total time before pickup?	(Jonathan Hamlet) It very much depends on the type of incident that has been reported, including the quantity, the contents and how much investigation is required.
For the fly tipping of sofas and/or mattresses that do not require any investigation?	(Jonathan Hamlet) Once the report is received, it will be allocated to an Officer to assess and dependent on workloads and timings, it should be sent to Veolia on the same day.
Where culprits of fly tipping can be identified, how are they dealt with?	(Jonathan Hamlet) Through fixed penalty notices (FPN) or prosecution dependent on the details of the incident.
In relation to the beach cleaning teams currently operating in Clacton on Sea and Holland on Sea, are there any teams elsewhere?	(Jonathan Hamlet) There are beach cleaning teams operating in Brightlingsea, Jaywick, Clacton, Holland, Frinton, Walton and Harwich.
Are all those beaches being cleaned?	(Jonathan Hamlet) Yes, the beach cleaning teams are multi-skilled operatives who deal with the cleanliness of the beaches alongside the emptying of the seafront bins.
Has Manningtree beach been considered for beach cleaning?	(Jonathan Hamlet) The cleaning schedules have been based on what was in the old contract, whilst also being mindful of budget restraints and Manningtree foreshore was not considered a seafront area which was maintained through this contract.
How effectively is the contractor responding to fly-tipping, litter hotspots, and seasonal pressures?	(Cllr. Smith) The contractual requirements for the removal of fly tipping remains the same in this contract to that of the previous contract in that once a fly tipping incident has been reported it is firstly investigated to identify if the land is public and as such at the expense of the public purse to clear. If on housing land, then the report is passed on to the housing team to action. Once the relevant team have carried out their investigations and

	actions and deemed it necessary to pass on to be cleared then the contractor has 72 hours (Monday to Friday) to clear. Whilst litter hotspots would be cleared within the specified cleansing schedule for the that area, the authority remains proactive in any reports received of litter hotspots to identify possible solutions to assist in minimising the impact of litter. With seasonal pressures, the Authority listened to all stakeholders and learnt from previous experience. Consequently, the summer season is now extended so that it starts from 1 March all the way through to the 30 September. The number of seasonal blue bins has increased from 145 to 238 and these along with other seafront area bins are all now emptied twice daily, seven days a week. Seafront areas have morning and afternoon beach cleaners for the summer which equates to over 550 operational hours per week and Clacton Town Centre has an operative up to 8pm during the summer period to support seasonal pressures.
When considering fly tipping, if hazardous waste is tipped on private land, will the Council pick it up?	(Jonathan Hamlet) Any waste tipped on private land is the responsibility of the landowner, even if the waste is hazardous.
Are coastal and high-tourism areas receiving the required level of service during peak periods?	(Cllr. Smith) The Council was eager to both listen, and deliver a service suitable for our residents, businesses and community whilst working within our budgets. The contract has introduced innovation with e cargo bikes, vacuum barrows and the introduction of I.T to the street cleansing service to improve the management and monitoring of this vital service. The summer of 2026 was the UK's hottest on record (Met Office) and with coastal areas receiving high numbers of visitors the pressures placed upon the infrastructure, including waste provision was tested. It helped the authority to identify areas where additional blue bin provision was

	required and implemented, and these additional provisions will then be captured to shape the resources for the summer period of 2027.
There is concern that a one-size-fits-all approach may not be appropriate across all areas of the District. How is the effectiveness of the Council's policies being evaluated, and can assurance be provided that they are both achievable and capable of delivering meaningful outcomes?	(Cllr. Smith) There are elements of the waste contract rollout that necessarily require a consistent, district-wide approach. However, where local circumstances require flexibility or further consideration, it is important that stakeholders raise any issues or concerns so that they can be properly assessed. Equally, the Council has a responsibility to listen and work collaboratively with stakeholders to identify and implement appropriate solutions where improvements are needed.
What were the most significant risks identified before contract commencement, and how have those risks materialised in practice?	(Cllr. Smith) The most significant risks identified were the limited mobilisation period and the potential lack of preparation time. These risks were mitigated through a comprehensive six-month preparation programme. Concerns were also raised regarding potential vehicle shortages; however, these have since been resolved. Similar concerns relating to the availability of containers have likewise been addressed, and the Council remains on track to complete the container rollout next week. Workforce availability continues to be a sector-wide challenge, but this has been managed effectively throughout the implementation process. All key risks and issues identified during the rollout have been addressed, and appropriate mitigation measures have been successfully implemented.
I have had reports from residents about damage/wear and tear to bins. In instances where the bin has been damaged upon collection of waste, is the onus on the resident to replace it? Could the Council provide a replacement service free of charge?	(Jonathan Hamlet) This is something that is already being provided by the Council through the TDC website. The bin/container must be replaced like for like and we have recently changed the supplier of the food caddies, so reports of damage to those should decrease.
In terms of public bins, I have had issues reported within my ward that have been as a direct effect of operative absences. How can we overcome these issues?	(Cllr. Smith) The new ECHO system locates all bins that require emptying, so automatically this kind of problem should be minimised.

	(Jonathan Hamlet) This was identified in the previous contract, which we have listened to. Fundamentally, any operative can now pick up a tablet and know all the locations of the bins that require collecting.
Have all the bins in the District now been logged on the system?	(Jonathan Hamlet) We believe so, but we are working closely with Veolia to continue the development and ensure comprehensive mapping. We are now in the next phase of checking that data.
There are multiple areas in the District that do not receive Look Magazine. What measures are in place to ensure efficient communication to those areas?	(Jonathan Hamlet) We follow the comms plan which includes digital media, meta, gazettes and much more in order to capture every platform and ensure residents are fully informed.

Following the above question and answer session, Councillor Smith, Tim Clarke, Jonathan Hamlet and Oliver Hammond all left the meeting.

Following discussion, it was moved by Councillor Bensilum, seconded by Councillor Henderson and **RESOLVED** that:

- (a) steps be taken to address the budgetary provision that would otherwise have passed to the new unitary authority in 2028 under the new waste and litter collection arrangements;
- (b) litter bin details be made available on Tendring District Council's website and publicised to District Councillors and Town and Parish Councils;
- (c) a summary of the performance data provided for the Tendring District Council/Veolia Contract Partnership Board be circulated to all Members before the end of October 2026;
- (d) all reports of fly-tipping received during August 2026 be examined and that details of the time taken between the report being received and the waste removal contractor being instructed/attending be provided to Members of the Committee;
- (e) publication of all occasions where fly-tipping had been addressed through Fixed Penalty Notices (FPNs) and/or prosecutions be encouraged;
- (f) it be noted that the following information will be provided in writing to the Committee:
 - the number of bins covered under the contract and the latest estimate thereof;
 - the 22 KPIs for street cleansing;
 - the rationale for the change from bi-annual to six-monthly reporting; and
- (g) arrangements be made to enable reports of overflowing bins, side waste and street cleansing issues to be addressed more easily, for example through a

dedicated telephone number, contact point or enforcement/patrol mechanism, with a view to encouraging speedy resolution.

18. **REPORT OF THE ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT) -
A.2 - REVIEW OF THE WORK PROGRAMME**

The Assistant Director (Corporate Policy & Support) presented the Committee with an overview of its approved Work Programme for 2026/27, including progress with enquiries, feedback to the Committee on the decisions relating to previous recommendations from the Committee in respects of enquiries undertaken and a list of forthcoming decisions for which public notice had been given.

A provisional date of Monday, 5 October 2026 had been proposed for the Task and Finish Group's Temporary Accommodation Enquiry Day, subject to the availability of those required to participate in the inquiry.

It was unanimously **RESOLVED** that the Committee:

- (a) notes its approved Work Programme for 2026/27 (Appendix A), feedback to the Committee on the decisions in respect of previous recommendations (Appendix B) and the list of forthcoming decisions (Appendix C);
- (b) notes the remaining contents of the report.

The meeting was declared closed at 9.39 pm

Chairman

Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Paul Honeywood in relation to establishing the financial cost to this Council in responding to the Government's Local Government Reorganisation programme to date plus, inter alia, a call on the Government to reimburse this Council for all costs incurred as a direct result of the Local Government Reorganisation process

"Council notes that:

- in the face of potentially unlawful decision making, and allegations of "gerrymandering" the Government has announced a review of Local Government Reorganisation, with decisions in some areas withdrawn and implementation work elsewhere paused;
- Tendring District Council (TDC), like other Councils across the country have already spent significant amounts of money and officer time preparing for Local Government Reorganisation at the Government's request;
- much of this work has been undertaken because councils were working to deadlines and requirements set by Government.

Council believes that:

- Tendring taxpayers should not be left to pick up the bill for a complex bureaucratic process which the Government has now chosen to pause;
- at a time when this Council's finances are already under enormous pressure, every pound unnecessarily spent on Local Government Reorganisation is a pound which cannot be spent on the services our residents rely on communities across our District;
- it should be democratically elected local councils, in consultation with local residents, to decide on whether to put forward (locally led) proposals for restructuring and that they should not be imposed by Whitehall as a requirement for local government funding or devolution deals.

Council therefore resolves to:

- request that Cabinet receives information from the Leader, in his capacity as the Corporate Finance and Governance Portfolio Holder, within his next financial budget performance report, supported by the Chief Executive and the Section 151 Officer, that establishes the total direct and indirect costs to TDC in responding to the Government's Local Government Reorganisation programme to date, as this will enable the Resources and Services Overview and Scrutiny Committee to perform its role in relation to scrutinising the effective use of the Council's resources, on behalf of the Council;
- request the Leader of the Council to write to the Secretary of State and our local Members of Parliament to -
 - make it clear that local taxpayers should not be expected to pay for the Government's LGR "U-turn";
 - call on the Government to reimburse this Council for all costs incurred as a direct result of the Local Government Reorganisation process;
 - call on the Government to provide clear answers about the future of Local Government Reorganisation before councils are expected to spend any more taxpayers' money on the process; and
 - make clear this Council's view that the Local Government Boundary Commission for England must be involved in reviewing any local government boundary, ward and council size proposals submitted to the Secretary of State, as part of any LGR related process, by councils in due course."

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COUNCIL

13 OCTOBER 2026

JOINT REPORT OF THE CABINET AND THE MONITORING OFFICER

A.3 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – PLANNING COMMITTEES AND THE NATIONAL SCHEME OF DELEGATION OF PLANNING AUTHORITY FUNCTIONS

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider proposed amendments to the Constitution recommended by the Cabinet following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation.

The main proposals cover miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remains effective, efficient and consistent at an operational level and complies with the new legislation.

EXECUTIVE SUMMARY

Cabinet, at its meeting held on 25 September 2026 (minute 37 refers), considered a report a report of the Portfolio Holder for Corporate Finance & Governance (A.1) that had requested Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation. The main proposals had covered miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remained effective, efficient and consistent at an operational level and complied with the new legislation.

Cabinet was informed at that meeting that the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the 2026 Regulations"), which would come into force on 31st October 2026, related to the national scheme of delegation of planning functions and the size of planning committees. Those Regulations required relevant local planning authorities ("LPAs") in England (as defined by section 319ZZF(1) of the Town and Country Planning Act ("TCPA 1990")) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

In making and operating arrangements under those Regulations, section 319ZZE(4) and (5) of the TCPA 1990 required LPAs to have regard to any relevant guidance issued by the Secretary of State. Such (draft) guidance had been issued by the Ministry for Housing, Communities & Local Government on 1st June 2026, and along with the 2026 Regulations, had been taken into account in producing the proposals.

It was reported to Cabinet that the Government's aim behind the national scheme of delegation was *"to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers"*.

The 2026 Regulations set out types of applications where decisions:

- must be delegated to officers in all cases as set out in Schedule 1; and
- were presumed to be delegated to officers unless:
 - they met at least one of the criteria in regulation 5(2); or
 - the application was made by, or on behalf of, a local authority, a member or officer of that local authority or an entity owned or controlled by the authority or any of its members or officers (regulation 6); and
 - the nominated officer and nominated member of the planning committee agreed that the application should be referred to a planning committee for its determination.

Cabinet had been made aware that where a planning function was not listed in either Schedule 1 or 2, it was for the LPA to decide whether it should be delegated to an officer or referred to a committee for a decision, and for this reason a local protocol complying with the legal framework should be adopted.

Cabinet had recalled that Part 3 of the Council's Constitution provided the Responsibility of Functions - Scheme of Delegated Powers, with the determination of planning applications being contained within Schedule 2 – non-executive functions. Currently, all planning (including all prior approval applications), enforcement, building control and conservation matters were delegated to the Corporate Director (Planning & Community) **except** in relation to the determination of certain planning applications as detailed within Part 3.15-3.18, for determination by the Committee. The changes required to comply with the legislation had been set out in Appendix A to the Portfolio Holder's report to Cabinet.

Cabinet had been advised that, under the national scheme of delegation, current practices set out in local authority constitutions must be reviewed to ensure compliance with the legislation and the most fundamental change for this Council would be the removal of the power for Ward councillors to require cases to be referred to for committee consideration, as this would no longer be possible. Local authorities would need to amend their constitutions to align with the national scheme of delegation and further information was contained within the Protocol, as had been set out in Appendix B to the Portfolio Holder's report.

Having considered the fundamental review undertaken by Officers of the delegated powers relating to planning matters to comply with the new legislation implementing the new national scheme of delegation, and the recommended changes to the Constitution arising therefrom, and to enable those recommendations to be submitted to the Full Council for formal approval and adoption, Cabinet had resolved:-

"that Cabinet –

- (a) notes the contents of the report and the impact of the Government's National Scheme of Delegation of Planning Functions and the requirements to amend the Council's Constitution to ensure compliance with the new legislation coming into force with effect from 31st October 2026; and*

(b) formally **RECOMMENDS TO COUNCIL** that:

- (i) *Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendix A attached hereto this report;*
- (ii) *Part 6 (Codes and Protocols) of the Council's Constitution be amended to incorporate the new "Protocol for the Discharge of Local Planning Authority Functions", as set out in Appendix B attached hereto this report, together with the consequential deletion of the Members' Referral Scheme for Planning Applications;*
- (iii) *these changes come into effect on 31st October 2026; and*
- (iv) *authority to amend the Protocol, as set out in Appendix B, be delegated to the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to reflect any minor alterations considered necessary through the implementation of the new national scheme and best practice."*

The report of the Portfolio Holder for Corporate Finance & Governance submitted to the formal meeting of the Cabinet held on 25 September 2026 is attached as Appendix C to this report for Members' information and guidance.

RECOMMENDATIONS

That Council, having considered this report, formally approves that:-

- (a) Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendix A attached hereto this report;**
- (b) Part 6 (Codes and Protocols) of the Council's Constitution be amended to incorporate the new "Protocol for the Discharge of Local Planning Authority Functions", as set out in Appendix B attached hereto this report, together with the consequential deletion of the Members' Referral Scheme for Planning Applications;**
- (c) these changes come into effect on 31st October 2026; and**
- (d) authority to amend the Protocol, as set out in Appendix B, be delegated to the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to reflect any minor alterations considered necessary through the implementation of the new national scheme and best practice.**

BACKGROUND PAPERS FOR THE DECISION

Published minutes of the meeting of the Cabinet held on 25 September 2026.

APPENDICES

Appendix A – Amendments to Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution

Appendix B - Protocol for the Discharge of Local Planning Authority Functions

Appendix C - Report of the Portfolio Holder for Corporate Finance & Governance (A.1) submitted to the formal meeting of the Cabinet held on 25 September 2026

A.3 APPENDIX A

DRAFT AMENDED PLANNING COMMITTEE FUNCTIONS, TERMS OF REFERENCE AND DELEGATED FUNCTIONS

Committee	Terms of Reference	Delegated Functions (Committee)	Delegated Functions (Officers)
Planning Committee	The discharge of the Town and Country Planning and Conservation functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution. The discharge of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (No. 854) ["the 2026 Regulations"], requiring a local scheme of delegation in the context of the National Scheme of Delegation for planning authority functions. Any additional authorised roles and functions as may be set out within this Constitution or approved by a decision of Full Council.	1. Pursuant to Regulation 5 of the 2026 Regulations and Schedule 2 to those 2026 Regulations, any such Schedule 2 application made to the local planning authority that is formally referred to the Planning Committee by the "nominated member" and the "nominated officer" will be determined by the Planning Committee. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council's "Protocol for the Discharge of Local Planning Authority Functions", as set out within Part 6 of the Constitution.	1. Pursuant to Regulation 4 of the 2026 Regulations and Schedule 1 to those 2026 Regulations, any such Schedule 1 application made to the local planning authority will be determined by the Corporate Director (Planning and Community) (acting as the Council's Chief Planning Officer) or another designated Officer authorised by them in accordance with paragraphs 11 & 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. 2. Pursuant to Regulation 5 of the 2026 Regulations and Schedule 2 to those 2026 Regulations, any such Schedule 2 application made to the local planning authority that is <u>not formally referred to the Planning Committee</u> by the "nominated member" and the "nominated officer" will be

A.3 APPENDIX A

		2. Pursuant to Regulation 6 of the 2026 Regulations any “own interest” application made to the local planning authority that is formally referred to the Planning Committee by the “nominated member” and the “nominated officer” will be determined by the Planning Committee. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council’s “Protocol for the Discharge of Local Planning Authority Functions”, as set out within Part 6 of the Constitution. <u>NOTE</u>: Regulation 3 of the 2026 Regulations states that a relevant local planning authority may nominate a member of the authority to act as the nominated member for the purposes of regulations 5 and 6 and an officer of the authority to act as the nominated officer for the	determined by the Corporate Director (Planning and Community) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council’s “Protocol for the Discharge of Local Planning Authority Functions”, as set out within Part 6 of the Constitution. 3. Pursuant to Regulation 6 of the 2026 Regulations any “own interest” application made to the local planning authority that is <u>not formally referred to the Planning Committee</u> by the “nominated member” and the “nominated officer” will be determined by the Corporate Director (Planning and
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		purposes of regulations 5 and 6. In addition, the local planning authority may provide for substitute nominated members or nominated officers. For Tendring District Council, the nominated member is the Chairman of the Planning Committee, and the substitute nominated member is the Vice-Chairman of the Planning Committee. The nominated officer is the Head of Planning and Building Control and the substitute nominated officers are the Planning Managers.	Community) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council's "Protocol for the Discharge of Local Planning Authority Functions", as set out within Part 6 of the Constitution. <u>NOTE:</u> Regulation 3 of the 2026 Regulations states that a relevant local planning authority may nominate a member of the authority to act as the nominated member for the purposes of regulations 5 and 6 and an officer of the authority to act as the nominated officer for the purposes of regulations 5 and 6. In addition, the local planning
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A.3 APPENDIX A

			authority may provide for substitute nominated members or nominated officers. For Tendring District Council, the nominated member is the Chairman of the Planning Committee, and the substitute nominated member is the Vice-Chairman of the Planning Committee. The nominated officer is the Head of Planning and Building Control and the substitute nominated officers are the Planning Managers.
			4. Where a planning function is not listed in either Schedule 1 or 2 of the 2026 Regulations, such functions will be carried out by the Corporate Director (Planning and Community) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution.
			5. The Head of Planning and Building Control, in consultation with the Chairman of the Planning Committee, may extend the time for the completion of a Section 106

A.3 APPENDIX A

			Legal Agreement for two further periods of six months (at which point it would need to return to the Committee for its decision either to further extend the time or instead to now refuse planning permission on the grounds that the Section 106 Agreement had not been completed).
			6. The Head of Planning and Building Control is authorised to approve and / or enter into a Section 106 Legal Agreement with landowners for the establishment of Habitat Banks and is further authorised to make any associated decisions around enforcement against non-compliance.
	The discharge of the miscellaneous functions (Part I) relating to public rights of way, within the District Council's responsibility as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.		All public rights of way matters are delegated to the Corporate Director (Operations and Delivery) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution.
	The discharge of the miscellaneous functions (Part II) relating to hedgerows, trees and hedges as specified in Schedule 1 to the Local		Hedgerows, trees and hedges matters are delegated to the Corporate Director (Planning and Community) or another designated

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	Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.		Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. <u>NOTE:</u> Applications made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order) fall under Schedule 2 of the 2026 Regulations and may therefore be determined by either the Planning Committee or by an officer.
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A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

Implementation of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ('the 2026 Regulations')

Introduction

The Authority must significantly amend its Scheme of Delegation, Planning Committee procedures and Constitution by 31 October 2026 to comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

The Government has issued guidance on implementing sections 319ZZC-319ZZF of the Town and Country Planning Act 1990, introduced by the Planning and Infrastructure Act 2025. These provisions establish a national scheme of delegation and limit the role and size of planning committees. Authorities are required by section 319ZZE to have regard to this guidance.

The 2026 Regulations reverse the current approach by making officer determination the default for almost all planning functions, with committee referral permitted only in limited circumstances. Existing local arrangements, including ward member call-in powers and other referral triggers that do not comply with the Regulations, will no longer be lawful.

Applications are divided into Schedule 1 and Schedule 2 categories. Schedule 1 applications must be determined by officers and can only be referred to committee if linked to a Schedule 2 application or if they qualify as an "own-interest" application under Regulation 6.

An "own-interest" application includes applications made by, or on behalf of, the authority, its members or officers, or where the authority, member or officer is considered to have an interest in the proposal.

Schedule 2 applications, including own-interest applications, must also be determined by officers unless both the nominated member and nominated officer agree that referral to committee is justified on the statutory grounds. The Regulations create a strong presumption in favour of officer delegation, with committee determination reserved for exceptional cases.

Schedule 1 applications

These are summarised as being:-

- Householder application
- Minor residential (1–9 dwellings, <0.5ha, etc.)
- Minor commercial
- Certificates of lawfulness (existing or proposed)
- Listed building certificates of lawfulness of proposed works

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

- Permission in principle
- Non-material amendments (s96A)
- Condition discharge / Article 27 approvals
- Prior approvals / GPDO determinations
- Reserved matters (if non-large outline, eg <500 dwellings, floorspace <50000sqm)
- Biodiversity gain plans
- S106 modification/discharge connected to a Schedule 1 application
- Certificates of appropriate alternative development (apps S17 of the Land Compensation Act 1961)
- Section 73(1) variations where the original planning permission was one that falls within Schedule 1

Note – Some Schedule 1 applications will fall under Schedule 2 under certain circumstances.

Schedule 2 applications

These are summarised as being:-

- Listed building consent, including variation or discharge of condition in association with the consent.
- Applications if considered connected to listed building consent (Defined by TDC as any planning application is submitted with or within 3 years of a LB application that includes any overlapping/similar or the same development elements or demolition to enable).
- Planning applications not classed as: Householder, Minor residential (1–9 dwellings, <0.5ha, etc.) or Minor commercial
- Section 73 (non-Schedule 1 cases)
- Retrospective applications (s73A – And includes all Sch1/2 cases)
- Advertisement consent
- Tree Preservation Order consent
- Reserved matters for large outlines (eg 500+ dwellings, floorspace 50000sqm+)
- S106 modification/discharge connected to a Schedule 2 application

Note - Where a planning function is not listed in either Schedule 1 or 2 (i.e. applications expressly covered by the 2026 Regulations), it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution) (see para 7 of the guidance).

1. Objectives of the New Arrangements

The Council should adopt arrangements that:

1. Comply fully with the Regulations.
2. Provide a clear and auditable referral process.
3. Avoid inconsistent decision-making.
4. Minimise unnecessary workload for Planning Committee Chairs.
5. Provide transparency for members, applicants and the public.

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

6. Ensure decisions withstand legal challenge and scrutiny.

2. Proposed Governance Structure

Nominated Member

The Council formally appoints:

- Planning Committee Chairman as Nominated Member.
- Vice Chairman as Substitute Nominated Member.

The appointment should be incorporated into the Constitution and Scheme of Delegation.

Nominated Officer

The Council formally appoints:

- Head of Planning and Building Control as Nominated Officer.
- Planning Managers as Substitute Nominated Officers.

The appointment should be incorporated into the Constitution and Scheme of Delegation.

This satisfies Regulation 3 requirements and ensures continuity where either party is unavailable.

3. Recommended Referral Model

Recommended Option – Triage System

The greatest risk identified in the working paper is requiring the Nominated Member and Nominated Officer to discuss every Schedule 2 application individually.

A triage system is therefore recommended.

Stage 1 – Officer Screening

Validation Officer identifies:

- A) Schedule 1 application must be delegated
- B) Schedule 1 application with own interest
- C) Schedule 2 application
- D) Schedule 2 application with own interest

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

- E) Schedule 1 application that in the view of the nominated member and the nominated officer may have authority/officer/member own interest in the application.

Note - Schedule 1 applications that i) are connected to a LBC application; and/or ii) are a s73A application follow the C) Schedule 2 pathway.

And inputs status as part of the Uniform record.

- All applications for A shall be delegated.
- All applications for B, D and E shall not be subject to triage and automatically require a referral to the nominated member and the nominated officer.
- For all C applications, they shall be subject to the triage process.

Case officer allocated as part of desk top assessment shall check identification. This becomes a mandatory section in every delegated/committee report. The officer shall conduct the triage of the application as needed as part of the desk top assessment and review at the end of public consultation.

Note: Case officer will record on the file prior to issue if the application is subject to any referral decision and reason by the nominated officer and nominated member.

Responsible officer	Application/status identified	Action required
Validation Officer	A) Schedule 1 application	Must be delegated.
Validation Officer	B) Schedule 1 application with own interest	Not subject to triage. Automatically referred to the Nominated Member and Nominated Officer.
Validation Officer	C) Schedule 2 application	Subject to the triage process.
Validation Officer	D) Schedule 2 application with own interest	Not subject to triage. Automatically referred to the Nominated Member and Nominated Officer.
Case Officer	E) Schedule 1 application that, in the view of the Nominated Member and Nominated Officer, may have authority, officer or member own interest in the application	Not subject to triage. Automatically referred to the Nominated Member and Nominated Officer.

Stage 2 – Automatic Referral Assessment - Triage

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

All Schedule 2 applications that require triage are considered to be delegated by default as they do not raise issues of economic, social or environmental significance to the local area and do not raise significant planning matters having regard to the development plan and material considerations **unless** any of the following applies and a full consideration by the nominated officer and nominated member for referral on these matters are required:-

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

Category	Trigger / criterion	Referral effect
Major Development	100+ dwellings.	Requires full referral assessment.
Major Development	5,000sqm+ commercial floorspace.	Requires full referral assessment.
Sensitive Applications	Listed building consent for Grade I Listed Buildings and/or Schedule Monuments	Requires full referral assessment.
Sensitive Applications	Development affecting Grade I buildings and/or Schedule Monuments and/or within National Landscape designated areas.	Requires full referral assessment.
Sensitive Applications	Removal of net space community and/or sport facilities if a departure to Local Plan Policy.	Requires full referral assessment.
Other Applications	Receipt of any Ward Member representation seeking Nominated Officer and councillor review that provides significant planning matters and issues of economic, social or environmental significance received within 28 days of validation.	Requires full referral assessment. This request is only available for Schedule 2 applications.
Other Applications	Any Schedule 2 applications that any Planning Officer select at any time for review that provides significant planning matters and issues of economic, social or environmental significance.	Requires full referral assessment. This request is only available for Schedule 2 applications.
Own-Interest Applications	All own-interest cases (For avoidance of doubt) These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.	Automatically referred to the Nominated Member and Nominated Officer for agreement on if they go to committee (but own interest applications do not need to be subject to the tests).

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

Stage 3 – Referral Assessment

For all applications directly referred or referred through Triage, the case officer shall list these for consideration. This shall be via a Teams spreadsheet (Could form part of the centralised Referral Register) for the Nominated Officer and Nominated Member to review and record any decision from a meeting organised to discuss.

The case officer shall record, the application ref, address and proposal and status (stage1).

For each case the nominated member and officer shall record:-

Test 1

Does the proposal raise issues of economic, social or environmental significance to the local area?

Test 2

Does it raise significant planning matters having regard to the development plan and material considerations?

Own Interest

If own interest is confirmed. While tests are not required for own interest, it may be useful to consider these as good practice.

And records the outcome.

Outcome A – Both Agree Delegated

Outcome B – Both Agree Referral To Committee Required

Outcome C – Disagreement

The nature of disagreement is recorded. Where there is disagreement, the application remains delegated and the matter reported to the Director of Planning and Community.

Stage 4 – Decision Recording

A central Referral Register shall be maintained for referrals and details of the referral and/or status also placed within the officer report for the application. This shall be reported to Planning Committee annually.

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

The central register shall record for items referred to the Nominated officer and member only and the following information:

- Application reference.
- Application type.
- Description and Address
- Schedule category.
- Own-interest status.
- Referral considered?
- Referral outcome.
- Reasoning.
- Decision route.
- Nominated member.
- Nominated officer.

This responds directly to the Secretary of State guidance requirement to keep formal referral records.

The guidance provides that as a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make it available on their website.

Further Notes Regarding National Delegation.

Note on Member Involvement

The regulations remove the ability for individual councillors to automatically require committee determination. However, as part of triage Members may request a Schedule 2 applications only to be discussed by the Nominated Member and Officer to ensure applications of potential significant impact are considered further. Any such request needs to align with the consultation period to ensure review meetings between the Nominated member and Nominated officer can take place without affecting required application timeframes and any refund risk.

Note on “Significant”

The nominated officer and member when considering a potential committee item must determine this based on the two tests only (except for own interest when these tests do not need to apply). In the tests reference to significant is made and this is defined as:-

- (1) The Guidance (at paragraph 23) advises that what is “significant” varies and depends on the local area. As examples, the Guidance provides the following:

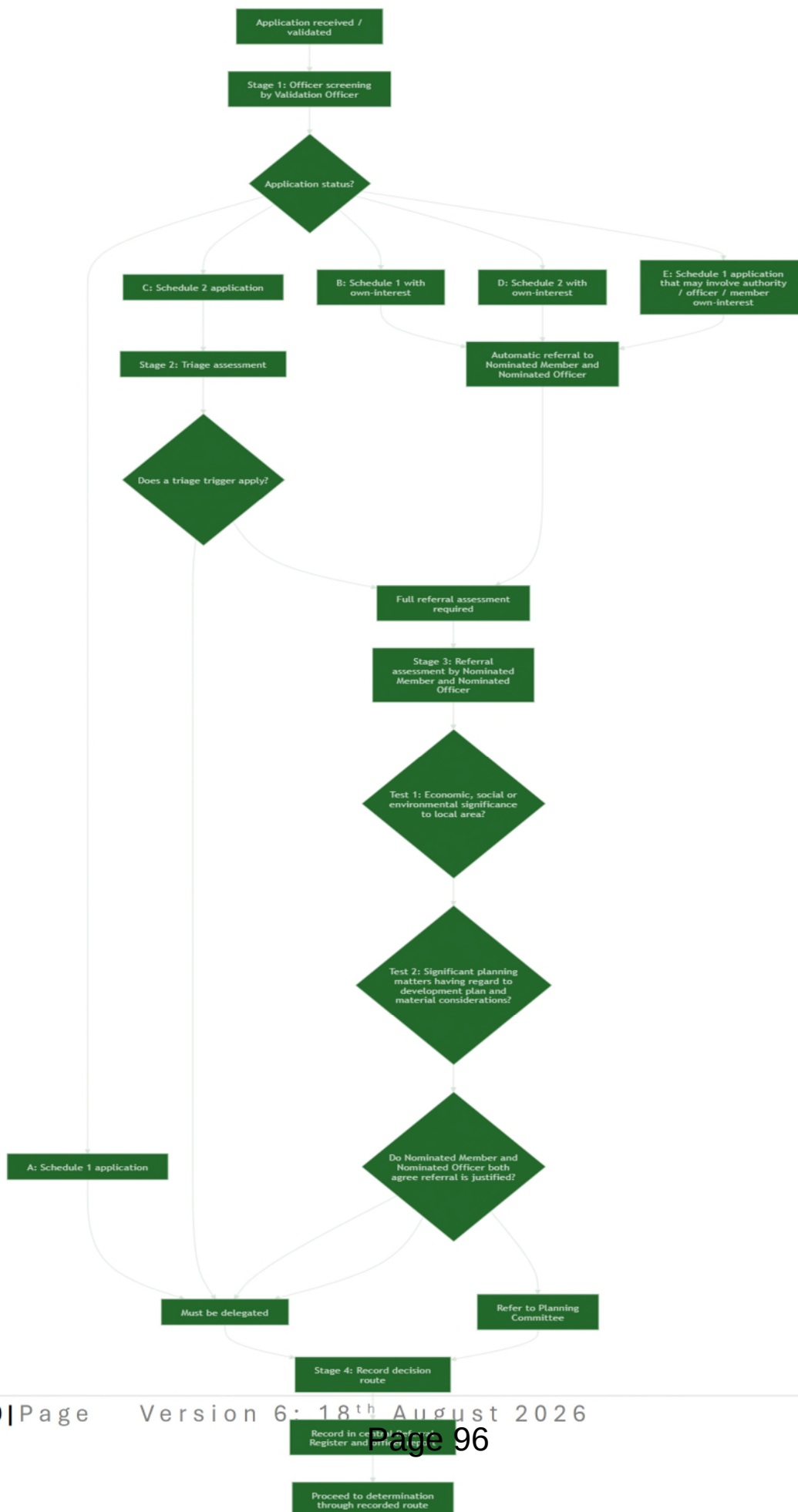
A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

- An application for outline planning permission for a large multi-phase residential development allocated in the local plan;
- An application for planning permission for change of use of a community shop in a rural area;
- An application for planning permission or listed building consent for changes to a notable listed building in a town centre.

(2) The Guidance (at paragraph 24) provides two examples where this criterion is unlikely to apply, namely:

- The application for development aligns with a detailed site allocation and relevant local or national policies, including the National Planning Policy Framework. However, it is added that significant planning issues may arise from new material considerations introduced by the application.
- If a statutory consultee initially raised a concern about a specific planning matter (e.g., highways or flood risk), but the development proposal has since been modified to address this. It is added in the end, however, that the above won't apply if the nominated officer has compelling reasons to consider otherwise.

A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions



A.3 Appendix B Protocol for the Discharge of Local Planning Authority Functions

A.3 APPENDIX B1

Letter to the Nominated Officer and Nominated Member

Date: Friday, 02 October 2026

(Please note this should be within 28 days of validation of the application)

Dear Nominated Officer and Member,

**REQUEST FOR DISCUSSION ON SCHEDULE TWO APPLICATION: PLANNING
REF: ...INSERT**

I am the Ward Councillor for **INSERT WARD** and in representing the community request the above-mentioned schedule two only application is referred to the Nominated Officer and Member to consider if the application raises one of the following matters:-

- 1) The proposal raises issues of economic, social or environmental significance to the local area?
- 2) The proposal will raise significant planning matters having regard to the development plan and material considerations?

I declare that

- The planning application **is located/is not located** within the Ward to which I am elected.
- **I am/not** a current serving member of the Planning Committee.

The referral is because I consider the application raises issues under 1 or 2 above as detailed below.

Please ensure that I am notified of the date of the committee meeting for this application, if the nominated officer and member agree this is a committee item, so that I am able to speak on the item.

Yours Faithfully

Councillor **INSERT**

A.3 APPENDIX C

CABINET

25 SEPTEMBER 2026

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.1 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – Planning Committees and the National Scheme of Delegation of Planning Authority Functions

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation.

The main proposals cover miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remains effective, efficient and consistent at an operational level and complies with the new legislation.

EXECUTIVE SUMMARY

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the 2026 Regulations"), which will come into force on 31st October 2026, relate to the national scheme of delegation of planning functions and the size of planning committees. These Regulations require relevant local planning authorities ("LPAs") in England (as defined by section 319ZZF(1) of the Town and Country Planning Act ("TCPA 1990")) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Such (draft) guidance was issued by the Ministry for Housing, Communities & Local Government on 1st June 2026, and along with the 2026 Regulations, have been taken into account in producing the proposals contained within this report and its appendices.

The Government's aim behind the national scheme of delegation is *"to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers"*.

The 2026 Regulations set out types of applications where decisions:

- must be delegated to officers in all cases as set out in Schedule 1; and
- are presumed to be delegated to officers unless:
 - they meet at least one of the criteria in regulation 5(2); or
 - the application is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled by the authority or any of its members or officers (regulation 6); and
 - the nominated officer and nominated member of the planning committee agree the application should be referred to a planning committee for determination.

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Where a planning function is not listed in either Schedule 1 or 2, it is for the LPA to decide whether it should be delegated to an officer or referred to a committee for a decision, for this reason a local protocol complying with the legal framework should be adopted.

Part 3 of the Council's Constitution provides the Responsibility of Functions - Scheme of Delegated Powers, with the determination of planning applications being contained within Schedule 2 – non-executive functions. Currently, all planning (including all prior approval applications), enforcement, building control and conservation matters are delegated to the Corporate Director (Planning & Community) **except** in relation to the determination of certain planning applications as detailed within Part 3.15-3.18, for determination by the Committee. The changes required to comply with the legislation are set out in Appendix A.

Under the national scheme of delegation, current practices set out in local authority constitutions must be reviewed to ensure compliance with the legislation and the most fundamental change for this Council will be removal of the power for Ward councillors to require cases to be referred to for committee consideration, as this will no longer be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation and further information is contained within the Protocol, as set out in Appendix B.

RECOMMENDATION

That Cabinet –

- (a) notes the contents of the report and the impact of the Government's National Scheme of Delegation of Planning Functions and the requirements to amend the Council's Constitution to ensure compliance with the new legislation coming into force with effect from 31st October 2026; and**
- (b) formally RECOMMENDS TO COUNCIL that:**
 - (i) Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendix A attached hereto this report;**
 - (ii) Part 6 (Codes and Protocols) of the Council's Constitution be amended to incorporate the new "Protocol for the Discharge of Local Planning Authority Functions", as set out in Appendix B attached hereto this report, together with the consequential deletion of the Members' Referral Scheme for Planning Applications;**
 - (iii) these changes come into effect on 31st October 2026; and**
 - (iv) authority to amend the Protocol, as set out in Appendix B, be delegated to the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to reflect any minor alterations considered necessary through the implementation of the new national scheme and best practice.**

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the fundamental review undertaken by Officers of the delegated powers

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relating to planning matters to comply with the new legislation implementing the new national scheme of delegation, and the recommended changes to the Constitution arising therefrom, and to enable those recommendations to be submitted to the Full Council for formal approval and adoption.

ALTERNATIVE OPTIONS CONSIDERED

Given that the 2026 Regulations impose mandatory requirements on relevant LPAs in England (including Tendring District Council) there has been limited scope for alternative approaches to be taken in putting these proposals together.

Some flexibility exists around determining, pursuant to Regulation 5 of the 2026 Regulations and Schedule 2 to those 2026 Regulations, whether any such Schedule 2 application made to the local planning authority is formally referred by the “nominated member” and the “nominated officer” to the Planning Committee for determination or to be determined by Officers. Similar flexibility exists around any “own interest” application made to the local planning authority pursuant to Regulation 6.

That flexibility was taken into account in formulating the new “Protocol for the Discharge of Local Planning Authority Functions”, as set out in Appendix B, and consequently some scope exists for a different approach or approaches to have been taken. In exercising flexibility, the review and proposed approach must be consistent with the Government’s policy, legislation and the statutory guidance.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities, whilst complying with current legislation.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Chairman of the Planning Committee was consulted on the Protocol.

The subject matter was discussed at an All Members’ Briefing held on 16 September 2026.

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	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ 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)	Not Applicable in this instance

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

Article 15 of the Council's Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance. Article 15 also provides authority to the Monitoring Officer to make minor changes to the Constitution arising from changes to the organisational structure of the Council.

Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice.

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority, operating executive arrangements, must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate.

Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.

All comments within the Monitoring Officer's responsibility are picked up throughout the content of the report, where the principles around Officers exercising delegated powers is being emphasised. This is also to reflect the requirements of the revised Best Value Statutory Guidance issued in May 2024.

Town and Country Planning Act 1990

Local planning authorities in England are required to implement the provisions in sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 (introduced through section 54 of the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026). These sections relate to the national scheme of delegation of planning functions and the size of planning committees.

LPAs in England are defined by section 319ZZF(1) of the Town and Country Planning Act 1990. Sections 319ZZC to 319ZZE of the Town and Country Planning Act 1990 apply to all local planning authorities with certain exceptions (for the avoidance of any doubt, district councils are not excluded).

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Through these Regulations the Secretary of State has exercised their power under Section 319ZZC of the Town and Country Planning Act 1990 to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.

These Regulations set out the following general approach to decision making:

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- where applications fall under Schedule 1, decisions must be delegated to officers under regulation 4;
- where applications fall under Schedule 2, there is a presumption under regulation 5 that decisions are delegated to officers unless the nominated officer and nominated member agree the application should be referred to a planning committee or sub-committee for determination and that it meets at least one of the criteria in regulation 5(3);
- there is further specific provision under regulation 6 for own-interest applications i.e. an application made (whether or not jointly with any other person) by the authority or an officer or member of the authority or an application where the authority or any of its members or officers has an interest, to support transparency and propriety. These applications can be referred to a planning committee or sub-committee for determination if the nominated officer and nominated member of the planning committee agree; and
- where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution).

MHCLG Guidance – “Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England”

As required by section 319ZZE(4) and (5) of the Town and Country Planning Act 1990, local planning authorities must have regard to this guidance in operating or making arrangements required under the Regulations.

The Guidance makes clear that where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated to Officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.

Member Involvement

The regulations remove the ability for individual councillors to automatically require committee determination. However, as part of triage arrangements, Members may (only) request a Schedule 2 application to be discussed by the Nominated Member and the Nominated Officer to ensure applications of potential significant impact are considered further. Any such request needs to be aligned to the consultation period to ensure review meetings between the Nominated Member and the Nominated Officer can take place without affecting required application timeframes and any refund risk.

Significant

The nominated officer and nominated member when considering a potential committee item must determine this based on the two tests only (except for own interest when these tests do not need to apply). In the tests, reference to ‘significant’ is made and this is defined as:-

- (1) The Guidance (at paragraph 23) advises that what is “significant” varies and depends on the local area. As examples, the Guidance provides the following:
 - An application for outline planning permission for a large multi-phase residential development allocated in the local plan;
 - An application for planning permission for change of use of a community shop in a rural area;

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- An application for planning permission or listed building consent for changes to a notable listed building in a town centre.

(2) The Guidance (at paragraph 24) provides two examples where this criterion is unlikely to apply, namely:

- The application for development aligns with a detailed site allocation and relevant local or national policies, including the National Planning Policy Framework. However, it is added that significant planning issues may arise from new material considerations introduced by the application.
- If a statutory consultee initially raised a concern about a specific planning matter (e.g., highways or flood risk), but the development proposal has since been modified to address this. It is added in the end, however, that the above will not apply if the nominated officer has compelling reasons to consider otherwise.

In addition, the Guidance states that, under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for Ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation. Failure to do so may make decisions on whether to delegate applications to Officers or refer them to committees for determination liable to judicial review. For Tendring District Council this means that the “Members’ Referral Scheme for Planning Applications” will no longer be lawful and therefore it will be inoperable.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Risk

Complying with current legislation and providing clarity through clear and consistent schemes of delegation and codes and protocols contained within the Constitution prevents confusion and different interpretation and enhances the Council’s overall governance arrangements. However, it is anticipated that initially there is a risk of increased legal challenges by way of judicial review applications on the exercise of increased delegated powers, where interested parties are not satisfied with the outcome, calling into question how such decisions have been made. This risk will be mitigated by officers ensuring their decisions are robust, fully recorded with reasons set out justifying the matters considered.

Resources

As the new arrangements are required to ensure compliance with new legislation implementing the Government’s policy of a National Scheme of Delegation for Planning Functions, it is anticipated that, whilst the number of applications being presented to the Planning Committee will reduce, the nominated officer and nominated member roles will have additional review and engagement responsibilities.

The review undertaken by officers has taken into account best practice and guidance provided by national planning resources. There is a view that the nominated officer should be the Chief Planning Officer for the local planning authority, which at Tendring District Council would be the Corporate Director (Planning and Community), who has oversight of all planning functions including Policy and the Garden Community. The rationale for proposing the nominating officer would be the Head of Planning and Building Control comes down to the officer structure, as the Head of Service has more direct oversight of planning decisions and operational matters.

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A review on the impact of the role of the Planning Committee membership will need to be factored into the Members' Allowance Scheme, which will be reviewed in readiness for the new shadow unitary authority in 2027.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no further comments over and above those set out elsewhere within the report.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Constitution sets out the Council's standing orders and associated scheme of delegation, policies and procedures for decision making.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Governance is a theme of the Best Value Duty and is described (amongst other things) as ensuring decision-making processes, within clear schemes of delegation, should be transparent, regularly reviewed, clearly followed and understood, enabling decision-makers to be held to account effectively. There should also be evidence of the decisions following good public law decision making principles (reasonableness, rationality, proportionality, legality, fairness etc).

MILESTONES AND DELIVERY

Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 25 September 2025.

Submission of Cabinet's recommendations to Full Council for approval and adoption – 13 October 2026.

Implementation of approved changes to the Constitution – from 31st October 2026.

ASSOCIATED RISKS AND MITIGATION

Not implementing the amendments to the Constitution will negatively impact the Council's governance arrangements and will also mean that the Council will not be operating in accordance with legislation thereby leaving planning application decisions open to judicial review by anyone aggrieved by the decision(s). This may lead to the quashing of that decision(s).

EQUALITY IMPLICATIONS

The purpose of the Constitution is to:

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- 1 Provide key elements of the Council's overall governance arrangements;
- 2 Enable decisions to be taken efficiently and effectively;
- 3 Create an effective means of holding decision-makers to public account;
- 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District;
- 5 Support the involvement of the local community in the process of local authority decision making;
- 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved;
- 7 Help Councillors represent their residents more effectively;
- 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and
- 9 Provide the framework and structure in which cost effective quality services to the community are delivered.

SOCIAL VALUE CONSIDERATIONS

There are no such considerations associated with this report.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

On 7th September 2026, the Secretary of State for Housing, Communities and Local Government announced in Parliament that a review of the Local Government Reorganisation programme was commencing and that the decision made in March 2026 for Greater Essex (and other areas) had been withdrawn in the light of new legal advice. Following this announcement, local authorities received correspondence from the Minister of Housing, Communities and Local Government requesting that until this review has concluded, Councils cease work on implementing the decisions that have previously been announced. The timetable for completion of the review is unknown at this time.

This proposal is not impacted by MHCLG's request, as it to enable the Council to comply with the new legislation implementing the new national scheme of delegation, through the recommended changes to the Constitution arising therefrom, and to enable those recommendations to be submitted to the Full Council for formal approval and adoption, in accordance with the Council's Constitutional requirements.

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

There are no direct implications.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder	None
Health Inequalities	None
Area or Ward affected	None directly. Though the 2026 Regulations (and consequent amendments to the Council's Constitution) will apply to planning applications submitted in any and all Wards of the District.

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BACKGROUND

The Government's stated aim behind the national scheme of delegation is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. The Government feels that planning committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers.

Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.

The Secretary of State has exercised this power through the 2026 Regulations. These Regulations set out the following general approach to decision making:

Regulation 4 provides that the function of determining an application of a kind listed in Schedule 1 must be delegated to an officer, unless—

- the application is also of a kind listed in Schedule 2 (for example, a minor residential application which the LPA considers is connected with an application for listed building consent), in which case regulation 5 applies, or
- the application is made by the LPA itself, or a member or officer of the LPA, or the LPA otherwise has an interest in the application (an "own-interest application"), in which case regulation 6 applies.

Regulation 5 provides that the member and officer nominated by the LPA under regulation 3 may refer the function of determining an application of a kind listed in Schedule 2 to a committee, if they agree that the application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter. Any such application not referred to a committee must be delegated to an officer. Regulation 5 does not apply to an own-interest application; regulation 6 applies instead.

Regulation 6 provides that the function of determining an own-interest application may be referred to a committee by agreement of the LPA's nominated member and nominated officer, at their discretion. Any such application not referred to a committee must be delegated to an officer.

Regulation 7 provides that any committee determining an application pursuant to these Regulations may have a maximum of 13 members.

Regulation 8 provides that the Secretary of State must undertake a statutory review of these Regulations and publish it by 31st October 2028.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Regulations 5(4) and 6(5) require nominated members and nominated officers to have regard to any such guidance when considering whether to refer an application to a committee. That statutory guidance was duly published on 1st June 2026.

That guidance confirms that, under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for Ward councillors to require cases to be called in for committee consideration will not be possible. Local authorities, such as this Council, will need to amend their constitutions to align with the national scheme of delegation. Failure to do so may make decisions on whether to delegate applications to officers or refer

A.3 APPENDIX C

them to committees for determination liable to judicial review.

Consideration for referral to committee

For the purposes of considering referral of applications to committee the guidance states that:

- a. the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process (or where there is an own interest application and the Chief Planning Officer or equivalent officer has an interest in it).
- b. the nominated member should be the chairman of the planning committee or, where such a role does not exist, the vice chairman or equivalent member. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available (or where there is an own interest application and the nominated member has an interest in it).

It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice. Those arrangements have been duly considered by the Corporate Director (Law and Governance) & Monitoring Officer, the Corporate Director (Planning and Community), the Head of Planning and Building Control, the Head of Planning Business and Policy, the Democratic Services Manager and the Planning Solicitor in formulating the proposals contained in Appendices A and B to this report. In addition, to the foregoing, those considerations also took into account the following matters.

It is not a requirement of the national scheme of delegation that nominated officers and nominated members consider all Schedule 2 applications or all own-interest applications for potential referral to committee. LPAs may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral. The regulations provide for the option for Schedule 2 applications to be considered for committee against the gateway test but do not require all schedule 2 applications to be considered – they will otherwise be delegated to officers.

Where LPAs anticipate that there may be a significant number of Schedule 2 or own-interest applications which may need to be considered for referral to committee they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

It is imperative to note that, whilst nominated officers and nominated members should make every effort to reach agreement on which applications should be referred to committee, where such agreement is not possible, the application must be determined by officers in accordance with regulation 5(2) or regulation 6(3).

Criteria which must be met before a case can be considered for referral under regulation 5

Regulation 5 and the guidance state that, in determining whether a referral under regulation 5 is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

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“A. where the application raises an economic, social or environmental issue of significance to the local area

B. where the application raises a significant planning matter having regard to the development plan and any other material considerations”

Applications for development which do not raise a significant planning matter can only be referred to the committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. What constitutes ‘significant’ will vary depending on the local area, but examples could include:

- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

For the purpose of criterion B, the following circumstances are considered by Government to be unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)

Own-interest applications

Applications which are made (whether or not jointly with any other person) by the authority or an officer or member of the authority or it is an application where, in the view of the nominated officer and nominated member, the authority or any of its members or officers has an interest, are own-interest applications dealt with under regulation 6. The Government has recognised that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some such applications whether they are in Schedule 1 or Schedule 2 to be referred to a planning committee or sub-committee. Where the nominated officer and nominated member agree, they can be referred to the committee without the need for consideration of the criteria set out in regulation 5(3). Where no such referral has been made, they must be determined by an officer.

Members are reminded that, under regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by a nominated officer or nominated member of the authority or they have an interest in it, in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

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Treatment of reserved matters applications

The Government recognises that outline planning permission can be granted for largescale multi-phase development which can take place over many years. As such each related reserved matters application can represent substantial development in its own right and cover more issues of substance, for example, the provision of onsite community infrastructure, which may, in exceptional circumstances, merit committee scrutiny. For this reason, the Government has distinguished between those reserved matters approval applications which relate to large outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

For the purpose of the 2026 Regulations a large outline planning permission is an outline planning permission which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more. A reserved matters application for such development must meet the criteria set out under regulation 5(3) for a committee to consider it.

When considering reserved matters approval applications which fall into Schedule 2 against the criteria in regulation 5(3), nominated officers and nominated members are cautioned that they should only have regard to matters which are directly relevant to the reserved matters application before them.

Treatment of section 106 decisions

Specific provision has not been made for section 106 agreements themselves in the regulations. This is because, most of the time, appropriate section 106 planning obligations will be considered as part of the application process. In other cases, they can be entered into unilaterally by the landowner so there is no real 'function' for the local planning authority. The Government recognises that there may occasionally be section 106 planning obligations which are agreed outside of the context of a planning application, but they consider that, in these cases, the decision on whether it should be delegated to officers or referred to committee should be left to the discretion of the local authority.

The guidance states that, where a local planning authority considers a section 106 agreement is connected to an application falling into either Schedule 1 or Schedule 2, and agreement is being sought to amend or discharge the planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990), the function of agreeing to amend or discharge the obligation should fall into the same schedule as the related application. This same approach applies to applications to modify or discharge an obligation under section 106A(3).

Treatment of 'special control' applications

Applications for listed building consent, advertisement consent and consent under tree preservation orders are included in Schedule 2. In most cases, the Government believes that these types of application will not raise issues which would merit committee scrutiny. The presumption, therefore, is that decisions on such matters should be delegated to officers and only exceptionally referred to committee.

Whether such an application meets the criteria in regulation 5(3) will depend on the particular circumstances but an example could include where there are proposals for a change of use and works to a prominent listed building which makes an important contribution to a town centre.

A.3 APPENDIX C

Transparency and reporting

The guidance states that, as a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make it available on the Council's website.

Size of committees

Regulation 7 provides for the number of members on a planning committee or sub-committee to be no more than 13. This is a maximum figure to accommodate local planning authorities where Members are from multiple political parties. The Guidance states that local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making. Cabinet will be aware that this Council's Planning Committee is made up of nine Members and therefore it has not been felt necessary to consider making any change.

PREVIOUS RELEVANT DECISIONS

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Link to the Town and Country Planning Act 1990 can be found here: [Town and Country Planning Act 1990](#)

Link to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 can be found here: [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

Link to the MHCLG Guidance – “Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England” can be found here:

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

APPENDICES

Appendix A = Amended Part 3 of the Constitution (Scheme of Delegated Powers – Planning Committee)

Appendix B = New “Protocol for the Discharge of Local Planning Authority Functions” (Addition to Part 6 of the Constitution - Codes and Protocols)

REPORT CONTACT OFFICER(S)

Names	(1) Ian Ford (2) Lisa Hastings
Job Titles	(1) Democratic Services Manager (2) Corporate Director (Law and

A.3 APPENDIX C

	Governance) & Monitoring Officer
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COUNCIL

13 OCTOBER 2026

REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

A.4 **PARISH COUNCILS FOR CLACTON-ON-SEA, HOLLAND-ON-SEA, AND WEST CLACTON & JAYWICK SANDS - COMMENCEMENT DATE & INITIAL TERMS OF OFFICE** (Report prepared by Ian Ford, Democratic Services Manager)

PURPOSE OF THE REPORT

To enable Full Council to consider the recommendation(s) made to it by the Community Leadership Overview & Scrutiny Committee in relation to:-

- (1) the commencement date for the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands; and
- (2) the initial term of office of Parish Councillors elected to the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands.

EXECUTIVE SUMMARY

The Community Leadership Overview & Scrutiny Committee ("the Committee"), at its meeting to be held on 6 October 2026, will consider a report of the Assistant Director (Corporate Policy & Support) (A.1) which will invite the Committee to recommend a change in the implementation date of new Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands; and a subsequent change to the initial term of Councillors elected to them.

The reasoning for this item being submitted to the Committee is that the UK Government announced on 7 September 2026 that it was withdrawing its decision of 25 March 2026 to implement Local Government Reorganisation in Greater Essex, pending a review; and that the existing electoral cycle would be restored, with elections to District and existing Parish Councils on 6 May 2027.

The UK Government's decision not to proceed with its plans for changes to principal Councils (Districts, County and Unitaries) in Essex from 1 April 2028 (with elections to Shadow Authorities in May 2027) provides an opportunity to spend more time on developing the plans for the initial year of those Parish Councils and to engage more with residents on those plans. While delivery of the new Parishes on 1 April 2027 is still achievable and officers, with Essex Association of Local Councils, have been working to that date, it is clear that a longer lead in time for the new Parishes and their Parish Councils would be beneficial. It is on this basis that the recommended revised commencement date of 1 April 2028 is submitted for consideration by the Committee (to recommend on to Full Council)

As part of its overall Community Governance Review decisions for the three Parishes (and their Parish Councils), Full Council approved a five (5) year initial term of office for the new Parish Councillors. This was on the basis at the time that all Parish Councillors elected in the District in 2027 would serve for a five (5) year term. This change was intended through

a UK Government Structural Change Order as part of Local Government Reorganisation in Greater Essex, which is now under review. With that process paused, and a one year later commencement date for the three Parishes (and their Parish Councils), that initial term of office should be three (3) years. This would then align second and subsequent elections to the new Parish Councils with the scheduled elections for all other parish Councils in the District.

As the agenda (and therefore this report) for the Full Council meeting on 13 October 2026 will have been published before the Committee has met, the Democratic Services Manager will arrange for the Committee's decision at its meeting on 6 October 2026 to be circulated to Members and published to the Council's website as soon as practicable by way of an addendum to this report.

RECOMMENDATION

That, having duly considered the recommendation(s) of the Community Leadership Overview & Scrutiny Committee in this matter, Council decides whether to approve changes to:-

- (1) the commencement date for the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands; and/or**
- (2) the initial term of office of Parish Councillors elected to the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands.**

CURRENT POSITION

Council is requested to consider the recommendation(s) submitted to it by the Community Leadership Overview & Scrutiny Committee.

The Assistant Director (Corporate Policy & Support)'s report which will be considered by the Community Leadership Overview & Scrutiny Committee at its meeting to be held on 6 August 2026 is attached as an appendix to this report.

BACKGROUND PAPERS

None

APPENDICES

A4 Appendix – Report of the Assistant Director (Corporate Policy & Support) (item A.2) to the meeting of the Community Leadership Overview & Scrutiny Committee to be held on 6 October 2026

A.4 APPENDIX

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

6 OCTOBER 2026

REPORT OF THE ASSISTANT DIRECTOR (CORPORATE POLICY AND SUPPORT)

A.2 TOWN AND PARISH COUNCILS FOR CLACTON-ON-SEA, HOLLAND-ON-SEA AND WEST CLACTON & JAYWICK SANDS

PURPOSE OF THE REPORT

This report concerns the date the new Parishes for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands (and their respective Parish Councils) are to be formed. The decision of Full Council following the required Community Governance Review and engagement with residents during that review was to establish the Parishes and their Parish Councils. The commencement date approved by Full Council was 1 April 2027 and through this report, the Committee is invited to recommend to Full Council that the commencement date be amended to 1 April 2028 (12 months later than originally envisaged).

In addition, based on the decision of the Full Council on 2 June 2026 (Minute 28 refers), that initial term of office for the Parish Councillors elected to the new Parish Councils would be five (5) years. Through this report, the Committee is also invited to consider recommending to the Full Council meeting on 13 October 2026 that the term of office should be amended to three (3) years. This would align the second and subsequent elections to those Parish Councils with the scheduled elections to all other Parish Councils in the District.

SCOPE - THE AIMS AND OBJECTIVES OF THE REPORT

The scope of the report is covered in the purpose section above in that the Committee is invited to recommend a change in the implementation date of new Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands; and a subsequent change to the initial term of Councillors elected to them.

The reasoning for this item being submitted to the Committee is that the UK Government announced on 7 September 2026 that it was withdrawing its decision of 25 March 2026 to implement Local Government Reorganisation in Greater Essex, pending a review; and that the existing electoral cycle would be restored, with elections to District and existing Parish Councils on 6 May 2027.

The UK Government's decision not to proceed with its plans for changes to principal Councils (Districts, County and Unitaries) in Essex from 1 April 2028 (with elections to Shadow Authorities in May 2027) provides an opportunity to spend more time on developing the plans for the initial year of those Parish Councils and to engage more with residents on those plans. While delivery of the new Parishes on 1 April 2027 is still achievable and officers, with Essex Association of Local Councils, have been working to that date, it is clear that a longer lead in time for the new Parishes and their Parish Councils would be beneficial. It is on this basis that the recommended revised commencement date of 1 April 2028 is submitted for consideration by the Committee (to recommend on to Full Council)

A.4 APPENDIX

As part of its overall Community Governance Review decisions for the three Parishes (and their Parish Councils), Full Council approved a five (5) year initial term of office for the new Parish Councillors. This was on the basis at the time that all Parish Councillors elected in the District in 2027 would serve for a five (5) year term. This change was intended through a UK Government Structural Change Order as part of Local Government Reorganisation in Greater Essex, which is now under review. With that process paused, and a one year later commencement date for the three Parishes (and their Parish Councils), that initial term of office should be three (3) years. This would then align second and subsequent elections to the new Parish Councils with the scheduled elections for all other parish Councils in the District.

INVITEES

None.

BACKGROUND

With the UK Government's decision to withdraw its decision of 25 March 2026 to implement Local Government Reorganisation in Greater Essex, the existing electoral cycle for District and Parish Councillors to be elected was restored.

While the Community Governance Review was launched before the Local Government Reorganisation process commenced in Greater Essex, a key feedback theme in the engagement undertaken through the review was that residents sought a local voice. The timetable approved by Full Council on 2 June 2026 was intended to provide for the new Parishes (and their respective Parish Councils) to have elections one year ahead of the intended new Unitaries coming into being. This would enable them to settle into their representational role while Tendring District Council was still in existence.

With the Local Government Reorganisation now postponed for at least one year, there is a one-off opportunity to adjust the timeframe for the new Parishes (and their Parish Councils) to be established. Making the most of this opportunity will allow officers and local District Councillors, supported by Essex Association of Local Councils, to have a longer timespan to implement the new Parish Councils, including the requisite electorate and financial calculations, and engage further with communities due to be parished about the types of services and initial priorities they might want to see new Parish Councils deliver.

With regard to terms of office for Parish Councillors, the restoration of the existing electoral cycle means that all existing Parish Councillors elected on 6 May 2027 will serve a four (4) year term. If, therefore, the Committee is minded to postpone implementation of the new Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands until 1 April 2028, it is also therefore sensible to consider aligning the term of office of those elected to serve on those Parish Councils that will come into being on 1 April 2028, to three (3) years to align with the wider electoral cycle. Otherwise, elections to those Parish Councils will always be one year out of alignment with all other Parish Councils in the District.

If the Committee is not minded to recommend a postponement to implementation of parishing for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands – and this remains at 1 April 2027 – then the Committee is asked to consider recommending the initial term of Councillors elected to those bodies is amended to four (4) years, to bring

A.4 APPENDIX

alignment with the rest of the District. In this scenario, as there would be alignment between elections to existing Parish Councils with the elections to the District Council it will mean, with the current approved initial term of five (5) years, the subsequent elections to the Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands will be held separately (one year later than for all other parish Councils in the District). This is more likely to mean that there will be an ongoing higher cost for those Parish Councils in respect of elections as they will be unable to share the costs with the District Council, County Council, Police, Fire & Crime Commissioner/UK Government.

At the time of writing, the UK Government's stated intention is for election of a Greater Essex Mayor for the envisaged Combined County Authority in May 2028. On that basis, the recommended commencement date for the new Parishes (and Parish Councils) would mean the cost of elections to the new Parish Councils could be shared in those Parishes with the Greater Essex Mayor election costs.

Once the new Parishes and Parish Councils are established, the UK Government is able to change the terms of office of Councillors serving on principal and local councils, should that be required. As such, if local government review decisions are made for Essex there is a mechanism for adjusting the terms of office of the new Parish Councillors as it applies also to all other Parish Councillors.

Without making the recommended changes, the Order setting out, among other things, the term of office of the Parish Councillors for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands Parish Councils **MUST** be made on 14 October 2026 at the latest to enable the necessary preliminary steps to be authorised in respect of those new parishes being created on 1 April 2027. Once the Order is made and sealed, a new Community Government Review would be needed to make any further changes to the arrangements for the new Parishes and their Parish Councils.

RELEVANT CORPORATE PLAN THEME/ANNUAL CABINET PRIORITY

The Corporate Plan 2024-28 has a central theme around community leadership, and the Council is undertaking this role in placing the issue of community governance in front of local electors and others with an interest in the review.

DESIRED OUTCOME OF THE CONSIDERATION OF THIS ITEM

That the Committee determines whether to recommend to Full Council that the implementation of new Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands be postponed to 1 April 2028; and subsequently that the initial term of office for Councillors elected to those Councils should be three (3) years rather than the existing decision of Council that it should be five (5) years.

RECOMMENDATION

- (1) That, based on the information set out in this report, the Committee recommends to Full Council on 13 October 2026 that the decisions of Full Council on 2 June 2026 following the Community Governance Review for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands be amended as follows:
- a) the new Parishes commence on 1 April 2028 and not 1 April 2027 (with elections to the Parish Councils consequently moved to May 2028)

A.4 APPENDIX

- rather than in May 2027);
- b) the initial term of office for Parish Councillors elected to those Parish Councils be three (3) years and not five (5) years; and
- (2) That the Chief Executive be requested to await the decision of Full Council on 13 October 2026 in respect of the recommendation above before the required Community Governance Reorganisation Order (arising from the relevant decision of Council on 2 June 2026) is formally made and sealed and that the outcome of that meeting in respect of the above recommendation be incorporated as necessary into that Order;
- (3) To note that, on the basis recommendation (1) above is approved by Full Council, communication with residents and interested parties in the area of the new Parishes will be undertaken to update them that the implementation date for those Parishes and their Parish Councils will be 1 April 2028 and the commissioning of Essex Association of Local Councils to support the introduction of the new Parishes will be updated to reflect that timeline.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

On 7th September 2026, the Secretary of State for Housing, Communities and Local Government announced in Parliament that a review of the Local Government Reorganisation programme was commencing and that the decision made in March 2026 for Greater Essex (and other areas) had been withdrawn in the light of new legal advice. Following this announcement, local authorities received correspondence from the Minister of Housing, Communities and Local Government requesting that until this review has concluded, Councils cease work on implementing the decisions that have previously been announced. The timetable for completion of the review is unknown at this time.

The creation of the three new Parishes (and their Parish Councils) is not directly impacted by MHCLG's request, as it is to enable the Council to implement the outcome of the community governance review through the decisions of the Council on 2 June 2026 in the light of the updated position in respect of the continuation of existing principal Councils in Essex.

PREVIOUS RELEVANT DECISIONS

Council on 2 June 2026 (Minute 28) – Decisions on the creation of the new Parish Councils for Clacton-on-Sea, Holland-on-Sea and West Clacton & Jaywick Sands including that parishing would take effect on 1 April 2027, and that the initial term of office of the Parish Councillors elected to those Parish Councils would be five (5) years.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

None.

A.4 APPENDIX

REPORT CONTACT OFFICER(S)	
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COUNCIL

13 OCTOBER 2026

REPORT OF CHIEF EXECUTIVE

A.5 APPOINTMENT OF A TENDRING DISTRICT COUNCIL SUBSTITUTE REPRESENTATIVE TO SERVE, WHEN REQUIRED, ON THE TENDRING / COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE
(Report prepared by Ian Ford)

Council will recall that, under the jointly agreed (by Essex County Council, Colchester City Council and Tendring District Council) terms of reference for the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC), three Members of the TCBGCJC must be appointed by Tendring District Council (TDC).

At the meeting of the Full Council held on 30 November 2021 (Minute 93 refers), this Council decided that those three Members will comprise:-

- (i) the Chairman of the Planning Policy and Local Plan Committee;
- (ii) a member of the Cabinet who will be duly appointed by the Leader of the Council; and
- (iii) a Member from a political group that is not represented on the Cabinet; plus
- (iv) a Member who shall act as a Substitute Member of the TCBGCJC when required.

The current TDC membership of TCBGCJC is as follows:-

Councillor Andy Baker (Cabinet member appointed by the Leader of the Council)*;
Councillor Mark Cossens (Member from a political group not represented on the Cabinet);
Councillor Maria Fowler (designated Substitute Member); and
Councillor Carlo Guglielmi (Chairman of the Planning Policy and Local Plan Committee).

*On 11 September 2026 the Leader of the Council appointed himself as the one Cabinet member to be a member of the Tendring / Colchester Borders Garden Community Joint Committee for the purposes of the Joint Committee's meeting to be held on 18 November 2026. This is because Councillor Baker will not be able to attend that meeting of the Joint Committee and, as such, the appointee shall be the Leader of the Council for that meeting. Councillor Baker will continue in his role following that 18 November 2026 meeting.

Councillor Fowler has recently indicated that she wishes to be replaced as the designated substitute member of the TCBGCJC.

Therefore, it is:-

RECOMMENDED to Council that -

- (a) it notes that Councillor Fowler wishes to no longer be the designated Substitute on the Tendring / Colchester Borders Garden Community Joint Committee;**
- (b) a Member of the Council be now appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee as Tendring District Council's designated Substitute in the stead of Councillor Fowler; and**
- (c) Councillor Fowler be thanked for her service to the Council on the Tendring / Colchester Borders Garden Community Joint Committee.**

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

13 OCTOBER 2026

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

**A.5 APPOINTMENT OF A TENDRING DISTRICT COUNCIL SUBSTITUTE
REPRESENTATIVE TO SERVE, WHEN REQUIRED, ON THE TENDRING /
COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE**

None

COUNCIL

13 OCTOBER 2026

REPORT OF CHIEF EXECUTIVE

A.6 **CHANGES IN MEMBERSHIP OF POLITICAL GROUPS**

(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Daniel Land on 15 September 2026, served formal notice on the Council that he no longer wished to be treated as a member of the Conservative political group.

I also formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Bradley Thompson on 23 September 2026, served formal notice on the Council that he no longer wished to be treated as a member of the Reform UK political group.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

13 AUGUST 2026

BACKGROUND PAPERS LIST FOR REPORT OF CHIEF EXECUTIVE

A.6 CHANGES IN MEMBERSHIP OF POLITICAL GROUPS

Notice of Wish to no longer be treated as a Member of a Political Group (Conservative) signed by Councillor Land and dated 15 September 2026.

Notice of Wish to no longer be treated as a Member of a Political Group (Reform UK) signed by Councillor Thompson and dated 23 September 2026.

COUNCIL

13 OCTOBER 2026

REPORT OF CHIEF EXECUTIVE

A.7 **CHANGES IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the expressed wishes of the Leader of the Reform UK Group, and the authority delegated to me, the following appointments / committee membership changes have been duly made since the last meeting of the Council, namely:-

Audit Committee

Councillor Jeff Bray has been appointed to serve in place of Councillor Aimee Keteca.

Planning Committee

Councillor Aimee Keteca has been appointed to serve in place of Councillor Jeff Bray.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

13 OCTOBER 2026

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

A.7 CHANGE IN MEMBERSHIP OF COMMITTEES

Email received from the Leader of the Reform UK Group (Councillor Jeff Bray) on 23 September 2026.

Formal appointments by the Chief Executive.

QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

The following question has been received, on notice, from a Member:

From Councillor Zoe Fairley to Councillor Ivan Henderson, Portfolio Holder for Economic Growth, Regeneration & Tourism:

Environmental Impact of Major Events

“Could the Portfolio Holder please clarify how the carbon footprint of the Clacton air show is measured and balanced against its reported £12 million economic benefit, and state whether a comprehensive and transparent carbon audit has been carried out to ensure this flagship event meets the regional environmental standards advocated by this Council at its previous meeting in approving a motion on climate change?”

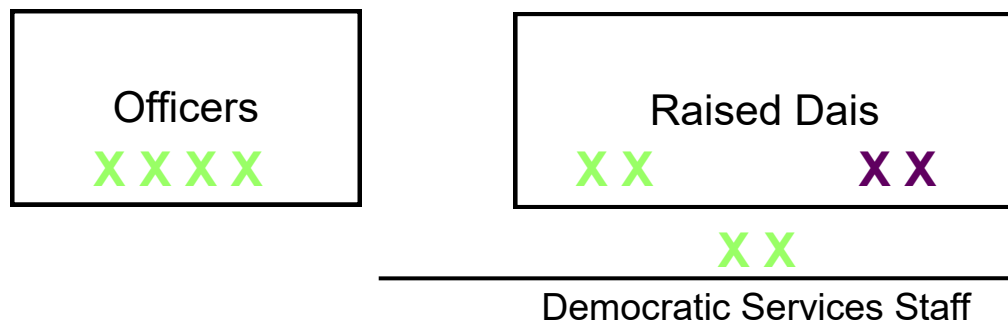
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(OCTOBER 2026 MEETING)

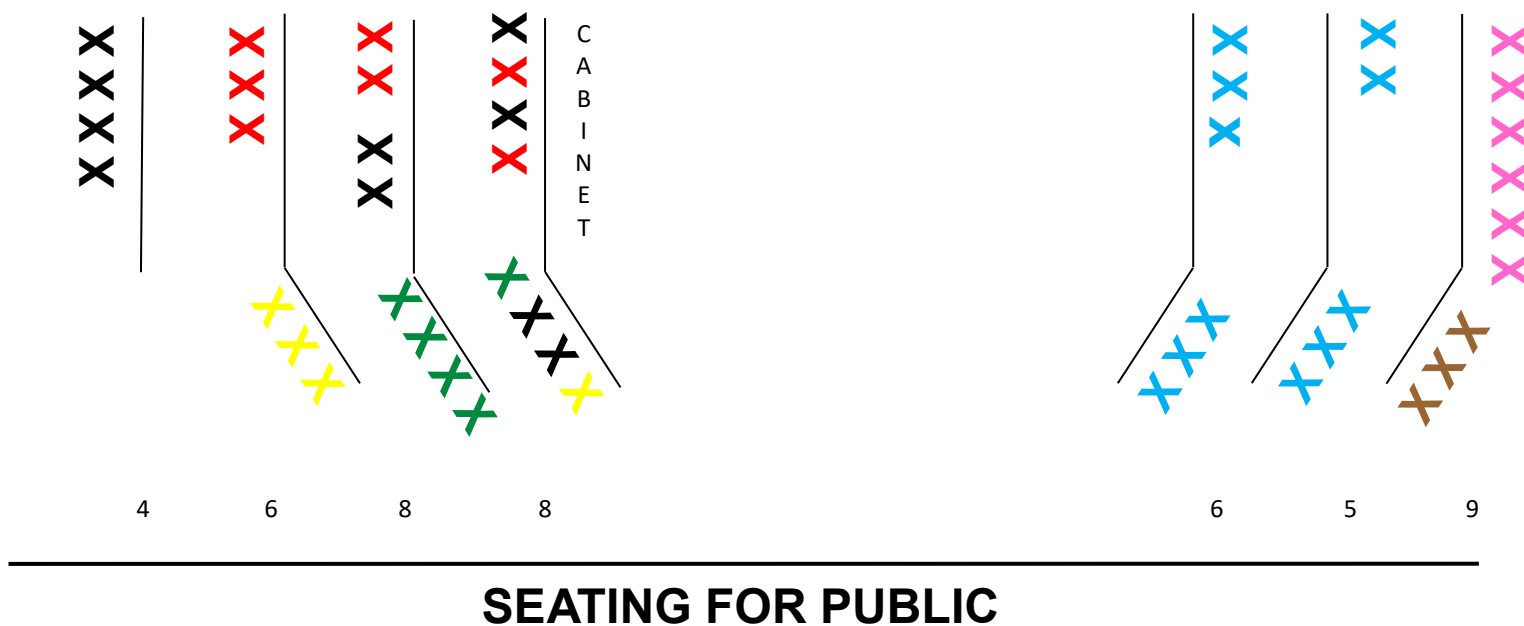
Corporate Director (Law & Governance))

KEY

- X** (Blue) = Conservatives
- X** (Black) = Tending Independents
- X** (Green) = Independent
- X** (Red) = Labour
- X** (Yellow) = Liberal Democrats
- X** (Purple) = Chairman and Vice-Chairman
- X** (Lime) = Officers
- X** (Pink) = Reform UK
- X** (Brown) = Not in a Political Group



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Agenda Item 19

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