

Public Document Pack

TENDRING DISTRICT COUNCIL

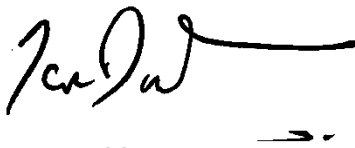
Committee Services
Room 29
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

19 August 2026

Dear Councillor

I HEREBY SUMMON YOU to attend the extraordinary meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 1 September 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.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 1 September 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 - 20)

The Council is asked to approve, as a correct record, the minutes of the ordinary meeting of the Council held on 2 June 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

To report any 'live' petitions that have been submitted in accordance with the 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.1 - Urgent Cabinet or Portfolio Holder Decisions (Pages 21 - 24)

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 25 - 102)

The Council will receive the minutes of the following Committees:

- (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.

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 - Opposition to any move by Essex County Council to retreat from its commitments on climate action, biodiversity, environmental protection or nature recovery (Pages 103 - 104)

Council will consider a motion, notice of which has been given by Councillor Barrett, 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 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 (Pages 105 - 106)

Council will consider a motion, notice of which has been given by Councillor Doyle, 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.

14 References or Reports from the Cabinet

The Council will consider any reference reports or other reports submitted to it by the Cabinet.

15 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 (Pages 107 - 134)

The Council will consider the proposed work programmes for the two overview and scrutiny committees (i.e. the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee) for the 2026/2027 scrutiny year and will note the work carried out by those committees during the scrutiny year 2025/2026.

16 Report of the Chief Executive - A.3 - Membership of Committees (Pages 135 - 136)

To inform Members of a change in the membership of the Planning Committee made since the last meeting of the Council.

17 Reference from the Standards Committee - A.4 - Amendments to Tendring District Council's Licensing Guidance for Councillors (Pages 137 - 162)

To enable Council to consider proposed amendments to the Members' Licensing Guidance (now called the Licensing and Registration Probity Protocol) following a review carried out by the Standards Committee.

18 Reference from the Planning Policy & Local Plan Committee - A.5 - Tendring District Local Plan Review: Submission Version (Pages 163 - 248)

To enable Council to consider approving the Tendring District Local Plan Review: Submission Version for the purposes of a public consultation pursuant to Regulation 19.

19 Questions Pursuant to Council Procedure Rule 11.2

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.

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, 13 October 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 24 months (the Council retains one full year 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, 2ND JUNE, 2026 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Oxley (Chairman), Guglielmi (Vice-Chairman), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Bush, Calver, Casey, Chapman BEM, Codling, A Cossens, M Cossens, Davidson, Doyle, Fairley, Ferguson, Fowler, Goldman, Griffiths, I Henderson, J Henderson, P Honeywood, S Honeywood, Keteca, Land, Placey, Platt, Scott, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, White and Wiggins
In Attendance:	Ian Davidson (Chief Executive), Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), Ian Ford (Democratic Services Manager), William Lodge (Corporate Communications Manager), Bethany Jones (Democratic Services Officer), Katie Koppenaar (Democratic Services Officer), Rebecca Catchpole (Leadership Support Officer) and Simon Kedge (Casual Technician (Princes Theatre))
Also in Attendance:	Bethany Jones (Democratic Services Officer), Rebecca Catchpole (Leadership Support Officer) and Simon Kedge (Casual Technician (Princes Theatre))

15. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Davis, Harris, Kotz, Morrison, Newton and Thompson.

16. MINUTES OF MEETINGS 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 31 March 2026 and of the annual meeting of the Council held on 19 May 2026 be approved as correct records and be signed by the Chairman.

17. DECLARATIONS OF INTEREST

In relation to agenda item 14 (reference from the Community Leadership Overview and Scrutiny Committee – A.2 – Community Governance Review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands – Phase II: Final Recommendations), Councillor Alexander declared an Interest insofar as he was the Council's appointed representative to the Rush Green Allotments Trust.

18. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman (Councillor Oxley) stated that she had no real announcements to make at this time as she was still easing herself into the role and had only undertaken a couple of civic engagements to date. Councillor Oxley would be informing all Members of her chosen Charities.

19. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive read out the following statement:-

“Madam Chairman, I formally report that, on 26 May 2026, and in accordance with the wishes of the Leader of the Tending Independents Group and the wishes of the Leader of the Conservative Group, as appropriate, I exercised my delegated powers and:-

- (1) appointed Councillor Mark Platt to fill the vacant allocated seat on the Audit Committee;*
- (2) appointed Councillor Adrian Smith to serve on the Human Resources & Council Tax Committee in the stead of Councillor Andy Baker; and*
- (3) appointed Councillor Andy Baker to serve on the Standards Committee in the stead of Councillor Adrian Smith.”*

Council noted the foregoing.

20. STATEMENTS BY THE LEADER OF THE COUNCIL

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

21. STATEMENTS BY MEMBERS OF THE CABINET**Brooklands, Jaywick Sands – Emergency road repairs**

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

“I want to briefly update Members on the emergency repairs currently underway at Brooklands in Jaywick Sands. As Members will be aware, the road, running parallel to the seafront, is unadopted and so not the responsibility of any Council to maintain.

However, following extensive engagement with residents in Jaywick Sands, it became clear that addressing the condition of this road was their highest priority for investment from the Community Regeneration Partnership funding that the Council has received from Government.

In response, Cabinet took the decision at the end of March to authorise emergency works. I am pleased to confirm that contractors are now on site, filling the potholes, with the work expected to be completed within a week. The works will cost up to a total value of £10,000.

This intervention is about doing the right thing – improving safety for residents and visitors and preventing damage to vehicles – while recognising that we are not in a position to adopt the road on an ongoing basis.

Members should note that there will be some temporary disruption while the works are carried out, including changes to the number 4 bus route.

This project reflects the progress we are making in listening to and responding to residents' concerns. Thank you."

Active Lives in Tendring

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

"Many of you will know that Tendring has faced persistently low levels of participation in sport and physical activity and this has been reflected in time and again in the national data we receive from Sport England.

Today, I am genuinely delighted to share news that represents a real turning point for our District. The latest Active Lives results, covering November 2024 to November 2025, show a statistically significant 9.5 percentage points increase in activity levels, alongside a 5.6 percentage point reduction in inactivity. This means around 13,500 fewer adults in Tendring are inactive compared with when this data started to be collected around ten years ago. Tendring is now in line with England, the east of England and Greater Essex and our reduction in inactivity is the third highest improvement in the entire country.

These figures reflect extensive partnership working across the District, including collaboration with Active Essex, health partners, sports clubs, community organisations and volunteers. This shift should not be underestimated. Active Lives is the nationally recognised benchmark for physical activity, and these improvements come at a time when there is widespread concern about declining healthy life expectancy and the growing societal cost of inactivity. Against that backdrop, the scale of Tendring's improvement is both timely and deeply meaningful.

We see this too in the growth of our sports facilities, where the number of memberships has risen from 1,800 before the pandemic to over 6,000 today. Alongside the impact of the Local Delivery Pilot, these efforts are reshaping activity levels across the District and improving quality of life for our residents.

Our Sport and Activity Strategy has been central to this progress. It focuses on behaviour change, widening access to opportunity and improving access to diverse and rich sport and activity sessions closer to where our residents live. Over the past year alone, the Council has awarded £55,000 in grant funding to 41 community groups in all parts of our District. This funding has supported:-

- after school activities for young people;*
- local sports clubs offering opportunities for residents of all ages;*
- targeted club subscription support schemes for young people who would otherwise be unable to participate; and*
- training and qualifications for members.*

A powerful example of what these sessions can deliver can be seen in the supported walking programme we recently funded in Jaywick for residents recovering from cancer. This isn't simply a walk; it is a structured, confidence-building activity led by trained facilitators. Participants are supported to rebuild stamina at their own pace, connect with others who understand their journey and regain independence in a safe and encouraging environment.

Sessions such as these, together with continued investment in our sports facilities, the delivery of play zones and reduction in energy costs, will further support our drive towards sustaining and increasing the opportunities for our residents to be active where they live. Thank you."

22. 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.

23. 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.

24. URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

On this occasion Members were informed that there were no urgent Cabinet or Portfolio Holder decisions that needed to be reported to Council.

25. 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) Standards of Wednesday 11 March 2026;
- (b) Audit of Thursday 26 March 2026;
- (c) Community Leadership Overview & Scrutiny of Monday 30 March 2026; and
- (d) Standards of Wednesday 22 April 2026.

26. MOTIONS TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12

On this occasion it was reported that no motions on notice had been submitted in accordance with Council Procedure Rule 12.

27. JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET - A.1 - PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION: NEW PROCUREMENT PROCEDURE RULES

Council discussed a joint report of the Monitoring Officer and the Cabinet (A.1) which enabled Council to consider proposed amendments to the Council's Constitution in respect of the Procurement Procedure Rules.

It was reported that, at its formal meeting held on 24 April 2026 (minute 140 referred), and in accordance with the Council's adopted Procurement Strategy, Cabinet had

considered a report of the Assets & Community Safety Portfolio Holder which had sought Cabinet's approval for the Procurement Procedure Rules developed through Essex Procurement Partnership to be recommended onto Full Council for adoption, thereby replacing the Council's current Procurement Procedure Rules, contained within the Rules of Procedure as set out in Part 5 of the Council's Constitution. That report had also provided a high-level update of the Local Government Reorganisation for Greater Essex, Procurement and Contracts System Working Group.

Cabinet had resolved *"that Cabinet -*

- (a) approves in principle, the draft Procurement Procedure Rules, as set out in Appendix A to report A.1, as developed by the Essex Procurement Partnership, of which Tendring District Council is an active Member Authority, for recommendation onto Full Council for adoption;*
- (b) authorises the Corporate Director (Law & Governance), being the responsible Officer for the Council's corporate procurement function and the Council's statutory Monitoring Officer, to make any necessary minor amendments and to produce a final draft of the Procurement Procedure Rules, in consultation with the Portfolio Holder for Assets and Community Safety, for Full Council to consider;*
- (c) recommends to Council that the final draft Procurement Procedures Rules be adopted, replacing the Council's current Procurement Procedure Rules, as contained within the Rules of Procedure set out in Part 5 of the Council's Constitution;*
- (d) endorses the review to be undertaken by both Internal Audit and the Audit Committee to ensure the Council's corporate governance requirements continue to be maintained through the new Rules and lessons learnt have been captured;*
- (e) notes the update of the activity within the Essex Procurement Partnership and the Local Government Reorganisation for Greater Essex, Procurement and Contracts System Working Group; and*
- (f) notes Officers will present the outcome of the detailed analysis of the Council's Contracts Register in due course in readiness for the transition phases of LGR."*

Cabinet resolution (c) was pertinent to this meeting of the full Council.

Having considered the Cabinet's recommendation arising from its consideration of the aforementioned matters, and to enable that recommendation to be approved and adopted:-

It was moved by Councillor M E Stephenson and:-

RESOLVED that the final draft Procurement Procedures Rules, as set out at Appendix 1 to the joint report (A.1), be approved and formally adopted, and that they replace, with immediate effect, the Council's current Procurement Procedure Rules, as contained within the Rules of Procedure as set out in Part 5 of the Council's Constitution.

28. REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE - A.2 - COMMUNITY GOVERNANCE REVIEW FOR CLACTON-ON-

SEA, HOLLAND-ON-SEA AND JAYWICK SANDS - PHASE II: FINAL RECOMMENDATIONS

Earlier on in the meeting, as recorded under minute 17 above, Councillor Alexander had declared an Interest in this matter insofar as he was the Council's appointed representative to the Rush Green Allotments Trust.

Council discussed a reference report (A.2) that enabled Council to consider the Community Leadership Overview & Scrutiny Committee's final recommendations following the Community Governance Review undertaken for the currently unparished areas of the District.

It was reported that, at its meeting held on 30 March 2026 (minute 46 referred), the Community Leadership Overview and Scrutiny Committee ("the Committee") had considered a report of the Assistant Director (Corporate Policy & Support) that had informed the Committee of the current point in the community governance review process, the outcome of the Phase II consultation and which sought to enable the Committee to determine the recommendations to be submitted to Council in respect of the conclusion of the review.

That report had supported the Committee in its constitutional role in respect of Community Governance Reviews (as set out at Article 6.02 of the Council's constitution – as follows):-

"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 for 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 LG BCE under section 100(2) of the same Act."

The Committee had made six main resolutions which had contained several recommendations to full Council. Those recommendations were fully detailed within the reference report (A.2).

Having considered the Committee's recommendations arising from its consideration of the aforementioned matters, and to enable those recommendations to be approved and adopted:-

It was moved by the Chairman of the Community Leadership Overview and Scrutiny Committee (Councillor Steady) that Council formally:-

- (a) acknowledges the implementation of the Community Governance Review which commenced on 1 July 2025 with the Terms of Reference for that review, the outcomes of the Phase I and Phase II consultations and the final recommendations from the review as determined by the Council's Community Leadership Overview and Scrutiny Committee;

- (b) approves that the current unparished area of the District of Tendring be parished with effect from 1 April 2027 and that this parishing shall consist of three new parishes, as identified in the maps set out at Appendices F, G and H appended hereto this reference report which, together, cover the entirety of that unparished area;
- (c) approves that the names of the three new parishes referenced in (b) above shall be Holland-on-Sea (for the area edged black in the aforementioned Appendix F), West Clacton & Jaywick Sands (for the area edged black in the aforementioned Appendix G) and Clacton-on-Sea (for the area edged black in the aforementioned Appendix H);
- (d) approves that, in accordance with Section 94 of the Local Government and Public Involvement in Health Act 2007, all three new parishes shall have their own parish councils;
- (e) approves that the alternative styles of the three parishes shall be as immediately below:
- Village – for the parish council of Holland-on-Sea;
Town – for the parish of Clacton-on-Sea;
Community – for the parish of West Clacton & Jaywick Sands;
- (f) notes that references to style in (e) above and (f) below do not negate the basic position that all three areas will become civil parishes;
- (g) approves that the total number of parish councillors to serve on the three separate parish councils shall be as follows:
- 15 - on Holland-on-Sea Village Council;
25 - on Clacton-on-Sea Town Council;
12 - on West Clacton & Jaywick Sands Community Council;
- (h) concurs that no parish wards be created in the new parishes of Holland-on-Sea and West Clacton & Jaywick Sands;
- (i) approves that, in the new parish of Clacton-on-Sea, the following parish wards be created and that the number of parish councillors to represent the parish ward concerned be as set out immediately below:

Parish Ward Name	Area of the Parish Ward by reference to the existing District Council Ward	Number of Parish Councillors to represent the Parish Ward on the Parish Council
Bluehouse Ward	Bluehouse Ward	3
Burrsville Ward	Burrsville Ward	4
Cann Hall Ward	Cann Hall Ward	3
Coppins Ward	Coppins Ward	4
Pier Ward	Pier Ward	1
St James' Ward	St James' Ward	4

St John's Ward	St John's Ward	4
St Paul's & Eastcliff Ward	St Paul's Ward and that part of Eastcliff Ward within the Clacton-on-Sea Parish	2

- (j) approves, in order bring the term of office of the parish councillors in line with the second and subsequent elections to any unitary authority established for the area as part of local government reorganisation, that the term of office of the first parish councillors elected in May 2027 shall be five years to the normal retirement day in May 2032 and that all subsequent terms of office shall be four years;
- (k) approves, in order to provide for interim parish councillors, for the period 1 April to 10 May 2027 (when newly elected parish councillors for the three parishes would take up office) for the councils of the three new parishes as follows:

Holland-on-Sea Parish – the District Councillors for the St Bartholomews and Eastcliff District Wards and the Essex County Councillor for the Clacton South Electoral Division;

Clacton-on-Sea Parish – the District Councillors for the Bluehouse, Burrsville, Coppins, Pier, St James', St John's, St Paul's and Eastcliff District Wards and the Essex County Councillors for the Clacton North, Clacton South and Clacton West and St Osyth Electoral Divisions;

West Clacton & Jaywick Sands Parish – the District Councillors for the West Clacton & Jaywick Sands District Ward and that the Chief Executive, in consultation with the Ward Councillors for West Clacton and Jaywick Sands Ward, to identify an additional appointee role to the interim parish council and to include that appointee role in the Community Governance Order;

- (l) authorises the Chief Executive to prepare the necessary Community Governance Order(s) to bring the Council's formal decisions on this matter into being and to provide for the matters set out above, and for the Council's seal to be applied to that Order and to ensure that the Council's legal obligations in respect of the making of such Order(s) are fully complied with; and
- (m) invites Cabinet to consider the next steps to be undertaken and allocation of resources and, as part of this, to determine the steps the Council considers sufficient to secure that persons who may be interested in the review are informed of the outcome and the reasons behind the Council's decisions in this matter.

A copy of Councillor Steady's motion had been circulated to Members in advance of the meeting. Its contents had differed from the recommendations contained in the agenda document pack in that the wording of original recommendation (k) had been amended, and original recommendation (l) had been deleted entirely. The rationale, as also circulated, for those changes was as follows:-

"Recommendation (k) - as set out in the Monitoring Officer's section of the report, the current representation on the interim parish council would be two people (Cllrs Dan Casey and Brad Thompson, due to the fact that Cllr Thompson had recently been

elected as the Essex County Councillor for the Clacton West & St. Osyth electoral division). By virtue of the Local Government Act 1972 we require three persons to constitute the parish council for this short initial period. To allow time for consultation to take place on the appropriate office holder for this position, a delegation is sought to make the appointment/reference the appointee in the resulting Order.

Recommendation (I) - the Solicitors acting on behalf of the trustees of Rush Green Allotments have applied for, and been granted, a transfer of the allotment land concerned from this Council to the Official Custodian for Charities in trust for that charity. The Charity Commission made this vesting Order on 23 April 2026.

The Official Custodian for Charities is a statutory corporation that holds land and other assets on behalf of charities, primarily to simplify property management and protect assets. The Official Custodian for Charities was established under the Charities Act 2011 to act as a trustee for charities in specific circumstances, mainly for holding land and other assets on their behalf. Its primary purpose is to safeguard charity property and reduce administrative burdens, especially for unincorporated charities that cannot hold land in their own name. The custodian does not manage the land. Charity trustees retain all powers and responsibilities for administration, including leasing, paying taxes, or making management decisions.

As the land in question is no longer held by this Council, for the reasons set out above, original recommendation (I) to transfer the land to the proposed Clacton-on-Sea Parish Council is void and so should not be approved."

Councillor P B Honeywood then moved, and Councillor Amos seconded that Councillor Steady's motion be amended to read as follows:-

That Council formally:-

- (a) acknowledges the implementation of the Community Governance Review which commenced on 1 July 2025 with the Terms of Reference for that review, the outcomes of the Phase I and Phase II consultations and the final recommendations from the review as determined by the Council's Community Leadership Overview and Scrutiny Committee;
- (b) that, in view of the cost to the taxpayer being unknown and the possibility that Local Government Reorganisation (LGR) does not go ahead, the recommendations from the Community Governance Review (CGR) not be considered this evening but instead be scheduled for consideration at the 13 October 2026 meeting of Full Council; and
- (c) invites Cabinet to consider the next steps to be undertaken and allocation of resources and, as part of this, to determine the steps the Council considers sufficient to secure that persons who may be interested in the review are informed of the outcome and the reasons behind the Council's decisions in this matter.

A copy of Councillor Honeywood's amendment had been circulated to Members in advance of the meeting. The reasoning, as also circulated, for the amendment was as follows:-

“On the basis that the Government’s intentions are pursued, this will allow the minded to decision on Greater Essex LGR to be progressed to draft legislation. Otherwise, by this point any delay or reconsideration of the Government’s stance on LGR should have been announced and its implications on the recommendations from the CGR assessed. By recommendation (n) proceeding (as new (c)), greater clarity could be available on the likely budgetary positions for the proposed parishes.”

In relation to Councillor Honeywood’s amendment, the written advice of the Council’s Statutory Officers had also been circulated to Members prior to the commencement of the meeting. That advice was as follows:-

“The report to Council sets out the timeline for this CGR. On page 173-174 the relevant decisions are referenced. Commencing on 17 September 2024, it predated the Government’s announcements for LGR and the Devolution Priority Programme that Greater Essex responded to.

The original timetable for the CGR and consideration of the final recommendations envisaged a decision by Council in March 2026. Due to the volume of responses received in the Phase I consultation (July-September 2025) the Community Leadership Overview and Scrutiny Committee approved a realignment of the timetable to delay the final recommendations from March to April 2026. At the 30 March 2026 meeting of that Committee a further delay was agreed until June 2026 for the final recommendations to be determined. This was specifically to avoid a decision in the pre-election period. As such, we are already 2-3 months into the originally envisaged planning phase for delivering the outcome from the CGR.

The amendment, if passed, would add a further deferral of four months into that planning phase ahead of, what would be a 1 April 2027 commencement of the three parishes based on the recommendations.

In view of the amendment referencing the LGR process, Council’s attention is drawn to the report submitted to it under the heading “Devolution and Local Government Reorganisation” on pages 180-181. This includes the following conclusion:

“...proceeding with this community governance review was appropriate as the approval of the review pre-dated the publication of the Government’s White Paper on 16 December 2024 on devolution and local government reorganisation and the commencement of the Devolution Priority Programme. In addition, the outcome of this Community Governance Review will not directly impact on the Government’s announced expectation for new Unitary Councils to establish appropriate neighbourhood Area Committees to facilitate engagement with residents in their Unitary Area.”

On page 185 of the report, Council is reminded that:

“The findings from the Phase II consultation are set out at Appendices A (A1 and A2) and C to this report. They inform the proposed final recommendations to be submitted to Full Council on 2 June.”

In respect of the cost to taxpayers, the report before Council identifies that this is a matter that is planned to be assessed following any decision to proceed. On page 184, and referencing the consultation undertaken, the report says:

“As part of the Phase II consultation, consultees were also invited to indicate services, activities, events or arrangements that they would wish to see a possible new Parish Council be responsible for. This information can then inform a future process of looking beyond the base costs of operating a Parish Council in the event that establishing such Parish Councils is approved.”

In the event that the final recommendations are adopted by the Council (now or in October), it would be this Council that would determine the initial precepts for the funding of those Parish Councils. Thereafter it would be entirely a matter for the new Parish Councils based on the costs of services and functions they determine are required.

At Appendix E to this report is information put into the public domain as part of the Phase II CGR consultation and sets out both base costs for the recommended new parish councils (as assessed by Essex Association of Local Councils) and the average Band D equivalent of existing Parish Council precepts in 2025/26 of £75.94. These pieces of information were addressed in the public meetings held during the Phase II consultation as well as being made available.

The final recommendations from the CGR are now finalised (as set out in the report) and cannot be re-opened. Whatever the position is now and may be in October 2026 Full Council will still need to determine those recommendations.

Any proposed Community Governance Order following determination of the recommendation from the review concerned would need to be in place by 15 October 2026 to enable the new parishes to be formed on 1 April 2027. This is because 15 October in any given year is the reference date for residency in respect of the electoral registers published on the 1 December in the same year. The new registers of electors for the parishes would require the residency date to be ahead of 15 October.”

In addition to Councillor P B Honeywood, Councillors Amos, Bartlett, Steady, M E Stephenson, Doyle, Platt, M A Cossens, Griffiths, Baker, Calver, I J Henderson, Scott and Bray addressed Council during the debate on Councillor Honeywood's amendment.

Pursuant to the provisions of Council Procedure Rule 19.5, Councillor P B Honeywood, supported by, at least, nine other Members rising in their places, requisitioned a record of the voting on his amendment 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>
Alexander	Baker	Bush	Davis
Amos	Barrett	Ferguson	Everett
A I Cossens	Barry	Keteca	Harris
M A Cossens	Bensilum	Land	Kotz
Fairley	Bray		Morrison
Griffiths	Calver		Newton
Guglielmi	Casey		Thompson
P B Honeywood	Chapman BEM		
S A Honeywood	Codling		
Platt	Davidson		
Skeels	Doyle		

Fowler
Goldman
I J Henderson
J Henderson
Oxley
Placey
Scott
Smith
Steady
G L Stephenson
M E Stephenson
Sudra
Talbot
White
Wiggins

Councillor P B Honeywood's amendment was declared **LOST**.

In addition to Councillor Steady, Councillor M E Stephenson spoke during the debate on Councillor Steady's motion.

Councillor Steady's motion on being put to the vote was declared **CARRIED**.

29. 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.

30. SEATING PLAN FOR MEETINGS OF THE FULL COUNCIL IN THE 2026/2027 MUNICIPAL YEAR

Council considered a proposed seating plan for its meetings to be held during the 2026/2027 Municipal Year. The seating plan had been amended to take into account the election of the new Chairman of the Council and the appointment of the new Vice-Chairman of the Council.

It was moved by Councillor M E Stephenson, seconded by Councillor P B Honeywood and:-

RESOLVED that the proposed seating plan for meetings of the full Council, to be held during the 2026/2027 Municipal Year, be approved.

31. 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 8.42 pm

Chairman

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COUNCIL

1 SEPTEMBER 2026

REPORT OF LEADER OF THE COUNCIL

A.1 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

(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), on behalf of the Portfolio Holder for Assets & Community Safety, 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 was 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 was 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 requires 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 was as follows:-

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

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:-

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

BACKGROUND PAPERS

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

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor Paul Honeywood)'s consent to allow the urgent "Part B" decision of the Portfolio Holder for Assets & Community Safety to taken under the Special Urgency Procedure, as set out in Access to Information Procedure Rule 15 (Part 5.8), and be automatically exempted from call-in.

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

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor Paul Honeywood)'s consent to allow the urgent decision of the Portfolio Holder for Leisure & Public Realm to be exempted from call-in.

APPENDICES

None

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON THURSDAY, 21ST MAY, 2026 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors P Honeywood (Chairman), Amos (Vice-Chairman), Casey, Goldman, J Henderson, Newton and Steady
Also Present:	Councillors Baker (Portfolio Holder for Housing and Planning) (items 1-4 and part 5 only), Alexander (items 1-4 and part 5 only) and Griffiths (items 1-4 and part 5 only)
In Attendance:	Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Gary Guiver (Corporate Director (Planning & Community)) (items 1-4 and part 5 only), Damian Williams (Corporate Director (Operations and Delivery)) (items 1-4 and part 5 only), Keith Simmons (Assistant Director (Corporate Policy & Support), Tim Clarke (Assistant Director (Housing and Environment)) (items 1-4 and part 5 only), Katie Koppenaal (Democratic Services Officer) and Bethany Jones (Democratic Services Officer)

1. CHAIRMAN'S OPENING REMARKS: CHANGE IN COMMITTEE MEMBERSHIP

The Chairman, Councillor P Honeywood opened the meeting by reading out the following statement:

"Before we commence today's meeting, I wish to formally record recent changes to the membership of the Resources and Services Overview and Scrutiny Committee.

These changes arise from the decisions taken and confirmed at the Annual Meeting of the Council held on Tuesday, 19 May 2026.

As a result of those decisions, Councillor Peter Harris is no longer a member of this Committee, and Councillor Dan Casey has been appointed to serve as a member."

The Chairman expressed his thanks to Councillor Harris for his contributions to the Committee and formally welcomed Councillor Casey as a new Member.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Bensilum and Bush with no substitutes appointed.

3. MINUTES OF THE LAST MEETING

It was moved by Councillor J Henderson, seconded by Councillor Newton and **RESOLVED** that the minutes of the last meeting of the Committee held on Tuesday, 10 March 2026 be confirmed as a correct record and be signed by the Chairman.

4. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest made by Members on this occasion.

5. **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.

6. **REPORT OF ASSISTANT DIRECTOR (HOUSING & ENVIRONMENT) - A.1 -
POTENTIAL USE OF PROPERTY IN CLACTON TOWN CENTRE FOR TEMPORARY
EMERGENCY ACCOMMODATION**

The Committee noted that the provision of temporary accommodation had represented a significant financial pressure for the Council, with approximately £3 million spent annually before Housing Benefit subsidy was applied. Members were advised that, due to shortfalls in Housing Benefit subsidy for temporary accommodation, councils had been required to meet the majority of the cost themselves. It was reported that Tendring's level of expenditure and operational approach had been consistent with that of other local authorities.

Officers confirmed that there had been a continual turnover of households in temporary accommodation, with movements occurring on an almost daily basis. The Council had managed homelessness and temporary accommodation costs effectively, and the opening of Spendells House had contributed positively to this position. The Committee was reminded that the work of homelessness officers ensured that households—many with children—did not experience rough sleeping, which remained rare in the District, typically in single-digit figures.

The Committee was informed that the Council had a statutory duty to provide suitable temporary or emergency accommodation where it had “a reason to believe” an applicant was homeless and in priority need. Failure to do so could place the Council in breach of its duties and at risk of Judicial Review. Members noted the significance of the Court of Appeal judgment in *R (Elkundi & Ors) v Birmingham City Council [2022]*, which confirmed that the duty to secure suitable accommodation was “immediate, non-deferrable, and unqualified.”

Reference was made to the MHCLG Homelessness Code of Guidance (2018, updated 2026), which required suitability assessments to be based on individual household circumstances, including location, affordability, size, condition, accessibility, safety, and the needs of children. Officers reported that households retained the right to request a review of suitability, which was undertaken by a senior officer not previously involved in the case.

The Committee was advised that the majority of temporary accommodation had historically been sourced from private landlords, including hotels and B&Bs, some of which were licensed HMOs. Those establishments generally lacked kitchen facilities and offered shared bathrooms, which had been acceptable only for very short-term stays. As lengths of stay had increased—often several months or more—such arrangements had become unsuitable, particularly for families. This trend reflected national pressures,

including increased homelessness presentations and reduced availability of private rented housing.

Members heard that the Council had therefore needed to secure higher-quality, predominantly self-contained accommodation. Housing Benefit rules continued to create funding gaps, particularly where only 90% of the 2011 Local Housing Allowance rate could be claimed for self-contained units.

At the time of reporting, households were placed across a range of accommodation types, including:

- 66 households in fully self-contained privately owned units
- 27 single persons or households in privately owned units with shared facilities
- 27 households in Spendells House
- 63 households in Council-owned homes on temporary non-secure tenancies

Accommodation was primarily located in Clacton, with some provision in Harwich and Walton. Not all sites had on-site management, although CCTV and daytime staff visits were common where permanent management was absent.

The Committee was informed that, historically, temporary accommodation had been booked on an as-required basis without formal procurement, reflecting national practice and the limited market. A pricing structure had been developed to standardise costs, and several providers had reduced prices to retain bookings. Officers emphasised that the market remained a “seller’s market”, with many councils forced to place households outside their District—something Tendring had avoided except in exceptional circumstances.

Members noted that the Procurement Act 2023, implemented in February 2025, now required formal procurement of temporary accommodation. Cabinet had authorised the commencement of a procurement exercise on 30 January 2026. A Project Initiation Document had been submitted in April, and officers had met with Essex Procurement on 1 May 2026. The Committee was advised that the key challenge was designing a procurement process that ensured flexibility, given fluctuating demand and the uncertain impact of the Renters’ Rights Act. Procurement completion was anticipated for November 2026.

In the interim, the Council continued to block-book accommodation to meet statutory duties. Temporary accommodation remained one of the most significant pressures on the General Fund, despite the inclusion of some funding within the Revenue Support Grant.

Regarding placement processes, officers explained that risk assessments were completed for each household, and suitability was reviewed regularly. All households signed a standard Licence Agreement. Breaches could result in termination of temporary accommodation.

The Committee received detailed information on the internal procedures for assessing new providers and properties. The Private Sector Housing (PSH) team undertook inspections using the Housing Health and Safety Rating System (HHSRS), assessing fire safety, amenities, room sizes, and compliance with relevant legislation. Officers

highlighted that all HMOs in Tendring required planning permission due to the District-wide Article 4 Direction in place since 2012.

Developers were encouraged to pursue self-contained accommodation due to lower fire and ASB risks. PSH officers provided advice on planning requirements, Building Regulations, and fire safety standards, including the use of LACORS Fire Guidance. Where necessary, detailed schedules of work and fire plans were issued, and interim inspections were undertaken during development. Completed schemes were inspected before occupation, and certification was retained on the PSH database.

Ongoing monitoring included welfare checks, repairs oversight, and performance reviews of providers. The Committee noted that the Council had ended the use of hotel accommodation for families and no longer used lower-quality or poor-value accommodation.

Officers also outlined the Council's prevention and relief work, including early intervention, tenancy sustainment, private rented sector access, and multi-agency working. Members were informed of the increasing proportion of single people with complex needs requiring temporary accommodation, and the corresponding need for strengthened assessment, safeguarding, and coordinated support.

The Chairman (Councillor P Honeywood) noted that an informal meeting of the Committee had been held on Monday 18 May 2026, and arising from that meeting were some questions to which Officers had provided written responses. Those questions were read out, along with supplementary questions asked as follows:

Questions by Members:	Answers:
<i>Page 17 states that the Council is spending £3 million gross annually on temporary accommodation. Please set out what the figures for 2025/6 were and what the anticipated expenditure will be in 2026/27 together with the net figures allowing for Government grants. This will help the Committee better understand the resources implications of this service.</i>	(Councillor Baker) <i>Figures set out below on spend during 2025/26 remain subject to the final outturn position for the year that have yet to be finalised.</i> <i>£3.325m was spent on temporary accommodation for 2025/26 (This is purely Temporary accommodation (TA) costs, not any other related expenditure i.e. salaries)</i> <i>£0.742m of the 2025/26 ringfenced Homelessness Prevention Grant was for TA purposes,</i> <i>We received £0.571m Housing Benefit subsidy against this cost</i> <i>So, £2.012m Nett</i> <i>TA spend for 2026/27 will depend on demand, but the trend for the last few years is upwards and 2025/26 was around £0.234m more than 2024/25.</i> <i>Grant for TA for 2026/27 forms part of the overall Revenue Support Grant, an additional 0.500m has been put towards TA.</i>
Referring to the 'Potential use of a property in Clacton Town Centre for	(Tim Clarke) We will be speaking about just the one property in respect of the agenda

temporary accommodation', how many properties have been identified to date? Would it be beneficial to identify other properties?	item before us. Yes, but I believe we will cover the procurement exercise being run in due course during these questions.
On page 17 of the report, the Committee is advised that levels of spend and the arrangements for sourcing and placing households into temporary accommodation are typical of other councils in the country. Can the other councils referenced here be named with details of the spend and a brief summary of the extent to which the process on page 22 mirrors the arrangements at TDC?	(Councillor Baker) This comment was made in a general context and not in relation to specific councils. High levels of spending on homelessness are well documented in the media and have been extensively researched by the Local Council's Network. This article is one such example: https://www.districtcouncils.info/most-of-our-council-tax-is-spent-on-temporary-accommodation/ Officers attend Essex-wide meetings on homelessness and talk to officers from other councils about their homelessness challenges and the learning from those conversations is that the challenges are similar elsewhere. This House of Commons research document sets out some further background to temporary accommodation: https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17-suitability-of-accommodation The Council's housing service commissioned a peer review in 2022 from Local Government East (LGE) that looked at the council's homelessness services. In 2025 further support was sought from LGE to support with the review of the Homelessness Strategy and advice was received on the council's approach to temporary accommodation booking. On both occasions the consultants involved indicated that our approach to homeless temporary accommodation is consistent with what occurs elsewhere. It is known that several councils have undertaken or are undertaking temporary accommodation procurement exercises to varying extents and that councils work to a similar approach, sometimes with both some procured accommodation and some on a less formal blocked booked arrangement.
In the report to this Committee, on	(Councillor Baker) Figures on a monthly

<i>page 17, it states that there is a significant turnover of households in temporary accommodation. Can the start figure, additions, those moving out and the final figure for each month be provided so that this statement can be understood?</i>	<i>basis show an average of between 30 and 40 new households entering temporary accommodation each month. Figures for those leaving for more settled accommodation as part of the ending of their homelessness are more difficult to extract. Figures from 2025/26 suggest an average of 26 households per month leaving temporary accommodation.</i> <i>These are rough figures and more analysis can be done on this given more time and officers would be happy to spend some time with committee members to present and talk through figures in more detail.</i> <i>Note that households also move through different temporary accommodation locations during their time in temporary accommodation.</i>
Is it possible to use the existing data on the housing pathway (from homelessness through to temporary accommodation, and subsequent stages) to forecast future council housing requirements, including the types of households likely to need them—for example, by family size or age profile?	(Councillor Baker) A significant proportion of households placed in temporary accommodation do not ultimately move into TDC's own housing stock. In many cases, households are "moved on" into private rented sector accommodation where this is assessed as more suitable than waiting for a council property. Although there are currently just under 2,000 applicants on TDC's housing register, many households in temporary accommodation are not in the higher priority bands. Regardless of the availability of Spendells, temporary accommodation is not an appropriate long-term solution for families. Enabling households to move on into either private rented accommodation or permanent council housing is therefore preferable to them remaining in temporary accommodation for extended periods. (Tim Clarke) There is a clear pathway for households entering temporary accommodation. Current figures show that more than one household per day presents as homeless and is assessed as requiring temporary accommodation. A household may move through several forms of temporary accommodation before potentially being placed in a temporary flat within

	TDC's own stock while a longer-term solution is identified. Tendring is comparatively fortunate in still having a supply of private rented accommodation into which households can be moved, creating the "flow" referenced in the report. As Councillor Baker has highlighted, many authorities lack this option and consequently experience households remaining in temporary accommodation for much longer, increasing pressure on their temporary accommodation capacity. In terms of projecting future demand, TDC holds a range of datasets—including the Strategic Housing Market Assessment—that provide insight into the types and sizes of properties required in the district. These datasets inform the Local Plan and guide the Council's responses to planning applications, ensuring that the affordable housing delivered on new sites aligns with identified needs.
From the report, it appears that between 4 and 14 households per month are approaching the Council as homeless, yet between 30 and 40 households are entering temporary accommodation each month, with an average of 26 moving on. Does this indicate a net monthly increase of 4 to 14 households in temporary accommodation, and therefore a corresponding rise in homelessness demand?	(Tim Clarke) This is an area where the data requires further refinement. I have had several discussions today with Officers who have direct access to the underlying datasets, and it is clear that more detailed work is needed to produce an accurate figure. This will take a few days, as the way the information is currently recorded means it is not a straightforward exercise and requires a significant amount of manual analysis. The figures presented in the report should therefore be regarded as indicative rather than precise.
<i>On page 19, the report states that at the time of writing, the Council had numbers of households in different private sector accommodation (and Council accommodation). On the basis that the transparency data of the Council will already list the providers of these accommodation units and payments to them, can the detail of the accommodation/providers be issued to the Committee for those private</i>	<i>(Councillor Baker) The Council uses the following providers; each may have one or more properties:</i> <i>Peace Lily Properties Ltd</i> <i>Dayal Group Ltd</i> <i>Maf Housing Ltd</i> <i>Taylor Phillips Ltd</i> <i>Krishna Kandiah</i> <i>C Whitcomb Properties Ltd</i> <i>It is not proposed to provide individual addresses as we are trying to minimize the risk of these entering the public domain as</i>

<i>sector units referenced in the report?</i> <i>Broadly, for the people referenced in the list of accommodation used, how long have the people been in private sector temporary accommodation? (broadly 0-3 months, 3-6 months, 6-9 months, 9-12 months and then 12+ months).</i>	<i>victims of domestic abuse are placed in them and we have experienced instances recently where perpetrators of the abuse locate their victims in temporary accommodation.</i> (Councillor Baker) To add to this, there is currently a lot of information available, as you rightly say, in relation to the transparency data and I will be speaking with Officers in some depth in the coming weeks, because I believe we are actually showing too much information that would identify specific properties. <i>This data will take some further time to collate, and officers are happy to explore this further. Placements vary from a few days to many months and as mentioned above households may stay in more than one location.</i>
<i>Please also set out, as referenced on page 25, how many escalation/move-on situations have occurred in the different forms of private sector accommodation listed on page 16.</i> <i>For the private sector property types listed on page 19, what is the average spend per unit per night to the Council (gross and net of Government Grant).</i> <i>Could you outline the main reasons for these escalations or move-ons, so we can gain a clearer understanding of the underlying factors?</i>	(Councillor Baker) <i>Finding this information on a case-by-case basis will take some considerable time to do.</i> <i>Figures relating to overall spend, Housing Benefit subsidy and grant have been provided above. A breakdown on a per property basis and then apportioning the level of grant and Housing Benefit subsidy for each will take much more time to collate.</i> (Tim Clarke) If the Committee is interested in data on move-ons from temporary accommodation into, for example, private rented accommodation as a discharge of the homelessness duty, those figures are relatively easier to produce. However, we did not present them today as we were not fully confident in their accuracy, though it is likely we can provide this information to the Committee. Analysis relating to factors such as length of stay is far more complex, as households often move through multiple

Thank you. I wondered if there could be some kind of pattern shown from those figures?	types of temporary accommodation, making the data much harder to extract and interpret. (Tim Clarke) That will be valuable to see, and it highlights one of the real strengths of this scrutiny process. From an Officer perspective, it is genuinely welcome, as it gives us the opportunity to explore areas—such as these figures—in greater depth than we might otherwise have reason to.
<i>On pages 20-21 of the report submitted to the Committee, it references the Procurement Act 2023 and that the council continues to block book accommodation to meet the need for temporary accommodation. Are the two positions compatible given the spend on temporary accommodation? When is the procurement exercise being timed to the appoint of award of contracts.</i> <i>Some councils, we understand, have lists of accredited providers of temporary accommodation and charge landlords to pay for the inspections and administration of the scheme. Has this self-funding model been considered?</i>	(Councillor Baker) <i>Details of the procurement are set out in the report. It is currently anticipated that a decision to make contract awards following the procurement can be made in November/December 2026.</i> (Councillor Baker) <i>No it has not but is something we can consider as part of the procurement exercise.</i>
Am I correct in understanding that the proportion of social housing proposed in the new Local Plan has decreased?	(Gary Guiver) The Council's adopted Local Plan currently requires 30% affordable housing on developments of 11 or more homes. In the draft Local Plan, which has recently been out for consultation, the proposal is to reduce this requirement to 20% for most developments. This proposed change reflects the inclusion of several new policies in the draft Plan—such as those relating to enhanced energy efficiency, biodiversity, and net-gain—which have implications for overall scheme viability. It is important to note that the draft Plan has not yet been adopted and remains subject to the consultation and examination process. As such, we cannot confirm whether the proposed percentage will remain

	unchanged. For the time being, the adopted Local Plan policy continues to apply, meaning the affordable housing requirement remains at 30%.
It will require a careful balance to ensure those figures are accurate. What approach should we take to achieve that?	(Gary Guiver) This is a matter that will be debated and considered by the Planning Policy and Local Plan Committee as we move into the next stage of the Local Plan consultation. Ultimately, it requires balancing the projected need for affordable housing with what can realistically be delivered once viability and other policy requirements—such as energy efficiency, biodiversity, and net-gain—are taken into account. This balance is currently being examined through the Local Plan process. As Mr Clarke noted earlier, we do have a Strategic Housing Market Assessment, which provides a key evidence base setting out the projected need for affordable housing. However, through the planning process we must weigh this evidence against viability considerations and other policy obligations.

The Corporate Director for Law and Governance and Monitoring Officer (Lisa Hastings) reminded Members that the matter before the Committee concerned temporary accommodation rather than affordable housing. She requested that the Corporate Director for Planning and Community (Gary Guiver) clarify whether the scope for affordable housing within the Local Plan would contribute to the Committee's enquiry.

The Corporate Director for Planning and Community (Gary Guiver) confirmed that the type of affordable housing being discussed, in planning terms, referred to a proportion of dwellings secured in perpetuity for affordable use. He explained that such homes could accommodate households on a permanent basis if required. He further clarified that temporary accommodation, as relevant to the Committee's current enquiry, did not fall within the percentage requirement for affordable housing.

Can you give an overview of the reasons why people find themselves homeless?	(Tim Clarke) The three main causes of homelessness 2024/25 were: 1. Notice to Quit from a private tenancy – 263 (30.4%) 2. Family eviction – 219 (25.3%) 3. Domestic Abuse – 91 (10.5%) Other notable causes were relationship breakdown (non-violent), notice to quit including from social housing, eviction by friends, and departure from custody.
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On pages 20–21 of the report, reference is made to the Procurement Act 2023 and to the Council’s continued practice of block-booking temporary accommodation. Are these two positions compatible, given the level of expenditure on temporary accommodation?	(Lisa Hastings) The issue was first addressed in the Cabinet report of January 2026. Several factors are relevant. The Procurement Act 2023, which came into force at the beginning of 2025, introduced a number of significant changes. One of its schedules sets out the types of procurement covered by the Act and refers to the CVPC code. Included within that schedule is the procurement of temporary accommodation. Historically, local authorities relied on the position that booking accommodation did not constitute a contract for services; it was simply the reservation of a room. The new Act broadened this definition, making clear that booking accommodation for the purpose of temporary housing is still the procurement of a service from the private sector and therefore must be subject to an open and transparent procurement process. This change coincided with national scrutiny of temporary accommodation expenditure and the processes being used by councils. At the same time as homelessness was rising, the legislative framework governing procurement was tightening, which caught many authorities off guard, including ourselves. We had previously explored going to market, but at that time were not required to do so. Some local authorities have since undertaken procurement exercises using frameworks that allow access to private or other sector properties that meet required standards and can be called upon when needed. This approach has been successful in some areas and less so in others, depending largely on local availability. As an organisation, we are required to undertake such a procurement exercise. We may ultimately continue to use the same types of accommodation in the same parts of the district, but we will have done so through an open and transparent process that gives all providers the opportunity to participate. As Monitoring Officer, I am obliged to raise any compliance issues with
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	the Council, which is why this matter was reported to Cabinet. The next step is to implement the necessary arrangements. We are currently non-compliant due to the level of expenditure, but we are not alone, and we have a clear plan to address the issue. Senior officers met earlier today and agreed to allocate additional capacity to support Mr Clarke's team and the Essex Procurement Team in completing this work.
<i>On page 21 a common licence agreement is referenced for households placed in temporary accommodation. Can the Committee see a copy of that agreement?</i>	(Councillor Baker) <i>[Referring to the supplementary document 'Spendells House Licence Agreement'] This licence agreement is used for all temporary accommodation.</i>
<i>Is there a clear alignment between the publicly stated position (at Cabinet) on procurement of temporary accommodation and the operational delivery of sourcing accommodation? Is the Portfolio Holder aware of the arrangements for compliance with the policy approach in this area?</i>	(Councillor Baker) <i>The portfolio holder is aware of the current general process for booking temporary accommodation, that has been in place for many years.</i> <i>As stated in the report, the procurement will take some time to complete and in the meantime the council cannot pause its use of temporary accommodation. The established processes will continue until the procurement exercise is completed.</i>
<i>On pages 23-25 of the report a process is described for sourcing temporary accommodation, can you say when was the process as described written (with all the steps referenced) and how long has it been in place for?</i>	(Councillor Baker) <i>The general process for booking accommodation has been in place for 25+ years.</i> <i>The part of the process relating to the inspection of premises by the Environmental Health service, especially those that are not already inspected, has been introduced and enhanced over the last couple of years.</i> <i>This part of the process has been introduced for both temporary accommodation and accommodation in the private sector that has been sourced for long term tenancies in order to discharge homelessness duties. The inspections are to ensure that the accommodation meets the suitability standards.</i> <i>It should be noted that the regime of inspections we have in place goes beyond</i>

	<i>the minimum required by the Homelessness Code of Guidance.</i>
<i>Is there a 'Standard Operating Procedure/Work Practice Note' that exists that sets out the process described in pages 23-25? If so, can we have this and the review process for it? Plus, what training exists on that Procedure/Note's requirements? Is there a checklist to confirm the requirements are adhered to?</i>	(Councillor Baker) <i>There is not a standard operating procedure. This is an internal arrangement between two teams within the housing & environment service area and the officers involved are appropriately trained and aware of the process. There are written processes for other aspects of the service. A standard operating procedure would be beneficial, and officers will look to develop one.</i>
Is there a policy that we will try and provide temporary accommodation or council houses within the same town/ward that they previously resided?	(Councillor Baker) We always seek to minimise any disruption that moving between towns may have on a resident's life; however, this is heavily dependent on the availability of suitable accommodation at the time of need. There have been occasions where households have had to be placed in a different part of the district, which can affect a range of factors including access to healthcare, schooling, education, and existing support networks. This is one of the reasons we have been working to ensure that temporary accommodation is available across the areas where demand is highest. The greatest demand for temporary accommodation is in Clacton and the surrounding area, with Harwich being the second-highest, though to a much lesser extent. As a result, the majority of available temporary accommodation is located in and around Clacton. It is important to note that we will not place anyone outside the district unless it is absolutely necessary, and only where it is required for their safety. For example, in cases involving domestic abuse, it may be essential to place an individual outside Tendring to ensure they are protected. In relation to Council housing, we currently have over 3,000 properties within our housing stock, and approximately 2,000 households on the housing register. A key priority in addressing homelessness is

	preventing it from occurring in the first place. Prevention is central to our approach, and Officers undertake significant work beyond responding to households who present as homeless. This includes engaging with landlords or family members, supporting residents with budgeting, and taking other steps to help people remain in their existing accommodation wherever possible. At this stage, it is too early to assess the impact of the Renters Reform Act, which came into force only around 20 days ago. We will, of course, continue to deal with the same underlying issues, but it will be important to monitor whether the new legislation affects the volume or nature of cases coming forward. (Tim Clarke) With regard to grant funding, until this year we received the Homelessness Prevention Grant, which was originally not ring-fenced. In recent years, however, at least 40% of that funding has been required to be spent specifically on homelessness prevention activity. This can include staffing costs, as well as initiatives designed to prevent homelessness at an early stage. For the current financial year and the following two years, the Government has committed to continued funding, now under a revised title: the Homelessness, Rough Sleeping and Domestic Abuse Grant. Notably, this grant does not include any provision for temporary accommodation costs; it is focused entirely on prevention activity. In relation to suitability, Chapter 17 of the Homelessness Code of Guidance (Suitability of Accommodation) sets out the requirements regarding both the physical condition of accommodation and its location. Placing an individual at a significant distance from their support networks, essential contacts, and established community would not be consistent with that guidance. Where we do not have suitable temporary accommodation available in the appropriate area, we regularly review each household's circumstances alongside
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	emerging availability, with the aim of relocating them to the most suitable location as soon as possible.
Since the Renters Reform Act came into force, have we lost any landlords as a direct impact of the legislation?	(Tim Clarke) I think it is fair to say that we have lost a small number of landlords, but it is too early to draw firm conclusions. Any landlord wishing to leave the market as a direct result of the legislation would have needed to do so before 1 May 2026, and we are aware that some did take that step. What remains to be seen is how the situation develops now that the Act is in force, and we will be monitoring the position over time.
<i>Within the process outlined on pages 22–24 of the report, the term ‘standards’ is referenced multiple times. What are these standards and can the Committee have the documentation to support the ‘standards’ referenced?</i> <i>The report also references improving standards of accommodation. Please set out what those improvements in the standards will be.</i>	(Councillor Baker) <i>The standards referred to are that as set out in Chapter 17 of the Homelessness Code of Guidance for Local Authorities. This Chapter covers Suitability of Accommodation.</i> <i>The council’s environmental health service includes officers who are trained in the assessment of suitability having regard to the relevant Housing Act 1985 and Housing Act 2004 provisions. These include size of the rooms/accommodation, presence of hazards to health, fire safety, disrepair and levels of amenities (kitchens & bathrooms).</i> <i>Improvements to standards refers to the fact that some accommodation previously used by the council does not so readily meet the suitability standards.</i> (Tim Clarke) In relation to the Homelessness Code of Guidance, there are additional Government orders associated with it that set out very clear requirements regarding the use of bed-and-breakfast accommodation for families. For context, several years ago we were non-compliant with these requirements, as families must not be placed in bed-and-breakfast accommodation for more than six weeks. This attracted the attention of the then-MHCLG, and there was a possibility that a formal letter would be issued to the Chief Executive, alongside a requirement for us to produce an improvement plan. Fortunately, the opening of Spendells came

	at a critical time, and, combined with the work undertaken to secure additional self-contained accommodation, we are now fully compliant. As a result, we no longer have any families placed in bed-and-breakfast accommodation.
<i>How many times in, say, the last 12 months has the process described on pages 22-24 for sourcing temporary accommodation not been followed? Can details of those non-compliances be provided to the Committee to assist it to understand the application and controls around the process.</i>	(Councillor Baker) <i>The process has been followed in respect of the suitability of accommodation although in at least one instance a property has been used for a short period that did not have residential planning consent. In view of this a further final stage to the process has been added which involves a meeting between the Housing Manager, the Environmental Health Manager and the Assistant Director where final agreement on the safety and suitability and planning status of any new premises to be used can be checked and agreed.</i>
Page 20-21 refers to the future procurement and anticipates the procurement process being complete in November and outlines a requirement for the owner/landlord to demonstrate that it has the necessary planning approvals in place. Who currently ensures the necessary approvals are in place before the property is used?	(Tim Clarke) This work is undertaken within the Homelessness Team as part of the suitability assessment process, which includes ensuring that any property used has the appropriate approvals in place. We also obtain all required certification, including fire safety and related compliance documents. In addition, in light of previous non-compliance issues, we have introduced an extra stage to the process: before any new accommodation is used, a review meeting is held. I am part of that meeting and, having considered all the relevant information, I ultimately determine whether the property is approved for use.
To confirm, you review each case and a designated decision-maker is appointed who determines whether to approve or reject the accommodation?	(Tim Clarke) Yes. Going forward that decision maker will be me, working with those two colleagues to manage those services.
<i>There is a planning application for 1 Wellesley Road, Clacton to provide temporary accommodation.</i>	(Tim Clarke) <i>19 rooms in the building were booked during January with 11 occupants placed there for a maximum of 28 nights. The total cost of this was £24,850. Housing Benefit was claimed for those who were placed there.</i>
<i>How many people have been</i>	(Tim Clarke) Yes, those making decisions

<i>placed by the Council in this property within the last 12 months and for how long?</i> <i>How much have the Council spent placing people in this property?</i> <i>Do those making decisions about placement of people into temporary accommodation have all the necessary information held by the Council on the property (this would include information held on the Council's Uniform computer system)?</i> <i>Are there any particular risks (e.g. fire, reputational etc) around using temporary accommodation that does not have planning permission?</i>	<i>have access to information about the standard of accommodation and suitability (having regard to Chapter 17 of the Homelessness Code of Guidance). Information in respect of planning status can be obtained from the Planning service.</i> <i>(Tim Clarke) If the property has not been inspected to confirm suitability as referenced above then there could be safety risks. In this instance it had been inspected.</i> <i>(Tim Clarke) The absence of appropriate planning approval does present a reputational risk to the council especially were use of the property to have continued.</i> <i>(Tim Clarke) In the case of the property referred to it was used before planning permission had been granted and this is clearly an error although in other respects it meets the suitability standards. Once the error was identified steps were taken to stop using the building as quickly as was practicable. As a consequence of this and to ensure this does not occur again the Assistant Director for Housing & Environment must now be consulted before a decision is taken to use a property.</i> <i>(Cllr Baker) When this issue came to light, a single point of contact was established within Planning for Officers to consult. This ensures that any properties offered to us, or identified for potential use, have the correct planning permissions in place where required.</i> <i>(Lisa Hastings) Following the points raised by Officers and the Portfolio Holder, I would request that a formal record is made each time a property is approved for use. This should include the rationale for selecting that property and confirmation that all required certifications have been obtained. I recognise that, in light of earlier concerns, it may not be appropriate for the full address to be placed in the public domain; however,</i>
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	documenting the decision-making process will provide assurance that the necessary checks have been completed. I would also emphasise that this arrangement would apply only for the temporary period until the procurement exercise has been completed.
Are we actively looking for other temporary housing accommodation? Is that happening in Clacton and do the same rules apply?	(Councillor Baker) Are we actively seeking additional temporary accommodation, and is this work taking place in Clacton? Do the same requirements and approval processes apply to any new properties identified.
Are we actively seeking additional temporary accommodation, and is this work taking place in Clacton? Do the same requirements and approval processes apply to any new properties identified?	(Councillor Baker) Demand for temporary accommodation continues to rise. As noted earlier, it is too soon to assess the impact of the Renters Reform Act, given how recently it came into force. It may help reduce demand, but we must be prepared for continued pressure. We are also exploring whether parts of the Council's own housing stock could be used for temporary accommodation. In short, yes—we are actively seeking additional options.
I have previously mentioned the idea of using glamping pods or warehouses to provide temporary accommodation. Have those options been considered?	(Councillor Baker) We have discussed this and someone has investigated it, however, the costs were astronomical. Therefore, it is not currently something we are pursuing, but it is something we may discuss in the future.
Is it possible for the Committee to see the minutes for the Working Group?	(Lisa Hastings) As a Scrutiny Committee, if this is an area you wish to examine further as part of your ongoing work, you have the legal right to access the relevant Council information associated with those enquiries. While the minutes of such enquiries would not be placed in the public domain, any subsequent work — for example, if the enquiry were to lead to the establishment of a Task and Finish Group — may result in findings being reported back to the Committee, and those reports would be publicly available.
Page 21 of the report states “ <i>given that local small and medium sized businesses (SME's) are likely to be involved in the procurement consideration is being given to how the Council supports them through</i>	(Councillor Baker) Please could you submit this question to me in writing, and I will provide a written response to this in due course.

<i>procurement process rather than putting them off.”</i> How much support is currently permitted with a planning application where TDC intends to book the property before it is deemed appropriate to automatically refer the application to the Planning Committee?	
In reference to the meeting of the Resources and Services Overview and Scrutiny Committee held on 14 January 2026, the following question was asked: <i>“Could you provide the latest figures on placements by other Councils into rental accommodation in Tendring and set out what issues such placements has and what your response is to this?”</i> The answer given was: <i>“During 2025 there were 70 placements that were notified to Council under s208 of the Housing Act 1996. Whilst Tendring does not place homeless households outside of the District unless there are exceptional circumstances it is common that other councils do so. 70 placements over the course of a year is not considered to be exceptional. LGR and the formation of unitary councils will create wider geographical areas over which a single unitary authority can make placements, and it is not possible to prevent other councils from placing into Tendring currently. Of course, those 70 placements will be into accommodation that a resident of Tendring might have been able to use. The only response is to monitor the situation and also be alert to the use of establishments that might be unsafe or unsuitable.”</i> The breakdown given on those was: Barking & Dagenham – 2	(Councillor Baker) The response provided at the meeting on 14 January was given on my behalf, as I was unable to attend due to illness. I was not aware of the disparity in the figures referenced. The Committee will be aware that other councils are required to notify this authority when they place individuals into temporary accommodation within our district, although I am not familiar with the specific legislative sections cited. It is also important to note that the use of privately rented properties for temporary accommodation does not materially change the situation, as those properties remain available for rent by anyone, including individuals from outside the district. I recall, Councillor Honeywood, that when you previously held the Housing Portfolio, you engaged directly with other councils on this issue, and at that time the numbers involved were, as I remember, quite significant. The approach currently being taken is not the result of a decision made by this Cabinet, and I am not in a position today to state what our future course of action will be. I will need to discuss the matter with my Cabinet colleagues. I will therefore take this information away, consider it collectively with Cabinet, and provide a written response once a decision has been reached.

Braintree – 1 Redbridge – 3 Thurrock – 1 Chelmsford – 12 Colchester – 51 Following concern from myself that those figures were lower than expected, on 13 March 2026, I approached Colchester City Council and submitted a freedom of information request and received the following response: <i>“The total households placed in both interim and S193(2) temporary accommodation in Tendring between January 2025 to December 2025 was 114.”</i> I disagree that it is not possible to oppose other councils placing in Tendring as the previous administration took political action to reduce numbers. Why has the current administration refused to do the same? Will they now take action?	
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Councillor Griffiths, a ward member for St James Ward in Clacton-on-Sea, raised concerns about current planning and housing policy. He referred to the Clacton Town Board’s emerging ten-year vision and four-year investment plan and questioned how this aligned with Local Plan policy LP11, which encouraged certain types of accommodation to be grouped in centralised locations. Drawing on his work with HMOs in the town centre, he warned that concentrating people with similar socio-economic challenges in one area could harm wellbeing and create avoidable pressures.

He highlighted antisocial behaviour in Pier Avenue, which he believed was linked to the high density of HMOs and bedsits, and argued that such clustering contributed to social and health issues whilst undermining tourism and economic activity. Whilst stressing the importance of supporting people who presented as homeless, he maintained that the location of their accommodation must be chosen carefully to avoid placing vulnerable individuals at risk. He called for the policy to be reviewed so that location became a clearer factor when directing homeless provision. He concluded by supporting the Council’s proactive approach to homelessness but emphasised that centralising vulnerable individuals did not benefit them, the Council, or the wider community.

Councillor Baker did not provide a formal response but requested that Councillor Griffiths submit his points in writing so they could be raised at the next meeting of the relevant Task and Finish Group.

The meeting was then temporarily adjourned, during which the Portfolio Holder for Housing and Planning, Corporate Director (Planning and Community) Corporate Director (Operations & Delivery) and the Assistant Director (Housing & Environment) departed.

It was moved by Councillor P Honeywood, seconded by Councillor Amos and **RESOLVED** that:

- (a) a Task and Finish Group be formally appointed to undertake an enquiry day on Temporary Accommodation, with membership comprising the full Resources and Services Overview and Scrutiny Committee;
- (b) the Assistant Director (Corporate Policy and Support), following consultation with the Committee's Chairman, be authorised to amend the membership of the Task and Finish Group as necessary to reflect Members' availability;
- (c) Officers provide the Committee with detailed financial information, specifically:
 - a. The average spend per unit per night incurred by the Council for private sector temporary accommodation, both gross and net of Government Grant.
 - b. Data on the number of households entering and leaving Temporary Accommodation over a defined period;
- (d) the Committee be supplied with figures relating to escalations and move-ons, noting the continued importance of this information for understanding service pressures and outcomes;
- (e) a clear specification of standards for Temporary Accommodation be developed, setting out:
 - a. The standards expected of all temporary accommodation used by the Council.
 - b. The characteristics of a well-managed temporary accommodation provider.
 - c. This specification should be prepared in advance of the forthcoming procurement exercise;
- (f) the Committee be provided with the standards contained within the Homelessness Code of Guidance for Local Authorities, insofar as they relate to Temporary Accommodation;
- (g) the minutes of the Temporary Accommodation Task and Finish Group be supplied to the Committee in advance of the enquiry day, on the basis that those minutes remain private and confidential;
- (h) the Freedom of Information request submitted by Councillor P Honeywood be provided to all members of the Committee, arranged in chronological order to support clarity and ease of understanding; and
- (i) officers' acknowledgement of the need to reflect upon and improve the process be formally noted, together with confirmation that a new process has now been put in place.

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

The Assistant Director (Corporate Policy & Support) presented the Committee, where relevant, with an overview of its approved Work Programme for 2025/26, feedback to the Committee on the decisions taken in respect of previous recommendations from the

Committee arising from enquiries undertaken, and a list of forthcoming decisions for which public notice had been given.

It was reported that a review of the Committee's Work Programme, in the context of the recent Ministerial announcement regarding the next steps for Local Government Re-organisation, would continue to be monitored as an ongoing item of business.

It was reported that the Chairmen of both Overview & Scrutiny Committees had met with the Deputy Leader of the Council and Senior Officers to consider priorities for the forthcoming year's Work Programmes, in accordance with the Council's Codes and Protocols for Overview and Scrutiny. The notes arising from this meeting had been attached as Appendix C to the Officer's report (A.2).

Members were invited to put forward items for inclusion in the Committee's Work Programme for 2026/27 and to consider the content of the 2025/26 Annual Report. It was noted that a joint informal meeting of both Overview & Scrutiny Committees would take place on Thursday 4 June 2026 to agree these matters.

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

- (a) notes both its approved Work Programme 2025/26 (Appendix A) and the list of forthcoming decisions (Appendix B);
- (b) notes the remaining contents of the report; and
- (c) endorses the requirement to scope the work programme for 2026/27 ahead of its submission to Council on 11 August 2026.

The meeting was declared closed at 9.28 pm

Chairman

Public Document Pack

Planning Policy and Local Plan Committee

8 June 2026

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON MONDAY, 8TH JUNE, 2026 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Guglielmi (Chairman), M Cossens (Vice-Chairman), Bush, Chapman BEM (except item 7), Everett, Scott, Sudra and White
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Paul Woods (Planning Policy Team Leader), Will Fuller (Senior Planning Policy Officer), Bethany Jones (Democratic Services Officer) and Katie Koppenaal (Democratic Services Officer)
Also in Attendance:	Jacob Jaarsma (Planning Team Leader) (except items part 7 & 8), Kate Patterson (Planning Officer (Policy)) (except items part 7 & 8) and Hayley Sargent (Planning Policy Technical Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence was submitted on behalf of Councillors Newton (with no substitution) and M Stephenson (with Councillor Sudra substituting).

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on Thursday 22 January 2026, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

In relation to report A.2, Councillor Chapman BEM declared a Non-Pecuniary Interest on the Officer Update Sheet relating to MSA27 that the blue hatch area was owned by her son.

As mentioned under Minute 6 below, after the short adjournment, Mrs Hastings the Council's Monitoring Officer confirmed that following the declaration of interest on Report A2, that the land shown coloured blue as referred to in the Update Sheet, was owned by her son, that fell within the definition of a Non-Registerable Interest. As the matter **affected** a financial interest or well-being of a relative, therefore in accordance with the Code of Conduct, Councillor Chapman would have to withdraw for item A2.

4. 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.

5. 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 any of the Officer reports.

A member of the public, Clare Taylor, attended and made an oral statement, on behalf of the Lawford Tye Action Group, in relation to reports A.1 and A.2 of the Corporate Director for Planning and Community. Her statement touched upon the following matters:-

- *Strong proposals from the Lawford Parish Council to give Lawford Tye Field protected status;*
- *Lawford Tye Field meets every criterion to be given protected status;*
- *Pre-historic henge with a 4,000-year-old ancient monument;*
- *Landscape quality;*
- *Biodiversity;*
- *Community using the Lawford Tye Field;*
- *Public value; and*
- *Vulnerability to planning applications.*

Will Vote, a planning agent representing Rose Builders, attended and made an oral statement in relation to report A.2 of the Corporate Director for Planning and Community. His statement touched upon the following matters:-

- *The recommendation in the Officer Report (A.2) to delete sites MSA19 (proposal for 12 new homes on Manningtree Road, Little Bentley) and MSA20 (proposal for 17 new homes on Shop Road, Little Bromley);*
- *A misunderstanding of the Anglian Water letter, which raised concerns based on a scenario that involved connection of the homes to the public sewer which was never the intention;*
- *Both sites support the Council's housing strategy and would strengthen the robustness of the Local Plan;*
- *Both sites were considered highly deliverable; and*
- *The proposal relied on modest, well-planned growth.*

6. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND COMMUNITY) - A.1 - TENDRING DISTRICT LOCAL PLAN REVIEW: OVERVIEW OF MAIN MATTERS RAISED THROUGH PUBLIC CONSULTATION ON THE PREFERRED OPTIONS DRAFT

The Chairman (Councillor Guglielmi) commended Officers for how they engaged with the public during the 6 week consultation, with 5 drop-in sessions throughout the District and with a wealth of Officers on-hand who were there to answer questions and clarifying points from the hundreds of attendees and for the way Officers engaged with Parish and Town Councils across the District.

The Committee considered a comprehensive report of the Corporate Director (Planning & Community) (A.1) which provided it with a broad overview of the level and nature of responses received from residents and other stakeholders to the public consultation on the Local Plan: Regulation 18 Preferred Options Draft, carried out in February and March 2026.

As well as providing commentary on the notable issues raised through formal representations on the Draft Local Plan, that report also reflected some of the general feedback from various engagement events held or attended by Officers, as well as notable messages and themes picked up from comments circulating on social media and the local press.

The report then provided an initial indication of what Officers considered to be the main matters that were likely to require particular attention, additional work or potential changes in moving forward in the preparation of the next version of the Plan – the Regulation 19 Submission Version.

Members recalled that the Tendring District Local Plan: Preferred Options Draft had been published for six weeks consultation starting Monday 9 February and ending Monday 23 March 2026. During that consultation period, the Council had invited residents and other stakeholders to make formal representations on the policies and proposals in the Draft Local Plan knowing that there would likely be a significant level of objection, particularly from residents, to the considerable amount of additional housing development now having to be planned for across different parts of the District to comply with the Government's challenging new mandatory housebuilding targets which had resulted in a near doubling of previous requirements.

As part of the consultation, Officers had held five public drop-in exhibitions across the District and had attended several public meetings organised by Town and Parish Councils or Ward Councillors as well as attending meetings with Town and Parish Councillors, both in public and private. Through those events and meetings, it was estimated that Officers had met and spoken to around seven hundred people; and whilst not everyone that attended an event or meeting would have necessarily submitted a written representation, Officers had noted key themes of discussion and had also been able to follow some of the comments that had circulated on social media platforms to gain a rounded view of the key issues of public interest and concern.

Members were aware that, under the planning regulations, Councils were required to take responses to the consultation into account in drawing up the final Submission Draft version of the Local Plan; and Officers had currently estimated that the Council had received duly-made representations from just over 620 individuals or organisations raising a variety of concerns, objections or suggestions across the range of policies and proposals in Draft Local Plan.

It was reported that the representations were currently still in the process of being thoroughly read, processed, grouped and summarised with responses already starting to be considered and drafted by Officers. But even from initial analysis, there were obvious notable themes that warranted early reporting to the Committee as they revealed what were likely to be the main matters for consideration as the Council progressed work on the next version of the Plan over the coming weeks.

Response from residents and communities

General concerns about growth

As anticipated, most comments and objections from residents and communities had related to the Draft Local Plan's proposals for housing and mixed-use development. They had raised a variety of serious concerns about the impact of additional development – both generally across the District and in respect of certain site or location-specific proposals. Many of the concerns had been already acknowledged and shared by Councillors and Officers and reflected a number of reasons why this Council had consistently objected to the Government's approach of imposing seemingly unrealistic top-down mandatory housebuilding targets on locations like Tendring without

taking into account the sensitivity, fragility and limitations of local geography, economics, infrastructure and the natural environment.

The Committee was informed that most objections to the housing growth proposed in the Draft Local Plan fell broadly into one or more of the following themes that applied in respect of most, if not all, of the Plan's proposals for housing development in all parts of the District:

- Inadequacy of transport and utilities infrastructure: Concerns about deficiencies in transport and utilities infrastructure (particularly water and sewerage) to cope with the scale of proposed housing growth and the potential for increases in traffic, blocked sewers and surface water flooding – with serious scepticism expressed by many at the realistic likelihood of achieving 'modal-shift' (i.e. more people in the future walking, cycling and using public transport as an alternative to private cars).
- Inadequacy of community infrastructure: Concerns about the impacts of additional housing development and population growth on health, education and other community infrastructure – particularly given current challenges faced by the NHS, GP surgeries and dentists in meeting the demands of an ageing population; and the significant variation in the capacity of schools in different parts of the District.
- Environmental impact: Significant worries about the impact of the additional development on rural landscapes, sensitive wildlife habitats, the character and feel of the District and the setting of historic buildings and structures - particularly given that the overwhelming majority of homes would need to be built on agricultural greenfield land.
- Need: Questions over the actual need for the additional housing or employment land growth and suggestions that the District was already accommodating more than enough development through the circa 10,700 homes that were already in the pipeline for the next 17 years from proposals in the Council's existing Local Plan and developments already under construction or with planning permission.
- Realistic deliverability: Questions over whether the assumptions around delivery were over-ambitious and if the level of development proposed was realistically achievable particularly for the larger Garden Village proposals, given the various complex factors that influenced housing delivery such as the general stability of the national economy, the state of the housing market and the availability of materials and labour.
- Matching housing and jobs growth: Some concern about a potential mismatch between the growth in housing and growth in jobs, acknowledging that whilst housing and employment growth do go hand in hand, Tendring had long-standing challenges around unemployment and deprivation in some locations.
- Migration and affordability: Questions over whether new homes would primarily attract in-migration to the District from other parts of the country rather than meeting the specific needs of local families and their children for more affordable accommodation, acknowledging that much of the demand for housing in

Tendring had historically been driven by migration, often from London and elsewhere in Essex.

- Loss of agricultural greenfield land: Concern over the significant loss of greenfield agricultural land to development that would result from the scale of development proposed and its impact on future food production given that there was a very limited supply of previously developed brownfield land in Tendring and so the overwhelming majority of new development was proposed for greenfield sites – many of which were classified as best and most versatile (higher grade) agricultural land.
- Impact on local character: Concern that the number and scale of developments would erode the special character of the District and its unique appeal, especially in the rural areas affected by Garden Village proposals, but also for those communities accommodating a number of medium-scale developments on the edges of their towns and villages.
- Criticism of recent developments: Criticisms over the impacts of recent development in terms of quality, lack of infrastructure at the right time and increases in traffic – and a fear that such issues would only continue or worsen with the additional developments now required.
- Distribution and proportions of development: Arguments over whether certain developments were disproportionate in housing numbers and land coverage to the existing towns, villages or hamlets to which they related along with varying suggestions from residents as to how the development could be distributed differently to be lesser, or further away from the areas in which they lived.

Officers felt that those were all reasonable and understandable areas of concern, but because there was no longer any mechanism under current Government planning policy to argue for a lower housebuilding target, the Council would need to respond as best as it could knowing that there would be a limit to how far the Council could realistically amend the Local Plan whilst still ensuring the Plan was sound and compliant with national policy.

Unsurprisingly, a number of residents both in written representations and comments made at exhibitions and public meetings had suggested that the Council should ignore the Government's requirements to plan for additional housing and stick with the policies and proposals in the Council's existing adopted Local Plan – potentially in anticipation of a possible future change in Government (and policy) at the next General Election.

However, Councillors were aware of the Council's statutory duties in respect of planning and Local Plan preparation and recalled, from previous experience, the serious implications of having an out-of-date Local Plan, being unable to maintain a five-year housing supply and having decisions on planning applications for major housing developments overturned by Planning Inspectors on appeal in a piecemeal and uncoordinated manner. It was noted that the Council was already in receipt of a growing number of major planning applications for housing, some of which were contrary to both the adopted and emerging Local Plan, and which had clearly been submitted in response to the change in Government policy and the Council's vulnerability in respect of its five-year housing supply position.

Site/location-specific objections

Many representations of objection from residents and communities had been aimed at specific site or location-specific proposals in the Draft Local Plan affecting their neighbourhood or area. Although it was the content and the validity of any material planning considerations raised in representations that could bring the soundness of a Local Plan into question, as opposed to the number, volume or tone of responses, there were some notable proposals and policies that had attracted a particularly notable level of objection. The following highlighted the main proposals and policies that had received the highest number of objections, representing around 70% of the total number of respondents:

- 1) **New Policy SAH4: Development at Land East of Church Road, Brightlingsea** – an estimated (at this time) 190 individual representations of objection (including objections from Brightlingsea Town Council) and a petition signed by 20 residents against the proposed development of 300 homes north of the town.
- 2) **New Policy SAH2: Development north of Thorpe Road, Kirby Cross** – Approximately 50 representations of objection. A petition signed by 511 residents had been received, objecting to the cumulative growth in Frinton, Walton, Kirby Cross and Kirby-le-Soken.
- 3) **New Policy SAH3: Development of Land off Arthur Ransome Way, Walton** – In the region of 35 representations of objection and a petition signed by 382 residents against the 200 home allocation.
- 4) **New Policy SAMU8: Hare Green Garden Village** – around 35 representations of objection (including objections from surrounding Parish Councils) to the proposed broad location for a potential long-term new settlement of around 4,500 homes.
- 5) **New Policy SAMU9: Horsley Cross Garden Village** – 31 representations of objection (including objections from surrounding Parish Councils) to the proposed broad location for a further potential long-term settlement of up to 6,000 homes.
- 6) **Allocation MSA8: Land adjacent Village Hall, Harwich Road, Beaumont** – 24 objections to the proposal for 20 homes within this rural village.
- 7) **Allocation MSA24: Land east of Bentley Road, Weeley Heath** – 23 objections to the proposal for 60 homes within this settlement.
- 8) **Allocation MSA28: Land north of Rectory Road, Wrabness** – 19 objections to the proposal for 30 homes within this settlement.

Response from Town and Parish Councils

With most parts of the District affected by one or more proposals in the Draft Local Plan, all Town and Parish Councils had been actively engaged in the plan-making process and Officers had sought to keep them updated throughout the different stages of the project in inviting their views both in the run up to, and following, key decisions. With this

potentially being the last Local Plan ever produced by Tendring District Council, Officers had been keen to take on board constructive suggestions from the Town and Parish Councils wherever practical and possible – drawing upon their extensive local knowledge.

In total, 17 of Tendring's 27 Town and Parish Councils had made formal representations in response to the Preferred Options consultation.

Understandably, many of the Town and Parish Councils in representing the views of residents in their communities, had highlighted a range of concerns about growth in Tendring overall and the impact of development on specific sites in their areas – but with a general understanding of the difficult task faced by this Tendring District Council in preparing a Local Plan and having to address the Government's mandatory housebuilding requirements.

Some of the Councils had been very proactive in publicising the consultation and encouraging residents to respond and a number had put forward practical suggestions for how the Plan could be improved to take into account local issues and concerns. The responses from Brightlingsea Town Council and Bradfield Parish Council had been notably constructive in that whilst putting forward well-reasoned objections to the developments proposed for in their areas, they had offered alternative options for consideration. Councillors also recalled the constructive input of Great Bentley Parish Council and Thorpe le Soken Parish Council in requesting changes to the Local Plan at previous meetings of the Committee.

Response from technical stakeholders

Whilst it had been always anticipated that most representations and objections would be submitted by residents and communities, it was often the comments from technical stakeholders such as Government departments, utility providers and partner authorities that revealed potential weaknesses in the technical soundness of Local Plans. As a general principle, it was therefore good practice to follow the advice of those bodies in either carrying out additional work or making revisions to the Local Plan, unless there was good reason not to do so.

Given the range of issues raised by residents, communities and Town and Parish Councils around transport, health, the environment and infrastructure in general, the responses submitted by the technical stakeholders would be of particular public interest. With that in mind, Officers had specifically attached full copies of the technical stakeholders' representations as appendices to the report (A.1).

In summary, none of the responses from technical stakeholders had suggested that the Council had produced an unsound Local Plan and most were generally supportive of the approach the Council had taken albeit offering a variety of practical suggestions for strengthening certain policies. Some had recommended that additional evidence-base work be undertaken to inform final decisions on the Local Plan and some had offered information and advice on a number of site proposals in the Plan.

Of particular note, Essex County Council (ECC) and National Highways were working closely with Officers of the Council on the transport modelling work for the Local Plan; and whilst supportive of the Council's approach in principle, had reserved their judgement on the practical feasibility and deliverability of the large Garden Villages at

Hare Green and Horsley Cross until the next phase of technical transport modelling was completed. Whilst very supportive of the Local Plan overall, offering a number of constructive suggestions for how the wording of policies could be improved, ECC had objected to the amount of development proposed at Thorpe le Soken on education capacity grounds – which might therefore require revisions to the proposed allocations in the Plan.

Natural England and the Essex Wildlife Trust had provided positive advice on the environmental policies in the Local Plan and the next phase of work that needed to be carried out on the Habitat Regulations Assessment. They had advised on 'Suitable Alternative Natural Greenspace' (SANGS) requirements for some of the larger developments in the Plan and had raised the ecological importance of 'functionally linked land' as a matter to be addressed more strongly in the Plan; i.e. areas of undeveloped land that, whilst not part of a designated wildlife site, were located nearby and were crucial for the ecological or behavioural needs of the species for which those sites were designated.

Natural England had supported the Garden Village approach in directing longer-term development away from the District's more ecologically sensitive coastal areas. The Wildlife Trust had suggested that the Local Plan could be strengthened in its approach to supporting the delivery of the Essex Local Nature Recovery Strategy (LNRS). The Wildlife Trust had, however, formally objected to the proposed development of 200 homes on land in Walton-on-the-Naze (Site SAH2) over ecological concerns about functionally linked land – which had brought into question the soundness of that particular allocation.

Historic England had been generally supportive of the policies in the Local Plan, including the new policy on development at Thorpe Maltings, but had requested that the Council carried out a Heritage Impact Assessment (HIA) to assess the potential impacts of a number of main development proposals, ideally before the submission draft stage of the process.

NHS and health partners had been generally supportive of the Draft Local Plan, recognising the significant amount of additional housing development the Council was required to plan for to comply with Government policy. As well as providing constructive suggestions for the wording of policies, health partners had asked that the Local Plan was not overly specific at this stage about the type or location of new or improved health facilities that might be needed to serve the growing population; because the strategy and model for healthcare provision would change. Therefore, the Local Plan needed to be flexible in requiring larger developments to either incorporate and deliver new health facilities or contribute financially towards new or improved facilities in the wider area.

Essex Police and Essex Fire & Rescue Services had requested that the larger new developments in the Local Plan contribute financially towards the infrastructure likely to be required to serve the growing population and had provided figures to be worked into the Local Plan's viability assessment.

The Environment Agency, Anglian Water and Affinity Water had all responded to the consultation and had been generally supportive of the Local Plan and its policies. The Environment Agency had offered constructive advice in respect of the approach to flood risk and climate change and had considered and commented on the Council's Water Cycle Study (WCS). Anglian Water's advice had been also constructive and supportive

of the WCS evidence; albeit highlighting the challenges around capacity in the foul drainage and sewage treatment infrastructure which would have a bearing, in particular, on the timing and infrastructure cost of the larger Garden Village proposals.

Overall, Officers considered the representations from technical stakeholders to be supportive, positive and constructive with nothing to suggest the approach taken to growth in the Local Plan was fundamentally unsound; with none of the issues raised being irresolvable.

It was not surprising to Officers that the feasibility and deliverability of the Garden Villages at Hare Green and Horsley Cross had been raised by ECC and National Highways and this was an area that required more evidence in respect of transport modelling and the understanding of infrastructure requirements. This additional work was being carried out in collaboration with ECC, National Highways and other partners which would inform future decisions.

Representations from Landowners, Developers, Businesses and Agents

The focus of representations from landowners, developers, businesses and land/planning agents had tended to be on either to supporting or challenging decisions made in relation to spatial strategy and site allocations, and the viability or practicability of planning policies containing expectations for new development. Promoters of land or sites that had been omitted from the Local Plan as development allocations would tend to put forward a strong challenge through their representations, seeking to argue that the Plan failed either the tests of legal compliance or soundness without the inclusion of their site(s).

For promoters of sites that had been included in the Local Plan for development, representations had tended to be supportive in principle but with suggestions for how the policies in the Plan should be amended to improve the viability or practical deliverability of their sites and could assist the Council's position at examination by producing additional evidence in support of their site allocations.

With a strong financial interest in the outcome of the Local Plan review, it was often site promoters that would invest most heavily in professional consultants, technical studies and legal representation to articulate their objections to the Local Plan and who would likely take their representations all the way through to the examination stage to put evidence in front of the Planning Inspector. It was important therefore that the Council either provided a clear justification for the decisions it took in respect of the Local Plan in order to rebut certain objections or gave serious consideration to whether changes to the Plan were required to address any soundness concerns.

Some landowners/developers as well as making representations on the Local Plan, had also either submitted early planning applications for development on their sites, or were likely intending to in the coming months. There was a possibility therefore that some of their Local Plan objections would be rehearsed in the determination of those planning applications or through a planning appeal before the Local Plan reached examination stage.

Some of the notable issues raised by landowners, developers, businesses and agents in response to the Draft Local Plan included:

- arguments that the Local Plan currently did not include enough headroom/contingency over and above the Government housebuilding requirement and therefore additional sites for housing should be included;
- suggestions that the Council was placing too much reliance on the proposed Garden Villages to deliver the housing requirement in the long term, for which deliverability was uncertain – and therefore other additional smaller sites around towns and villages, more likely to deliver housing more quickly should be included in the Local Plan for development;
- objections either to the Strategic Green Gap policy overall, or the inclusion of certain areas of land in those green gaps – with the suggestion that the approach was not justified or in alignment with Government policy and was preventing sites in more sustainable locations than the Garden Villages from coming forward for housing development;
- objections to the choice of sites selected for development in particular areas in support of alternative site proposals;
- objections to the protections being given to Elmstead Market and Ardleigh on the basis that those villages could offer sustainable locations for additional development, akin to other villages where development was being proposed; and
- objections to the policies for 20% Biodiversity Net Gain, energy efficiency/net zero and water efficiency as being economically unviable.

Reassuringly, there appeared to be relatively few representations strongly challenging the overall spatial strategy for growth set out in the Local Plan which, given the sheer amount of housing required to comply with Government policy was not surprising – as there were very few permutations that would realistically deliver the numbers. There had not, for example, been any alternative Garden Village proposals put forward for consideration. The notable challenges to the soundness of the Local Plan were aimed at the deliverability of the Garden Villages and the justification for protecting Strategic Green Gaps and sites around Elmstead Market and Ardleigh from development that might otherwise be considered sustainable.

Main matters raised through the consultation

The Committee was reminded that, when a Local Plan was examined by a Government-appointed Planning Inspector, they would identify the main matters for consideration as part of the examination, based on the requirements for legal compliance and the key tests of soundness set out in the NPPF, but informed by the comments received in response to consultation on the final submission version of the Local Plan. In doing so, Inspectors often invited Councils to identify what they considered to be the main matters ahead of the examination hearings.

Whilst the Council had not yet reached the submission and examination stages of the Local Plan review process, it was still required under the regulations to produce a statement identifying the main matters raised through the Regulation 18 Preferred Options consultation and how they had been taken into account in producing the final Submission Draft of the Plan. Thinking ahead to the preparation of that statement,

Officers had started to identify what appeared to be the main matters raised through representations on the Preferred Options Draft. From the Officers' initial analysis of the representations, those main matters appeared to include the following:

- 1) **The realistic deliverability and soundness of the Garden Villages** proposed for Hare Green and Horsley Cross in light of the comments made by Essex County Council, National Highways, certain developer/landowners and residents and whether they could realistically contribute towards meeting the Government-imposed housing in the plan period up to 2042/43 – for which the updates to the transport modelling and infrastructure delivery plan evidence would be material considerations.
- 2) **The realistic deliverability of the overall housebuilding requirement** up to 2042/43 and whether the Local Plan identified sufficient deliverable land, with a suitable level of headroom/contingency, to meet the overall Government-imposed housebuilding requirement – despite the number of issues raised about how challenging and unrealistic those targets were.
- 3) **The soundness of the Brightlingsea allocation of 300 homes** (site SAH4) in light of issues raised in the large number of public objections and by the Town Council and whether an alternative approach of distributing Brightlingsea's growth across a number of smaller sites would be justified and more appropriate.
- 4) **The soundness of the Kirby Cross and Walton allocations of 420 and 200 homes** respectively (sites SAH2 and SAH3) in light of issues raised in the large number of public objections and the specific objection from the Essex Wildlife Trust to the Walton site.
- 5) **The amount of development proposed at Thorpe le Soken** and whether, in light of Essex County Council's concerns about the limited and potentially irresolvable capacity issues at the local school, one or both of the housing allocations at Thorpe should be removed from the Plan or reduced in size.
- 6) **The sustainability of housing developments in smaller rural villages** in light of objections from residents and concerns raised by Anglian Water about limited sewage capacity, the remoteness from jobs, shops, services and facilities and local impacts on village character – particularly Little Bromley, Little Bentley, Tendring Heath, Beaumont-cum-Moze and the choice and size of sites in Wrabness and Bradfield.
- 7) **The justification and soundness of the District's Strategic Green Gaps** in light of objections from certain landowners and developers stating that the designation did not align with Government policy and was preventing otherwise sustainable locations for housing development (for example around Clacton) being included in the Local Plan.
- 8) **The protection given to Ardleigh and Elmstead** over other similarly sized villages due to their up-to-date Neighbourhood Plans and proximity to the Tendring / Colchester Borders Garden Community; and whether, in light of objections from developers/landowners and current planning applications, the protection was justified.

9) The viability of zero carbon, water efficiency and BNG policies in light of the concerns raised by landowners, developers and agents in their representations when considered alongside affordable housing requirements and financial contributions sought for education, health provision, police, fire and other infrastructure.

10) The robustness of the evidence base in light of Natural England and the Essex Wildlife Trust's advice on the work required on Habitat Regulations Assessment, Essex County Council and National Highways' advice in respect of transport modelling; Historic England's request for a Heritage Impact Assessment; the Environment Agency's request to update the Strategic Flood Risk Assessment and the general need to ensure the Local Plan was supported by a proportionate range of appropriate and robust evidence.

In the separate Committee report (A.2), as considered later on in the meeting, Officers had commented further on those matters with emerging thoughts and recommendations as to how they could be addressed going forward.

Next steps

Officers would continue to analyse the representations in detail to prepare a fuller statement on the responses received to the Preferred Options consultation and how those responses had been taken into account in the preparation of the Local Plan. This statement was intended to be included within the evidence base in support of the Submission Version of the Local Plan.

At the meeting, the Corporate Director (Planning and Community), assisted by the Planning Policy Team Leader, introduced the report.

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

- *Clarity around coming to this position in the Local Plan, did something need to change after Parish/Town Council meetings?;*
- *Were there any extra challenges with the fact that the political control of Essex County Council has changed, are there to be any problems as a result of that?;*
- *Report was indicating that the inspection of Sladbury's Lane would not be until the end of 2026, how long after that inspection would it take for a plan to be adopted?;*
- *How does the shortfall of the 5-year housing supply effect the policies and how does the Council stand with the weighting?; and*
- *How regular was the shortfall being reviewed and how was this being reviewed during the transitional process?*

After the short adjournment, Mrs Hastings the Council's Monitoring Officer confirmed that following the declaration of interest on Report A2, that the land shown coloured blue as referred to in the Update Sheet, was owned by her son, that fell within the definition of a Non-Registerable Interest. As the matter **affected** a financial interest or well-being of a relative, therefore in accordance with the Code of Conduct, Councillor Chapman would have to withdraw for item A2.

Councillor Chapman BEM thanked the Officers for their excellent report and for the amount of time they had spent with herself and Councillor Steady going over the sites in Brightlingsea – they had gone beyond the call of duty.

The Chairman (Councillor Guglielmi) mentioned that himself and Councillor Baker, who was in attendance as the Portfolio Holder for Planning and Housing, were current/former members of the Lawford Tye Action Group and were involved in the appeal process for the Lawford Tye Field.

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

RESOLVED that the Planning Policy and Local Plan Committee –

- a) noted the contents of this report (A.1) which provided a broad overview, based on initial analysis, of some of the main matters and issues raised by residents and other stakeholders in response to public consultation on the Regulation 18 Tending District Local Plan: Preferred Options Draft and associated evidence base;
- b) acknowledged, in particular, the significant level of public objection to proposals and policies relating to additional housing and mixed-use developments that had needed to be included in the Draft Local Plan to meet the Government's new mandatory housebuilding targets;
- c) noted that Officers were in the process of considering all the representations in detail with the intention of producing a report containing responses to all the comments that would form part of the evidence-base published alongside the revised version of the Regulation 19 Submission Version of the Draft Local Plan; and
- d) noted that the next, separate report (A.2) would set out the Officers' emerging thoughts on potential next steps for the Local Plan – including provisional recommendations for changes to the Draft Plan and additional work to strengthen the technical evidence base.

7. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND COMMUNITY) - A.2 - TENDRING DISTRICT LOCAL PLAN REVIEW: EMERGING THOUGHTS AND PROVISIONAL RECOMMENDATIONS FOR NEXT STEPS

As mentioned above in Minute 6, after the short adjournment, Mrs Hastings the Council's Monitoring Officer confirmed that following the declaration of interest on Report A2, that the land shown coloured blue as referred to in the Update Sheet, was owned by her son, that fell within the definition of a Non-Registerable Interest. As the matter **affected** a financial interest or well-being of a relative, therefore in accordance with the Code of Conduct, Councillor Chapman left the room and would not participate in this item and its deliberations.

The Committee considered a detailed report (A.2) of the Corporate Director (Planning & Community) which provided it with an early indication of Officers' emerging thoughts on potential next steps – including provisional recommendations for changes to the Draft Local Plan and additional work to strengthen the technical evidence base.

The report also set out the revised housebuilding requirement for an adjusted 17-year period 2026-2043, based on an updated calculation using the Government's standard methodology and taking into account the Council's updated housing land supply position at 1 April 2026.

Given the very tight timescales for progressing the Local Plan to the next stage of the statutory plan-making process, the Committee's early consideration of the matters set out in this report, and its direction on the provisional approach to next steps and potential changes to the Local Plan, would enable Officers to progress work without delay on both the revised 'Submission Version' of Local Plan and the supporting evidence-base.

The report focussed mainly on potential changes to site allocations, on a provisional basis, but also touched on notable areas of policy that might require revisions or further development. The intention was that the revised Submission Version of the Local Plan, containing the detailed set of revised policies and maps, would be submitted for the Committee's consideration in late Summer of 2026, ahead of a Full Council decision to proceed to the next round of formal consultation.

Adjustments to the Local Plan timeframe and housebuilding requirement

The Committee was informed that one of the recommendations in this report (A.2) was to adjust the proposed timeframe for the Local Plan in the Submission Version to cover the 17-year period 1 April 2026 to 31 March 2043; and for the total housebuilding requirement for that period to be revised to reflect an updated calculation using the Government's standard methodology – giving a total requirement of 18,173 homes based on the adjusted annual requirement of 1,069 (up from 1,063 in the Preferred Options Draft).

The adjustment to the plan period reflected the requirement in national planning policy for Local Plans to cover a minimum of 15 years from the anticipated date of adoption. Based on an expected adoption before April 2028, this necessitated extending the end date of the Plan to March 2043. This revised timeframe also brought Tendring's Local Plan into broad alignment with those being prepared by neighbouring authorities, including Colchester and Braintree, which was beneficial in the context of Local Government Reorganisation and the need for greater strategic alignment across the North Essex area.

Through the latest update of the Council's Strategic Housing Land Availability Assessment (SHLAA), Officers had estimated that 10,100 of those 18,173 homes would still be built on sites either already identified for development in the Council's previous adopted Local Plan or on sites that were either already under construction or where planning permission had already been granted (or was intended to be granted following a Planning Committee resolution) including an updated predicted contribution from smaller 'windfall' sites.

This meant that the new Local Plan was still required to identify additional locations and sites to accommodate a residual requirement of around 8,000 homes and so the overall figures and expectations for housing growth for the adjusted period 2026 to 2043 were broadly unchanged from what was set out in the Preferred Options Draft for the period 2025 to 2042.

Officer's provisional recommendations for responding to the identified main matters

Matter 1: The realistic deliverability and soundness of the Garden Villages proposed for Hare Green and Horsley Cross in light of the comments made by Essex County Council, National Highways, certain developer/landowners and residents and whether they could realistically contribute towards meeting the Government-imposed housing in the plan period up to 2042/43 – for which the updates to the transport modelling and infrastructure delivery plan evidence would help determine.

Members were made aware that Officers' advice was that without the introduction of Garden Villages at Hare Green and Horsley Cross, it was highly questionable if Tendring could realistically accommodate the level of development required by the Government in a sustainable manner. It was therefore currently suggested that the Garden Village proposals needed to remain in the Local Plan, but that Officers proceeded to work with Essex County Council and National Highways to carry out the necessary next phase of transport modelling, alongside further work on the Infrastructure Delivery Plan, to inform any final judgement on the deliverability and soundness of the Hare Green and Horsley Cross Garden Villages in due course.

Whilst a final decision on the inclusion of the Garden Village proposals in the Local Plan would need to await the consideration of that technical evidence; Officers were suggesting that even if the proposals remained in the Plan, the trajectory for housebuilding, and thus the total expected contribution of homes from each of the Garden Villages up to 2043 be revised down from 1,700 homes from each development to 1,450 with first homes from 2033/34. This would allow for a more flexible and reasonable timeframe for the initial preparatory planning work, including the preparation of site-specific Development Plan Documents (DPDs) and determination of planning applications. The consequence was a 500-dwelling reduction in the overall predicted housing supply from what had been indicated in the Preferred Options Draft.

Matter 2) The realistic deliverability of the overall housebuilding requirement up to 2042/43 and whether the Local Plan identified sufficient deliverable land, with a suitable level of headroom/contingency, to meet the overall government-imposed housebuilding requirement – despite the number of issues raised about how challenging and unrealistic those targets were.

It had always been the Council's contention that the housebuilding requirement for Tendring generated through the Government's standard methodology calculation was over-ambitious and would be challenging, if not impossible to achieve. Whilst, in the Preferred Options Draft of the Local Plan, the Council had incorporated around 1,500 homes-worth of over-allocation and contingency into the housing supply for the plan-period (around 8%), some landowners, developers and planning/land agents had suggested the Council needed to include more headroom (at least 10%) by adding additional sites into the Plan for housing.

However, given the significant concerns raised about developments already proposed across the District in response to the Preferred Options consultation to address what was considered to be an unrealistic target, the provisional approach being explored in this report was to delete certain housing sites from the Local Plan and adjust assumptions around deliverability on others (including, as stated above, the larger Garden Villages) that would result in an overall net reduction in the headroom

contingency level from 1,500 to closer to 300 homes (8% down to 2%) as opposed to the increase being suggested by certain landowners, developers and agents which would involve the inclusion of sites that would either conflict with the Draft Local Plan's overall strategic approach to the pattern of growth, or would be unsuitable for other planning reasons.

As a consequence, whilst the recommendations to delete certain sites and reduce the headroom from 1,500 to nearer 300 homes might address a significant number of public and community objections to the Local Plan, the consequence would be far greater scrutiny at the examination of the Local Plan of the deliverability of the Government's housing target and the specific sites that were being retained in the Plan – with landowners, developers and agents looking to convince the Planning Inspector that the Plan did not include enough flexibility within its supply of sites to ensure delivery of the Government's requirements.

Matter 3) The soundness of the Brightlingsea allocation of 300 homes (site SAH4) in light of issues raised in the large number of public objections and by the Town Council and whether an alternative approach of distributing Brightlingsea's growth across a number of smaller sites would be justified and more appropriate.

Officers provisionally suggested that Site SAH4 be removed from the Local Plan in acceptance of the concerns raised by Brightlingsea Town Council and a large number of local residents, particularly in respect of the site's weak physical relationship to the settlement form of Brightlingsea and its landscape sensitivity; acknowledging the concerns raised around Brightlingsea's unique transport limitations with its single road access.

As a part replacement for the housing numbers lost from the deletion of this site, it was suggested that two smaller sites be included in the Local Plan around the urban area of Brightlingsea and increasing the capacity expectation of one of the existing proposed sites. If agreed, those changes would bring about an overall reduction in the number of homes proposed for Brightlingsea from 325 to 150; a net reduction of 175 homes.

Matter 4) The soundness of the Kirby Cross and Walton allocations of 420 and 200 homes respectively (sites SAH2 and SAH3) in light of issues raised in the large number of public objections and the specific objection from the Essex Wildlife Trust to the Walton site.

Officers suggested that Site SAH2 for 420 homes north of Thorpe Road in Kirby Cross was a sound allocation that was currently considered capable of being retained in the Local Plan and that many of the concerns raised by residents in their objections could be addressed appropriately through the policies in the Plan, with some strengthening of the wording. Having further assessed the site and considered information submitted by the site promoter with their representation, Officers were satisfied that the site capacity could appropriately be increased to 450 homes.

Officers provisionally suggested the deletion of Site SAH3 for 200 homes off Arthur Ransom Way, Ward Chase and Coles Lane in Walton-on-the-Naze from the Local Plan in response to formal objections from the Essex Wildlife Trust identifying the allocation as one of the most ecologically problematic in the Local Plan without substantial mitigation that would significantly reduce the development of the site; acknowledging also the local concerns about landscape sensitivity.

Those changes, would, if agreed, result in a net reduction of 170 to the proposed housing numbers for the Frinton, Walton and Kirby Cross area from 660 to 490. This might help relieve some of the community's wider concerns about the impact of development on local infrastructure and traffic through Thorpe-le-Soken but would add to the aforementioned matter in respect of the reduced headroom contingency across the overall Local Plan.

Matter 5) The amount of development proposed at Thorpe-le-Soken and whether, in light of Essex County Council's concerns about the limited and potentially irresolvable capacity issues at the local school, one or both of the housing allocations at Thorpe should be removed from the Plan or reduced in size.

Officers suggested that the only way to address the objection raised by Essex County Council (ECC), having discussed further with relevant colleagues involved in the planning of school provision, was to either reduce the overall amount of development proposed for Thorpe to a much lower level by either deleting and/or reducing the size of either one or both the village's site allocations; or significantly increasing the overall amount of development for Thorpe to a level that would facilitate and incorporate new school provision.

Officers' provisionally proposed to reduce rather than increase housing provision through the deletion of Site SAH10 for 150 homes to the west of the village off Colchester Road and a reduction in both the site area and indicative numbers proposed for Site SAH11 north of the Lifehouse Spa & Hotel from 110 to 70 homes, but still retaining and strengthening the requirement for open space provision to expand Lady Nelson Playing Fields.

Reducing the overall expectation for new housing at Thorpe le Soken from 260 to just 70 homes, a significant net reduction of 190, might again relieve some of the wider community concern about infrastructure and traffic but it marked yet another reduction in the Local Plan's built-in headroom contingency and was the only recommendation in this report (A.2) that resulted in a departure from the overall spatial strategy in the Local Plan, in that Thorpe's housing figure would fall short of the 100-300 home range established through the preferred option. Elsewhere, all suggested changes to site allocations worked within the ranges established through the preferred option.

Matter 6) The sustainability of housing developments in smaller rural villages in light of objections from residents and concerns raised by Anglian Water about limited sewage capacity, the remoteness from jobs, shops, services and facilities and local impacts on village character – particularly Little Bentley, Little Bromley, Tendring Heath, Beaumont Cum Moze and the choice and size of sites in Wrabness and Bradfield.

Whilst Officers accepted that housing developments in and around the District's smaller rural settlements were generally less sustainable than sites in or around towns and larger villages in respect of access to shops, jobs, services, facilities and infrastructure, the Government-imposed housebuilding target for Tendring was so high that it would only realistically be achieved through a variety of sites in different locations and of different sizes to deliver new homes – including smaller-scale developments in and around some of the smaller rural settlements. This approach would also assist in meeting the expectation set out in national planning policy that at least 10% of the housing requirement should be accommodated on sites of one hectare or less.

However, the representations from Anglian Water specifically in respect of sewage capacity limitations at Little Bentley, Little Bromley, and Tendring Heath, and its explicit suggestion that those areas were best treated as open countryside to which no additional development be directed, had led Officers to provisionally suggest that the specific allocations in those areas (MSA19, MSA20 and MSA22), amounting to 39 homes in total, be removed from the Local Plan.

In Bradfield, comments from the Parish Council and residents had raised concern about Site MSA9, the currently proposed allocation of 100 homes on land off Windmill Road and Straight Road in respect of its weak relationship with the wider settlement of Bradfield village and concern that an estate development would not be compatible with the linear character of the village and the historic incremental pattern of growth. The Parish Council had suggested that some housing growth could be more sensitively accommodated across a number of smaller sites. Officers had acknowledged and accept this argument and were therefore suggesting the replacement of a single 100 home allocation and its replacement with three smaller sites across the village with a total capacity of 75 homes – a total net reduction of 25 for the village.

Those changes might help to address a number of local concerns and objections, but they also bring about another reduction in the overall headroom contingency built into the Local Plan's housing supply numbers.

Matter 7) The justification and soundness of the District's Strategic Green Gaps in light of objections from certain landowners and developers stating that the designation did not align with Government policy and was preventing otherwise sustainable locations for housing development (for example around Clacton) being included in the Local Plan.

Members were aware that one of the overarching guiding principles agreed by the Planning Policy and Local Plan Committee at the beginning of the review process was to carry forward and expand upon the designated Strategic Green Gaps from the Council's current Local Plan to ensure the principle of maintaining the separate identity of settlements and preventing the coalescence of settlements for the long-term. Officers had not suggested that the Council should move away from that principle and it was therefore provisionally suggested that Strategic Green Gaps continued to be included in the Local Plan and defended, with additional work undertaken by specialist consultants to review and strengthen the evidence-base in support of those allocations – in anticipation that they would come under increased scrutiny through the examination process.

Matter 8) The protection given to Ardleigh and Elmstead over other similarly sized villages due to their up-to-date Neighbourhood Plans and proximity to the Tendring Colchester Borders Garden Community; and whether, in light of objections from developers/landowners and current planning applications, the protection was justified.

The Committee recalled that the preferred spatial strategy in the Local Plan proposed no additional housing development in or around the villages of Elmstead Market or Ardleigh in recognition of significant developments already in the pipeline, the proximity to the Tendring / Colchester Borders Garden Community and the recent adoption of Neighbourhood Plans in both areas.

Elmstead Market was already the subject of more than one speculative planning application for major housing development which demonstrated a pressure and demand

for additional housing development around the village for which the Council would need to make decisions in due course. However, Officers considered that the rationale for providing Elmstead Market and Ardleigh with additional protection was justified. Whilst Elmstead Parish Council had submitted a strong objection to the Local Plan, Officers noted that the Draft Plan included a significant level of protection for the village in terms of limiting further allocations. Notwithstanding this, Officers' provisional view was that the protection should be carried forward.

There would likely be a strong challenge to this position from landowners, developers and agents with an interest in land around Elmstead Market and Ardleigh both through the examination process, planning applications and, potentially, planning appeals.

Matter 9) The viability of zero carbon, water efficiency and BNG policies in light of the concerns raised by landowners, developers and agents in their representations when considered alongside affordable housing requirements and financial contributions sought for education, health provision, police, fire and other infrastructure.

The economic viability of new development was already known to be more challenging in parts of Tendring than elsewhere across Essex due to the area's geography, economic profile and lower than average property values; and this was recognised in the proposed reduction of the Local Plan's affordable housing requirement from 30% in the current Local Plan to 20% for most developments in the Preferred Options Draft. Despite this proposed change in policy there were still clearly a variety of pressures on new development to deliver higher energy and water efficiency standards, greater levels of BNG and greater contributions towards an increasing range of infrastructure priorities that had to be balanced against affordable housing and general viability expectations.

Officers would instruct the Council's viability consultants to revisit and update the Viability Assessment as part of the evidence-base to help determine if the various requirements in the Local Plan were justified and defensible or whether any further changes might be required in any of those policy areas to inform the decision on the content of the final Submission Version. It would be important that the combination of different policy requirements were demonstrated to be economically viable for most developments, in order for the Local Plan to be found sound, taking into account any changes in national policy that might come into force this Summer.

Matter 10) The robustness of the evidence base in light of Natural England and the Essex Wildlife Trust's advice on the work required on Habitat Regulations Assessment, Essex County Council and National Highways' advice in respect of transport modelling; Historic England's request for a Heritage Impact Assessment; the Environment Agency's request to update the Strategic Flood Risk Assessment and the general need to ensure the Local Plan was supported by a proportionate range of appropriate and robust evidence.

Officers advised the Committee that much of the additional evidence-base work required to support the Local Plan review and suggested in representations submitted by statutory consultees and other partners was already commissioned and underway – with the intention that all necessary work be completed to inform the Committee's consideration of the Submission Version of the Local Plan in late Summer 2026 and a final decision from the Council to proceed to the next formal round of consultation.

The only area where evidence had been commissioned, but might not be completed in time for the decision on the Submission Version, was the Heritage Impact Assessment recommended by Historic England; but Officers were satisfied that there was sufficient available information and analysis available to justify the choice of site allocations in the Local Plan; which would be supplemented and strengthened through the HIA work in due course. If the Council delayed consultation and submission of the Local Plan to await the completion of the HIA work, it would miss the Government's cut-off date for submitting Local Plans being prepared in accordance with the current regulations.

Summary of recommended changes to sites

The most important matter for the Committee's consideration and agreement through this report (A.2) was the approach to be taken in respect of changes to housing and mixed-use sites; which would enable Officers to proceed, without delay, with preparing the Submission Version of the Local Plan and updating the evidence-base.

The recommended changes were presented through a series of 'before and after' maps attached at Appendix 1 to this report (A.2) relating only to those areas where changes were being suggested.

The following reflected a provisional set of working assumptions on potential changes to site allocations, intended to enable Officers to progress evidence base work and preparation of the Submission Version of the Local Plan. They did not represent final decisions on site allocations, which would be subject to further consideration by the Committee. In summary, the recommended changes were as follows:

Provisional recommendations for deletion or reduction of sites

1. **Site SAH3 – Land off Arthur Ransome Way, Walton (200 homes) - deletion** of site from the Draft Local Plan along with Policy SAH3 and associated adjustment to the Settlement Development Boundary on the Frinton, Walton and Kirby Cross policies map.
2. **Site SAH4 – Land East of Church Road, Brightlingsea (300 homes) – deletion** of site from the Draft Local Plan along with Policy SAH4 and associated adjustment to the Settlement Development Boundary on the Brightlingsea policies map.
3. **Site SAH10 – Land south of Colchester Road, Thorpe le Soken (150 homes) – deletion** of site from the Draft Local Plan along with Policy SAH10 and associated adjustment to the Settlement Development Boundary on the Thorpe le Soken policies map.
4. **Site MSA9 – Land south of Windmill Road and east of Straight Road, Bradfield (100 homes) – reduction** in the size of the allocation to retain a proportion of the site fronting Windmill Road, a reduction in the indicative capacity of the revised site from 100 to 20 dwellings and an associated adjustment to the Settlement Development Boundary on the Bradfield policies map.
5. **Site MSA18 – Land north of Kirby le Soken Evangelical Church, Kirby le Soken (20 homes) - deletion** of site from the Draft Local Plan and associated adjustment to the Settlement Development Boundary on both the Frinton, Walton and Kirby Cross and the Kirby le Soken policies maps.

6. **Site MSA19 – Land west of Manningtree Road, Little Bentley (12 homes) – deletion** of site from the Draft Local Plan and associated adjustment to the Settlement Development Boundary on the Little Bentley policies map.
7. **Site MSA20 – Land south of Shop Road, Little Bromley (17 homes) – deletion** of site from the Draft Local Plan and associated adjustment to the Settlement Development Boundary on the Little Bromley policies map.
8. **Site MSA22 – Haulage Depot, Heath Road, Tendring Heath (10 homes) – deletion** of site from Draft Local Plan (but with no adjustment to the Settlement Development Boundary for Tendring Heath).

Provisional recommendations for addition of sites

9. **New Site MSA33 – Former Wellhouse Site, Chestnut Way, Brightlingsea (60 homes) – addition** of new site allocation, a previously developed brownfield site with potential to accommodate around 60 residential units in the form of an extra-care/assisted living scheme.
10. **New Site MSA34 – Vicarage Field, Church Road, Brightlingsea (30 homes) – addition** of new site allocation with an associated adjustment to the Settlement Development Boundary on the Brightlingsea policies map.
11. **New Site MSA35 – Land North of Robinson Road, Brightlingsea (25 homes) – addition** of new site allocation with associated adjustment to the Settlement Development Boundary on the Brightlingsea policies map.
12. **New Site MSA36 – Land north of Wix Road, Bradfield (25 homes) – addition** of new site allocation with an associated adjustment to the Settlement Development Boundary on the Bradfield policies map.
13. **New Site MSA37 – Paddock Site south of Bradfield Playing Field, East of the Street, Bradfield (30 homes) – addition** of new site allocation with an associated adjustment to the Settlement Development Boundary on the Bradfield policies map.

Provisional recommendations for adjustments to dwelling numbers on certain sites

14. **Site SAMU8 – Hare Green Garden Village - reduction** in indicative dwelling numbers for Hare Green Garden Village from 1,700 to 1,450 within the plan period up to 2043 but retaining 4,500 as the total longer-term expectation.
15. **Site SAMU9 – Horsley Cross Garden Village – reduction** in indicative dwelling numbers for Hare Green Garden Village from 1,700 to 1,450 within the plan period up to 2043 but retaining 6,000 as the total longer-term expectation.
16. **Site SAH2 Land North of Thorpe Road, Kirby Cross – increase** in the indicative dwelling number from 420 to 450 having considered further information submitted by the site promoter with their representations.
17. **Site SAH11 – Land North of Lifehouse Spa & Hotel, Thorpe le Soken – reduction** in indicative dwelling number from 110 to 70.

18. **Site MSA4 Crisp Maltings, School Lane, Mistley – reduction** in indicative dwelling number from 80 to 50 on the advice of the site promoter having carried out further work on the potential capacity of the site.

19. **Site MSA6 Land at Pannell Place, Brightlingsea – increase** in the indicative dwelling number from 10 to 20 homes but with no adjustment to the site area or its depiction on the Brightlingsea policies map, based on more recent information provided by the site promoter.

20. **Site MSA8 Land adj Village Hall, Harwich Road, Beaumont - reduction** in the indicative dwelling number from 20 to 12 homes on the advice of the site promoter.

If those indicative changes were to be taken forward, it would result in the overall potential housing supply in the Draft Local Plan reducing from 19,517 to 18,432 – a net reduction of 1,085 dwellings. This would mean that the total potential housing still supply remained above the Government requirement of 18,173 albeit with a much-reduced level of oversupply and contingency.

Next Steps

With the Committee's agreement, Officers would progress work on the Local Plan Submission Version and updating the evidence-base in line with those recommendations – but without prejudice to the Committee's final decision in respect of the Submission Version itself in late Summer 2026, which would include the full suite of updated policies and maps.

At the meeting, the Corporate Director (Planning and Community), assisted by the Planning Policy Team Leader, introduced the report.

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

- *Is it correct to say that the houses in Little Bentley and Little Bromley are not going to be connected with sewage, that they would have to provide their own sewage?;*
- *Has the new locations had any considerations on improvements on Highways, surgeries, schools and garden communities?;*
- *Would the roads in Elmstead Market, Bromley, etc. be getting improved?;*
- *Does Local Government Reorganisation have any significance in terms of the way that the Council deal with the recommendations that are being made for the Local Plan?;*
- *Does the presumption in favour of development impact SAH4, SAH3, MSA18 and SAH10 in terms of taking them out of the allocations, would developers be able to go to those sites and put in planning applications and would there be any point of taking them out?;*
- *Are drainage and sewage a realistic defence to take sites out of the Local Plan?;*
- *Would Thorpe-le-Soken be getting an upgrade to the roads to deal with the extra traffic?;*
- *What mechanisms are in place by the Council for auditing the number of deletions/additions within the Local Plan year-on-year?;*
- *How does the Council get accurate figures when sites have been sitting empty for a while after getting permission?; and*

- *Is the Council risking, if there has been a change in Government, cutting the housing supply too far and reducing the size of the buffer?*

At the invitation of the Chairman, the Housing & Planning Portfolio Holder (Councillor Baker) addressed the Committee on the subject matter of this item. Councillor Baker highlighted the fantastic points within the Officer report (A.2) and the fact the Local Plan was at the current stage was a credit to the Officers.

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

RESOLVED that the Planning Policy and Local Plan Committee –

- e) having previously considered report A.1 containing an initial overview of the response to public consultation on the Local Plan: Preferred Options Draft, notes the contents of this report, which sets out Officers' emerging thoughts on potential next steps, including provisional recommendations for changes to sites and further work to strengthen the technical evidence base;
- f) acknowledges and agrees that the updated mandatory housebuilding target for Tendring, calculated using the Government's standard methodology, increases to 1,069 homes a year, giving a total requirement for the rolled-forward 17-year period (1 April 2026 to 31 March 2043) of 18,173;
- g) approves the Officers' provisional recommendations for potential changes to site proposals in the Draft Local Plan, as set out in this report and depicted on maps at Appendix 1, subject to the following amendments:
 - i) that sites MSA19 (Little Bentley), MSA20 (Little Bromley) and MSA22 (Tendring Heath) are not deleted from the Draft Local Plan – having had regard to representations made by speakers and advice from Officers. This is on the basis that these sites could make a valuable contribution to local housing supply, support the rural economy and help the sustainability of local services in rural areas; and that, whilst Anglian Water has advised against development in these locations where it is dependent on connecting to the public sewer network, there should be a reasonable prospect of these developments coming forward in line with relevant adopted and emerging planning policies with appropriate alternative sewage treatment provision;
 - ii) that, in retaining site MSA20 (Little Bromley) as a housing allocation, the indicative number of dwellings be reduced from 17 to 10 to better reflect the character and density of development within the village;
 - iii) that site MSA27 (Wix) be deleted, having regard to updated information provided by Officers on the update sheet, indicating that the site is unlikely to be deliverable; and
 - iv) that the recommended changes, together with the amendments set out above, form a working basis for further evidence base work and the

preparation of the Submission Version of the Plan, and do not represent a final decision on site allocations

- h) notes that , if the provisional changes set out in this report with the amendments set out in c) above, the potential supply of homes from proposals in a revised Local Plan (alongside development that is already in the pipeline) would be expected to total approximately 18,444, which would still exceed the total mandatory housebuilding requirement of 18,173 by 271 homes – albeit with a much reduced level of oversupply and contingency from that indicated in the Preferred Options Draft;
- i) agrees that the provisional approach to site changes, be used as a working basis for progressing the preparation of the Submission Version of the Local Plan and associated evidence base, with the full draft Plan (including updated policies and maps) to be brought to the Planning Policy and Local Plan Committee for further consideration in late Summer 2026 ahead of any decisions to proceed to the next stage of public consultation; and
- j) notes that Officers will progress updates to the Sustainability Appraisal, Habitat Regulations Assessment, Transport Modelling, Infrastructure Delivery Plan and other relevant evidence base documents in order to test and inform development of the Submission Version of the Local Plan.

8. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND COMMUNITY) - A.3 - ADOPTION OF THE REVISED ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS)

The Committee considered a report (A.3) of the Corporate Director (Planning & Community) which sought the Committee's agreement to the adoption of the revised Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) and associated tariff, and which set out the changes from the original 2018 RAMS strategy. The report also sought the Committee's agreement to the updated governance framework supporting Essex Coast RAMS, including the withdrawal of the existing Supplementary Planning Document (SPD) and its replacement with a Technical Advice Note (TAN).

Following such approval by the Planning Policy and Local Plan Committee the revised Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) and associated tariff, as attached in Appendix 1, (replacing the existing 2018–2038 Strategy), would be submitted to Cabinet for formal adoption

The Committee was reminded that the Essex Coast RAMS set out how the Council, working in partnership with other Essex authorities, would protect the unique wildlife of the Essex coastline whilst enabling new homes and development to come forward.

It provided a co-ordinated, partnership-led approach to mitigating the recreational impacts of new residential development on protected coastal habitats and bird populations, ensuring that planned housing growth across Essex could take place in a lawful and sustainable way, whilst safeguarding sensitive species and habitats protected by international nature conservation designations.

The strategy established a strategic framework to address the in-combination effects of residential development on internationally designated coastal habitats and enabled the Council, in its role as Competent Authority, to meet its statutory duties under the Conservation of Habitats and Species Regulations 2017(as amended).

It was reported that RAMS funding had already delivered tangible mitigation measures along the Tendring coastline, including the Coastal Ranger Service, targeted visitor engagement and behaviour change initiatives, and partnership projects such as Share Our Shores to protect beach-nesting birds. Those interventions, supported by ongoing monitoring, had demonstrably improved ecological outcomes and were particularly important in managing peak seasonal visitor pressures.

The updated Strategy was supported by a refreshed evidence base, including a new visitor survey, and introduced significant changes to the scale and duration of mitigation required. Most notably, it ensured mitigation was secured for the full lifetime of development and reflected a substantial increase in planned housing growth across the Zone of Influence (ZOI) arising from the Government's revised mandatory housing targets. As a result, the RAMS tariff was proposed to increase to £476 per dwelling (or qualifying unit), ensuring that the full cost of mitigation was applied in a fair and proportionate manner.

The report also sought approval to withdraw the existing RAMS Supplementary Planning Document (SPD) and replace it with a Technical Advice Note (TAN), ensuring the guidance remained up to date and consistent across the Essex Coast RAMS partnership.

At the meeting, the Planning Policy Team Leader, assisted by the Planning Policy Officer, introduced the report.

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

- *Was it correct to say that there would be a one off charge and no subsequent charges later on?*

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

RESOLVED that the Planning Policy and Local Plan Committee –

- a) notes the revised and updated Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) associated RAMS tariff, and proposed changes to the governance arrangements, as set out in this report (A.3); and
- b) recommends to the Council's Cabinet that it:
 - i. adopts the revised Essex Coast RAMS and associated tariff, as set out at Appendix 1 to report A.3, superseding the original Essex Coast RAMS (2018-2038) Strategy;

- ii. approves the implementation of a revised RAMS tariff of £476 per net additional dwelling (or equivalent qualifying development), to take effect from 1 August 2026;
- iii. withdraws the adopted Essex Coast RAMS Supplementary Planning Document (SPD), noting that its content is no longer fully aligned with the revised Strategy, evidence base and tariff;
- iv. agrees to replace the SPD with an Essex Coast RAMS Technical Advice Note (TAN); and
- v. authorises the Corporate Director (Planning and Community), in consultation with the Portfolio Holder for Housing and Planning, to finalise and publish the TAN for use alongside the updated RAMS Strategy.

The meeting was declared closed at 8.48 pm

Chairman

Public Document Pack

Resources and Services Overview and
Scrutiny Committee

16 June 2026

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON TUESDAY, 16TH JUNE, 2026 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors P Honeywood (Chairman), Amos (Vice-Chairman), Bensilum, Bush, Casey, Goldman, J Henderson, Newton and Steady
In Attendance:	Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), Katie Koppenaal (Democratic Services Officer) and Bethany Jones (Democratic Services Officer)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted nor substitutions made on this occasion.

9. MINUTES OF THE LAST MEETING

It was moved by Councillor Amos, seconded by Councillor Goldman and **RESOLVED** that the minutes of the last meeting of the Committee held on Thursday, 21 May 2026 be confirmed as a correct record and signed by the Chairman subject to the following alteration and amendment to Minute 6 that:

"The approach currently being taken is not the result of a decision made by this Cabinet, and I am not in a position today to state what our future course of action will be. I will therefore take this information aware, consider it collectively with Cabinet, and provide a written response once a decision has been reached" to change to say The Chairman, Councillor P Honeywood, advised that the response on page 23 of the agenda, it is stated *"The approach currently being taken is not the result of a decision made by this Cabinet, and I am not in a position today to state what our future course of action will be. I will therefore take this information aware, consider it collectively **with my Cabinet colleagues at an Informal Cabinet meeting due to be held on Friday 29 May 2026,** and provide a written response once a decision has been reached"*

The Chairman noted that the minutes recorded a written response would be provided by the Portfolio Holder for Housing and Planning and requested that this be followed up.

10. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members on this occasion.

11. 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.

12. **REPORT OF THE ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT) -
A.1 - REVIEW OF THE WORK PROGRAMME**

The Assistant Director (Corporate Policy & Support) presented the Committee, where relevant with an overview of its approved Work Programme for 2025/26, feedback to the Committee on the decisions taken in respect of previous recommendations from the Committee arising from enquiries undertaken, and a list of forthcoming decisions for which public notice had been given.

It was reported that as part of the preparation for the 2026/27 Work Programme, a consultation had been conducted to invite Councillors, partner agencies and members of the public to suggest topics for the Scrutiny Committees' consideration.

A joint informal meeting of the Council's two Scrutiny Committees had been held on Thursday 4 June 2026 whereby consultation feedback had been considered.

The Committee heard that the Democratic Services Team had also been in communication with both Chairmen on the Overview and Scrutiny Committees regarding the creation of the Scrutiny Annual Report for 2025/26. That report was presented to the Committee at the meeting as a 'to follow' item as Appendix E to the report (A.1).

It was proposed that a provisional date of Wednesday, 29 July 2026 be set 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) the Resources and Services Overview and Scrutiny Committee's Work Programme for 2026/27 be submitted to Full Council for approval; and
- (b) notes its updated Work Programme for 2025/26 (Appendix A), feedback to the Committee on the decisions in respect of previous recommendations (Appendix C) and the list of forthcoming decisions (Appendix D).

It was further **RESOLVED**, also having been moved and seconded by Councillors Bensilum and Newton, that the Assistant Director (Corporate Policy & Support) be authorised, following consultation with the Committee's Chairman, to:

- (a) finalise the review of the year 2025/26 Overview and Scrutiny Report to be submitted to Full Council.

The meeting was declared closed at 8.25 pm

Chairman

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON TUESDAY, 23RD JUNE, 2026 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Steady (Chairman), Barrett (Vice-Chairman), Amos, Davidson, Ferguson and Griffiths
In Attendance:	Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), Katie Koppenaal (Democratic Services Officer) and Bethany Jones (Democratic Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Oxley, with no substitute appointed.

2. MINUTES OF THE LAST MEETING

It was unanimously **RESOLVED** that the minutes of the last meeting of the Committee held on Monday, 30 March 2026, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made by Councillors in relation to any item on the agenda for this meeting.

4. 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.

**5. REPORT OF THE ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT) -
A.1 - REVIEW OF THE WORK PROGRAMME (INCLUDING MONITORING OF
PREVIOUS RECOMMENDATIONS AND SUMMARY OF FORTHCOMING
DECISIONS)**

Members considered a report of the Assistant Director (Corporate Policy and Support) which provided the Committee with its approved Work Programme for 2025/26, including progress with enquiries set out in its Work Programme, feedback to the Committee in respect of enquiries undertaken and a list of forthcoming decisions for which public notice had been given. The report additionally set out the proposed Work Programme for 2026/27 and the Overview & Scrutiny Annual Report for 2025/26 and sought the Committee's approval for their submission to Full Council in August 2026.

It was reported that as part of the preparation for the 2026/27 Work Programme, a consultation had been conducted to invite Councillors, partner agencies and members of the public to suggest topics for the Overview & Scrutiny Committees' consideration.

Subsequently, a joint informal meeting of the Council's two Scrutiny Committees had been held on Thursday 4 June 2026 whereby consultation feedback was considered.

The Democratic Services Team had also liaised with both Chairmen of the Overview and Scrutiny Committees regarding the creation of the Scrutiny Annual Report for the year 2025/26.

In relation to the Water Quality Enquiry scoped in the 2025/26 Work Programme, the Committee had yet to undertake a site visit to Brightlingsea Harbour to examine the application of specialist paint on vessel hulls to prevent barnacle growth without harming the water quality and eco-system.

Some amendments to the Work Programme for 2026/27 were requested by the Committee as follows:

- To highlight the gaps in 24-hour provision for vulnerable homeless women and men who need help.
- To add the YMCA to the invitees list under the Women's Safety Charter item for the discussion to be held on women's refuge.
- To add Essex County Council to the invitees list under the NEETs enquiry.
- To add/amend the following points to the 'Articulated value of undertaking the review' for the drowning enquiry:
 - Signage to help ensure visitors are aware of safety at the beach, reflecting the dangers of groynes and currents
 - Amend the existing text from "*To ensure that children locally are best protected in respect of open water swimming*" to "*To ensure that everyone is best protected in respect of open water swimming*".

It was moved by Councillor Davidson, seconded by Councillor Ferguson and **RESOLVED** that the Committee:

- (a) notes its updated Work Programme 2025/26 (Appendix A), feedback to the Committee on the decisions in respect of previous recommendations (Appendix C) and the list of relevant forthcoming decisions (Appendix D);
- (b) endorses the appointment of the Youth Mental Health Task and Finish Group comprising of the following Councillors:
 - Councillor Terry Barrett
 - Councillor Dan Casey
 - Councillor Bill Davidson
 - Councillor Carolyn Doyle
 - Councillor Ann Oxley
- (c) approves its proposed work programme for 2026/27, subject to the amendments raised at this meeting being made, for its submission to Full Council; and
- (d) the Assistant Director (Corporate Policy & Support) be authorised, following consultation with the Committee's Chairman, to finalise the Overview and Scrutiny Annual Report 2025/26 to be submitted to Full Council.

The meeting was declared closed at 8.25 pm

Chairman

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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 25TH JUNE, 2026 AT 10.30 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Sudra (Chairman), Steady (Vice-Chairman), Fairley, Morrison and Placey
Also Present:	Sue Gallone (Independent Person) and Sarah McKean (External Auditor (Director - KPMG))
In Attendance:	Lee Heley (Corporate Director (Place and Wellbeing) & Deputy Chief Executive), Craig Clawson (Internal Audit Manager), Clare Lewis (Resilience and Assurance Manager), Karen Hayes (Corporate Governance, Performance & Procurement Manager), Katie Koppenaal (Democratic Services Officer) and Bethany Jones (Democratic Services Officer)
Also in Attendance:	Mae Duffy (Performance and Leadership Support Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence nor substitutions made on this occasion.

NOTE: Councillor Keteca had submitted her apologies for absence to Leadership Support shortly before the meeting had started. However, the Democratic Services Officer was not aware of this at the time the apologies for absence were announced at the meeting.

2. MINUTES OF THE LAST MEETING

It was moved by Councillor Steady, seconded by Councillor Morrison and **RESOLVED** that the Minutes of the meeting held on Thursday, 26 March 2026 be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made by Councillors in relation to any item on the agenda for this meeting.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

5. REPORT OF THE EXTERNAL AUDITORS - A.1 - PLAN AND STRATEGY 2025/26

The External Auditor's representative (Sarah McKean) presented to the Committee their Draft Audit Plan and Strategy for the year ending 31 March 2026 which set out their planned audit work in respect of informing their opinion on the 2025/26 Financial Statements and the Council's use of resources.

It was highlighted that, as set out in the report, the plan had formed an important element of their audit cycle / timetable along with its associated communication with the Council. Their approach had continued to recognise the importance of fostering effective communication throughout the audit process with those charged with governance.

It was reported that the plan had been set against a number of key elements, which included materiality and risk along with considering other important issues such as the rebuilding assurance approach and associated risks that remained ongoing and built on previous discussions with the Committee.

<u>Questions by Members (unless otherwise indicated):</u>	<u>Answers:</u>
Is the 30 November deadline related to the LGR process?	(Sarah McKean) That's correct. The deadlines are set for us by PSAA and the local audit office. For this year, the deadline is 29 January. From next year, it will move to 30 November, which we expect to become the standard timetable going forward.
As you work on rebuilding assurance, will there be a requirement to liaise with our previous external auditors?	(Sarah McKean) The rebuilding assurance programme does not require any communication with the previous auditors. Our work follows a defined programme, beginning with a suite of risk-assessment procedures. These are nearly complete and will be reported to management by the end of July 2026. This phase covers entity-level controls, interviews with long-standing Council staff, analysis of movements in key accounts over the disclaimed period, and detailed review of usable and unusable reserves against publicly available reports such as budgets and outturns. Once that work concludes in July, we will determine the additional substantive procedures needed. At present, these are expected to focus on PPE additions and disposals over the five-year period, as well as any deferred balances on the balance sheet that have not been auditable during that time. That work will take place after 31 July 2026.
With regard to the ongoing Corporate Risk Register review, could you explain how you engage with Officers on significant risks—especially the three	(Sarah McKean) The risks I have highlighted in our work are audit risks, or financial-statement-level risks. These do not typically align directly with the

you have identified—and how this integrates with the wider review work.	operational risks captured through the Council's risk management process. Separately, we undertake our value-for-money work, and within the governance pillar of that we review the Council's risk management arrangements. This includes assessing the policies in place, reviewing the risk registers, and considering the discussions held at relevant Committees. We have not yet completed that work, as it is scheduled for September, so I will be able to provide further commentary once it is finished. We do, however, examine risk management as part of that review, particularly in relation to financial sustainability. The three risks identified here are highly technical accounting risks and therefore do not usually appear in the operational risk register.
(Sue Gallone) Other than the valuation issue from last year, has anything in your planning with officers suggested risks to completing the audit on time or areas that may require additional audit effort?	(Sarah McKean) I expect the valuation work will require the greatest focus this year, simply because we have not previously had the opportunity to test it. However, based on last year's audit, we have already been able to test almost all other areas of the accounts. We have found not only that the accounts are of a high quality, but also that the supporting evidence, the responsiveness, and the availability of the finance team have all been very good. I do not have any concerns about our ability to complete the audit within the required timeframe this year, particularly as the deadline is the end of January. From next year, the timetable will become tighter as we lose two months, but we will address that when the time comes.

It was moved by Councillor Sudra, seconded by Councillor Placey and **RESOLVED** that the Committee notes the External Auditor's Draft Audit Plan and Strategy for the year ending 31 March 2026.

6. **REPORT OF THE INTERNAL AUDIT MANAGER - A.2 - REPORT ON INTERNAL AUDIT**

The Committee was presented with a report of the Internal Audit Manager which provided a periodic report on the Internal Audit function for the period March 2026 – May 2026 and the Head of Internal Audit Annual Report for 2025/26 as required by the professional standards.

It was explained that the report had been split into three sections with a summary as follows:

Internal Audit Plan Progress 2025/26

It was reported that a satisfactory level of work had been carried out on the 2025/26 Internal Audit Plan in order for the Internal Audit Manager to provide an opinion in the Head of Internal Audit's Annual Report for the 2025/26 financial year.

Eight audits had been completed since the previous update to the Audit Committee in March 2026, all of which had received a satisfactory opinion of adequate or substantial assurance.

Head of Internal Audit's Annual Report

The Committee heard that the Head of Internal Audit's Annual Report had concluded that an unqualified opinion of Adequate Assurance had been provided.

The work that had been carried out throughout the year by the Audit Committee, Senior Management and the Internal Audit Team had continued to be delivered in accordance with the principles of the Global Internal Audit Standards; however, full conformance could not be confirmed until the required External Quality Assessment had been completed.

One audit from a total of 25 that had been completed had received a less than satisfactory opinion of 'Improvement Required'.

It was reported that the Internal Audit Team were currently non-compliant with the Global Internal Audit Standards as they were due an External Quality Assessment (EQA) as previously discussed. A self-assessment for 2025/26 had been completed and previously reported to the Committee. Quotes had been retrieved for the EQA with the expectation to complete in early 2027.

Internal Audit Plan Progress 2026/27

It was highlighted that four audits within the 2026/27 Internal Audit Plan had currently been in fieldwork.

<u>Questions by Members:-</u>	<u>Answers:-</u>
If you were to identify the reasons why this year has been a better year compared with last, what would those reasons be?	(Craig Clawson) "We have experienced a number of issues over the past few years relating to limited capacity. While that remains a challenge, everyone is doing what they can with the resources available. Engagement has improved, and there is a clear commitment across

	the team to delivering work to a high standard. Our role gives us visibility across many departments, and from that perspective it is evident that people are focused on ensuring their areas are in a good position. There are also additional resources being invested in various areas, which we are aware of. Senior Management and Cabinet have allocated resources to different projects, and that support is making a positive difference. Capacity has historically been a significant issue for the Council, and although we are beginning to see some improvement, there is still more to do. These challenges will continue to arise, but with increased capacity we are better able to monitor activity and ensure that processes are operating as they should. That is certainly one of the factors contributing to the improvement.
Will you be replacing the apprentice in the Internal Audit Team who has now progressed to a fully qualified auditor role?	(Craig Clawson) I have been asked to, but we need to consider factors such as workload. As we have several different service areas—fraud, compliance, information, and governance—it may be that we are able to accommodate a replacement within one of those areas.
Is there, or should there be, a stronger link to the audit reports when matters are brought before the two scrutiny committees?	(Lee Heley) In many ways, the scrutiny committees and the audit committee both provide oversight and scrutiny, but they do so in different forms. The scrutiny committees approach this from a governance perspective, while the audit committee focuses more on financial matters. Work undertaken across the organisation may therefore be considered either through Audit or through Scrutiny. It is ultimately about how the organisation, with its different approaches to scrutiny, ensures that controls are robust and that there is strength in both detailed assurance work and in broader areas such as policy and partnerships. The key is how these elements integrate to support a

	well-run organisation, emphasising strong governance, effective oversight, and financial probity. I think there is a link, but if the overview and scrutiny committees were to consider every audit report, it would not necessarily be effective given the different skill sets and objectives of the committees. (Craig Clawson) I once met a trainer who explained that Audit asks 'how' something happened, while Scrutiny asks 'why' it happened, which I thought was a helpful way of distinguishing their respective approaches.
How is the extra work going to impact staff who already have a heavy workload? What are the consequences if those audits are not carried out?	(Craig Clawson) The process will be lengthy, but it will take place over several days rather than all at once. We are required to comply fully with the audit requirements, so each stage must be completed thoroughly and in accordance with the prescribed standards. It will be an intense period and will require a significant amount of resource. Last year we were shortlisted for a national award, and our Fraud Officers received the Chief Executive's Award, so we are confident in the quality of the work we deliver.
How is it decided which audits will be carried out and when?	(Craig Clawson) Part of it comes down to resourcing. We look at the availability of staff and their knowledge and expertise. We aim to carry out the financial audits from September onwards, as this gives us a longer period for sampling and testing. We also take into account the availability of the service and the time period that will work best for them.

It was moved by Councillor Steady, seconded by Councillor Morrison and **RESOLVED**

that the Committee noted the reports and agreed that a satisfactory level had been provided regarding the following:-

- The annual opinion statement within this report

- The completion of audit work against the 2025/26 Internal Audit Plan and progress against the 2026/27 Internal Audit Plan; and
- Any significant audit findings provided.

7. REPORT OF THE CORPORATE DIRECTOR (FINANCE & IT) - A.3 - CORPORATE APPROACH TO RISK MANAGEMENT INCLUDING THE CURRENT RISK REGISTER

The Corporate Director (Economy and Wellbeing) presented, in the absence of the Corporate Director (Finance & IT), a report (A.3) outlining the proposed revised approach to the Council's Corporate Risk Register as part of its wider assurance framework, along with providing a timely update against the existing Risk Register.

It was reported that, following associated training, facilitated 'workshops', and previous updates presented to the Committee, a revised approach to the Council's Corporate Risk Register had been developed.

A summary was set out as follows:

- The context of the proposed revised approach had been based on it forming a key element of the Council's wider assurance 'framework', with updates having aimed to provide a more coherent linkage to other relevant elements and activities that already operated elsewhere within the Council.
- As highlighted in previous updates, the approach was therefore based on a 'hybrid' style that aimed to maintain a more traditional risk register but as part of an assurance / governance 'foundation', which could be reviewed on an on-going basis and therefore further revised and adjusted as necessary as part of its practical implementation and embedding over the short to medium term.

It was proposed to further develop the revised approach with the aim of finalising the position for presenting to the Committee's meeting in September 2026. It was reported that September would be later than planned, but it had been recognised and acknowledged that such an approach maximised the opportunity for Members and Officers to further contribute to, and support, that key activity, that in turn would form an important element of the Council's wider assurance 'framework' going forward.

The importance of providing updates to the Committee in terms of the Council's existing Corporate Risk Register was highlighted. The existing register had been reported to the Committee in January 2025.

It was noted that despite the full register having not been presented since January 2025, important and relevant updates had been provided to the Committee during 2025/26, with extracts from associated reports set out in Appendix B to the report (A.3).

In terms of the latest position against the current register, a high-level summary had been set out within the report. There were no major issues to raise, and existing risks would be subject to a 'mapping' exercise as part of developing the revised Risk Register approach to ensure an appropriate level of continuity and assurance to Members.

<u>Questions by Members:</u>	<u>Answers:</u>
Will Sue Gallone (Independent Person) be included within the facilitated	(Karen Hayes) Yes, it would be useful for Sue to attend and provide that

sessions?	independent oversight.
With each Committee Member overseeing two risks, how do you envisage Sue contributing to that aspect?	(Lee Heley) I think the strength will come from Sue overseeing the output as it is brought together through the facilitated sessions across the whole piece of work. That will give us the opportunity to see how it integrates and comes together. (Sue Gallone) I would be happy with that. I have already benefitted from a session with Richard Barrett, Karen Hayes and several Committee Members regarding the direction of travel, and I fully support the approach being taken. I would be very happy to be involved in the oversight of this work.
Could you provide more detail on Members working on two risks? I am mindful that, if we are working alongside Officers, we do not want to add to their workload.	(Lee Heley) The way the process will work is that two members of the Committee will be assigned to each risk. Officers will invite those two Members to discuss the risks and to support the development of the framework set out in the document presented to you. The framework on page 145 will be used as the basis for developing the headline risks into practical and meaningful ways of scrutinising the organisation. This approach will also create opportunities for ongoing dialogue with Members as the work progresses. The work itself needs to be undertaken, and involving Committee Members in this way will support and strengthen that process.
Will this approach be taken following the implementation of the new Corporate Risk Register, or prior?	(Karen Hayes) This continuation of work will feed into the new Risk Register and will take place before its implementation in September.
Am I right in saying that the new Corporate Risk Register will be more streamlined and more closely aligned with Internal Audit, as the Committee will receive those background checks?	(Craig Clawson) We use the Corporate Risk Register as one of the key tools for determining what we will audit. If those risks are identified as the major strategic risks, we ensure that we have appropriate audit coverage in those areas. Having the Audit Committee's input into that process is also helpful, as

	it enables Members to take some ownership of the risks. You will receive those risks and can indicate what assurance you would like to see, which in turn helps me feed that back into the audit planning process. We will continue to use the Register as an important source of information to support our work.
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It was moved by Councillor Sudra, seconded by Councillor Steady and **RESOLVED** that the Committee:

- a) notes the existing Corporate Risk Register and the associated updates set out within the report (A.3);
- b) notes the proposed revised approach to the Corporate Risk Register as part of a wider assurance framework; and
- c) that each Committee Member should review in depth up to two risks, such that each risk has two Committee Members reviewing it in detail.

8. REPORT OF THE ASSISTANT DIRECTOR (CORPORATE POLICY & SUPPORT) - A.4 - ANNUAL LETTER TO THE COUNCIL FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

The Committee was provided with the most recent annual letter to the Council from the Local Government and Social Care Ombudsman (LGSCO). The letter related to complaints processed by the LGSCO in the financial year 2025/26. The submission of the annual letter had built on the established practice of reporting to the Audit Committee and, thereby, had extended awareness of such complaints and the opportunity (more generally) for learning by the Council from complaints.

It was reported that the annual letter from the LGSCO had set out a summary (for the previous financial year) of the number of complaints received by the LGSCO concerning the Council, which services they related to, the decisions that had been reached in the year on complaints made to it and compliance with recommendations from it on upheld complaints. The 2026 letter from the LGSCO (in respect of 2025/26) had been set out in Appendix A to the report (A.4).

The annual letters were sent by the LGSCO to the Chief Executive, the Leader of the Council and the Chairman of the Council's Resources and Services Overview and Scrutiny Committee. A brief summary of the statistics from the Annual Letter, and the upheld complaints identified in the annual letter for the year concerned, had been submitted to the Chief Executive's Officer Management Team, as part of a development of learning across the various upheld complaints over those years.

The Committee heard that, where an individual report on a particular complaint to the LGSCO had identified maladministration, the Monitoring Officer was under a duty to report to Cabinet (in respect of executive functions) or Council (in respect of non-

executive functions). The annual LGSCO letters had been referenced in reports on individual upheld complaints to Cabinet and Council.

The reporting of LGSCO annual letters to the Audit Committee supported the Committee's terms of reference to '*assess external regulatory reports and monitoring any quality improvement programmes where required. Comments are provided to Cabinet as appropriate.*'

It was highlighted that the Housing Ombudsman had made seven recommendations in respect of the Council's Corporate and Housing Complaints Policy adopted with effect from 1 September 2025, despite not being specifically referenced in the LGSCO annual letter. It was explained that Officers had no reason to believe that the Policy was not compliant with the Housing Ombudsman's Code for complaint handling. However, it was further explained that the recommendations from the Housing Ombudsman would adjust some wording in different sections of the Policy which they considered would help to confirm the full application of the Code. On that basis, the recommended changes were being actioned.

It was moved by Councillor Placey, seconded by Councillor Sudra and **RESOLVED** that:

the Committee notes the contents of the report, including the Annual Letter from the LGSCO for 2025/26.

9. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.5 - TABLE OF OUTSTANDING ISSUES

Members considered a report (A.5) which updated them on the progress on outstanding actions identified by the Committee along with general updates on other issues that fell within the responsibilities of the Committee.

It was reported that a Table of Outstanding Issues had been maintained and reported to each meeting of the Committee. This approach enabled the Committee to effectively monitor progress on issues and items that had formed part of its governance responsibilities.

Updates had been set out against general items, the Annual Governance Statement and External Audit recommendations within Appendices A, B and C of the report (A.5).

The Committee heard that, to date, there had been no significant issues arising from those updates and work had remained in progress or updates had been provided elsewhere on the agenda where appropriate.

Following its approval at a recent meeting of Full Council and as requested by Cabinet, the Council's revised Procurement Procedure Rules were attached as Appendix D to the report (A.5) for the Committee's consideration and determination of how it wished to undertake the necessary review.

Questions by Members:	Answers:
At the top of page 165, can we get clarification on what the following is referring to: <i>"Where the work is of a specialist nature and the Corporate</i>	(Lee Heley) This refers to, for example, specialist work on the Martello Tower where only one person in the area has the expertise to carry out such work.

<i>Director/Head of Department can demonstrate that it is not possible to obtain more than one quotation or tender.”</i>	(Karen Hayes) Yes, where there is such a niche area of work that very few people are in that field.
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It was moved by Councillor Sudra, seconded by Councillor Steady and **RESOLVED** that the Committee:

- (a) notes the updates set out in the report (A.5); and
- (b) notes the Council's revised Procurement Procedure Rules, as set out in Appendix D (A.5).

The meeting was declared closed at 11.34 am

Chairman

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Standards Committee

15 July 2026

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 15TH JULY, 2026 AT 10.00 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Wiggins (Chairman), Talbot (Vice-Chairman), Alexander, Baker, Casey and J Henderson
Also Present:	David Irvine (Independent Person), Shelia Murphy (Independent Person) (items 5 (part) - 7 only) and Jane Watts (Independent Person)
In Attendance:	Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Karen Hayes (Corporate Governance, Performance & Procurement Manager), Bethany Jones (Democratic Services Officer), Katie Koppenaal (Democratic Services Officer) and Mae Duffy (Performance and Leadership Support Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Sue Gallone (one of the Council's Independent Persons).

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the last meeting of the Committee held on Wednesday, 22 April 2026 be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. REPORT OF THE MONITORING OFFICER - A.1 - LICENSING AND REGISTRATION PROBITY PROTOCOL - RESULTS OF CONSULTATION AND REVISED LICENSING AND REGISTRATION PROBITY PROTOCOL

The Committee considered the report (A.1) that 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, Officers responsible for licensing services in the Governance and the Environment & Housing Directorates and the Independent Persons.

It was reported that some themes that had emerged 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 were made aware that the outcome of the consultation was set out in detail in Appendix B of the Officer report (A.1).

The Committee 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. Officers took this under advisement.

It was moved by Councillor Baker, seconded by Councillor Casey and unanimously:-

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 Independents 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 highlighted at the Committee meeting, prior to the Protocol's consideration at Full Council.

6. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF SOCIAL MEDIA GUIDANCE FOR MEMBERS

Members were told that the current Social Media Guidance for Members ("the Guidance") had been last considered by the Standards Committee at its meeting held on 2 February 2022. A revised draft Social Media Guidance for Members, with a review conducted by Officers, and based on current uses of social media, had been presented to the Committee at its meeting held on 22 April 2026.

Members were also made aware that the Council recognised the benefits of communication between Members and residents that social media platforms afforded and which were utilised by the majority of Members with varying frequency. Social media could reach a demographic of society that might not always be reached by more traditional methods, and this along with the speed with which communication could take place, provided both potential benefits and pitfalls, over and above 'traditional' means of correspondence.

The Committee was informed that the review of the Guidance had considered the Local Government Association's Model Social Media Guidance and the published Social Media Guidance for Councillors.

Members were updated that, since the publication of the Officer report (A.2), the LGA had updated their guidance, but that this Council guidance's was still in line with their updated version.

Officers told Members that a dedicated online Member Development Session had been conducted on 24 June 2026 by an external trainer, incorporating the draft Guidance and which had covered the following topics:-

- The landscape of social media in 2026;
- Why be on social media? Building trust and engaging with residents;
- Having a plan;
- Which platforms are best? Exploring the main options;
- Top tips for best engagement, including lessons from deep dive social media review of Councils around the country;
- Good practice for elected Member accounts;
- Misinformation, disinformation and deep fake;
- Good governance, staying safe online and dealing with negative/hostile remarks; and
- Resources to assist going forward.

The training had also covered that inappropriate use of social media could amount to a breach of the Members' Code of Conduct and that it was the individual responsibility of each Member to consider the Guidance and Members' Code of Conduct when using social media and indeed all forms of communication.

Members were also told that 13 Members had attended the training session, at the conclusion of which a feedback form had been circulated to all, that requested any further comment/inclusion to be incorporated within the final version of the Guidance. At the time of writing, one feedback form had been received and which had not contained anything further to be included within the Guidance.

It was moved by Councillor Baker, seconded by Councillor Talbot and unanimously:-

RESOLVED that the Committee:-

- (a) notes the contents of the report and the associated feedback comments arising from the dedicated Members' Development Session on social media;
- (b) approves and formally adopts the final version of the Social Media Guidance for Members, as set out in Appendix A of the Officer report (A.2) and that it be circulated to all Members of the Council;
- (c) advocates that Town and Parish Councils should take ownership of introducing the right policies/guidance for their own Town and Parish Councils and that Appendix A of the Officer report (A.2) be circulated to all Town and Parish Councils with an invitation to adopting it should they deem appropriate; and
- (d) authorises the Monitoring Officer to make minor and administrative amendments, as required, reflecting the ever-changing landscape of social media and associated social media platforms available.

7. UPDATE BY THE MONITORING OFFICER COVERING COMPLAINTS AND NATIONAL POLICY CHANGES

The Committee had before it the Monitoring Officer's update on existing and new conduct complaint cases.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE July 2026				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	PUBLIC – received 11 Mar 2025	ONGOING	Investigation – internally appointed Investigator	Matter relates to communications between parties.
PARISH x 3	PUBLIC – received 28 Oct 2025	ONGOING	External investigator appointed	Matter relates to conduct at public meetings and declaration of interests.
PARISH	PUBLIC – received 06 Nov 2025	ONGOING	External investigator appointed (to be run in parallel with above investigation)	Matter relates to use of social media.
DISTRICT	DISTRICT CLLR – received 08 Jun 2026	ONGOING	With MO for final Decision Notice	Matter relates to use of social media.
TOWN	PUBLIC – received 22 Jun 2026	ONGOING	Awaiting response from Subject Member (in line with Complaints Process timescales)	Matter relates to access to information and complying with the Code of Conduct.
PARISH	PUBLIC – received 25 Jun 26	ONGOING	Awaiting response from Subject Member (in line with Complaints Process timescales)	Matter relates to conduct at a public meeting.
New cases since last update – three at the time of writing				
<u>General Notes – 2025/26 Summary:</u>				
Overall, three cases had been received so far in 2026/27.				
Since the last update, one case remained being investigated by an internally appointed				

investigator and two cases were being investigated by an externally appointed investigator, with all three in the latter stages of the investigation process.

Requests for dispensations:

None since the last update.

Officers gave a presentation to Members on the following national matters:

- *Saffron Walden Town Council;*
- *Westmorland and Furness Council;*
- *Standards Framework reform – update;*
- *Implementation?;*
- *Thameside Council – ‘Trigger Me Timbers’ WhatsApp Group;*
- *Findings – all four Cllrs acting in official capacity;*
- *The Panel found in addition that;*
- *Sanctions;*
- *Topical – Use of local authority resources;*
- *Cllr who “made up his mind” ahead of planning vote breached code;*
- *“Complex area of law & the concept of predetermination is not straightforward”.*

The Committee **NOTED** the foregoing.

The meeting was declared closed at 11.39 am

Chairman

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Human Resources and Council Tax
Committee

30 July 2026

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON THURSDAY, 30TH JULY, 2026 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Guglielmi, S Honeywood, Smith and G Stephenson
Also Present:	Councillor P Honeywood
In Attendance:	Katie Wilkins (Director (People)), Marcia Fuller (Acting Head of People), Debianné Messenger (Work Based Learning Manager), Bethany Jones (Democratic Services Officer) and Katie Koppenaal (Democratic Services Officer)

1. CHAIRMAN'S ANNOUNCEMENT

The Chairman (Councillor Chapman BEM) welcomed the new Members (Councillors S Honeywood and Smith) to the Human Resources and Council Tax Committee.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Calver (Vice-Chairman) (with no substitution).

3. MINUTES OF THE LAST MEETING

It was moved by Councillor Guglielmi, seconded by Councillor G Stephenson and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Monday 2 March 2026, be approved as a correct record and be signed by the Chairman.

4. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

5. 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.

6. CAREER TRACK - VERBAL UPDATE

The Committee received a verbal update on the work of Career Track and watched a video involving three previous apprentices who answered the following questions:-

- *What is your name, your apprenticeship and where is your work location?;*
- *What is something you can do now, that you could not do when you first started?;*
- *How has your apprenticeship help progress in your career?;*
- *Who has supported you the most throughout your journey, and how have they helped?; and*

-
- *What would you say to someone thinking about applying for an apprenticeship?*

Councillor Guglielmi, on behalf of the Committee, told Officers of their continued appreciation to the Career Track team for their work and achievements.

The Committee noted the forgoing.

7. REPORT OF THE DIRECTOR (PEOPLE) - A.1 - WORKFORCE UPDATE

The Committee heard that the Officer report (A.1) provided Members with an overview of the Council's workforce profile, which drew on current data and compared it with both local and national benchmarks. It formed part of the standard reporting cycle to the Human Resources and Council Tax Committee.

Members were told that, as at the 31 May 2026, the reporting date used for the data collation, Tendring District Council (TDC) employed 783 individuals, including casual workers and apprentices, which equated to 501.2 full-time equivalent (FTE) roles. That comprised of 427 full-time and 149 part-time staff, alongside 18 apprentices and 189 casual workers. The number of casual staff reflected seasonal appointments including Seafront Staff, Leisure Attendants and Theatre Staff.

Officers informed the Committee that recruitment and retention remained stable, with no significant impact currently being seen from the forthcoming Local Government Reorganisation (LGR). The Council continued to attract strong levels of interest in vacancies, and recruitment and turnover trends were being closely monitored to ensure that any emerging workforce risks or changes in workforce trends could be identified and addressed at an early stage.

The Committee was made aware that, despite ongoing national recruitment challenges, as highlighted by the Chartered Institute of Personnel and Development's (CIPD) Labour Market Outlook, which had reported that 34% of public sector employers experienced hard-to-fill vacancies, the Council had continued to recruit successfully to a number of roles that had historically been difficult to fill. Recent appointments had been secured across key professional and operational areas, including accountancy, project management and leisure management, demonstrating the Council's ability to attract and retain skilled employees in a competitive labour market.

Members noted that the Council's workforce spanned a broad range, from ages 16 to 81. Whilst retention levels remained strong across the organisation, effective workforce planning remained important to ensure that skills, knowledge and experience were retained, succession risks were managed, and service resilience was maintained over the longer term.

The Committee was also told that there had been no change in the reported workforce diversity since the last reporting period. Currently, 1.3% of contracted staff identified as being from an ethnic minority background, compared to 3.8% within the wider Tendring population. Similarly, 13 employees had declared a disability, which was slightly higher than previously reported, although those figures might be under-represented due to the voluntary nature of disclosure.

The Council maintained a broadly balanced gender profile. Among full-time employees, 47.5% identified as male and 52.5% as female. At senior management level, gender

representation was currently evenly balanced, with 50% of posts held by men and 50% by women, compared with 55.1% male and 44.9% female when previously reported.

As part of its commitment to meeting its equality obligations and maintaining an inclusive workplace, the Council was exploring a partnership arrangement with Colchester City Council and Braintree District Council to share a dedicated Equality, Diversity and Inclusion Lead Officer. Subject to agreement, the shared resource would provide additional capacity and specialist expertise to support the Council's Equality Ambassador network, promote inclusive employment practices, and help ensure compliance with statutory responsibilities, whilst sharing costs and resources across the three authorities.

It was moved by Councillor Guglielmi, seconded by Councillor G Stephenson and unanimously:-

RESOLVED that the Committee noted the Workforce Update Report.

8. REPORT OF THE DIRECTOR (PEOPLE) - A.2 - EMPLOYMENT LEGISLATION

The Committee heard that the Employments Rights Act 2025 had received Royal Assent on 18 December 2025 and that it had introduced a significant programme of employment law reform, with provisions being implemented in phases during 2026 and 2027.

Members were told that, in response, the Council had undertaken a comprehensive compliance audit of its employment policies, procedures and working practices. That had ensured the current requirements were reflected, areas that had required further action had been identified and preparations were in place for forthcoming legislative changes where implementation dates, regulations or statutory guidance were still awaited.

Officers informed the Committee that the audit had resulted in a prioritised action plan to manage compliance risk and support timely policy review. A number of core employment policies had already been updated to address identified gaps, reflect changes now in force, and prepare for further reforms expected in October 2026, January 2027 and later during 2027.

The Committee was made aware that the key implementation dates for the phased introduction of the Employment Rights Act 2025 were summarised below, based on the Government's published implementation timeline. Future implementation dates remained subject to commencement regulations, consultation and/or further statutory guidance where applicable.

6 April 2026

- Collective redundancy protective award – doubling the maximum period of protective award from 90 days to 180 days;
- Day 1 Paternity Leave and Unpaid Parental Leave;
- Strengthened protection for workers who 'blow the whistle' on sexual harassment;

- Bereaved Partners' Paternity Leave – enabling bereaved fathers and partners to take up to 52 weeks' leave if the mother or primary adopter died within the first year of the child's life;
- Statutory Sick Pay (SSP) – removing the Lower Earnings Limit (LEL) and waiting period; and
- Action plans on gender equality, with employers with 250 or more employees encouraged to publish steps being taken to reduce the gender pay gap and support employees experiencing menopause.

7 April 2026

- The establishment of the Fair Work Agency.

August 2026 (subject to commencement and/or further statutory guidance)

- Electronic and workplace balloting for Statutory Trade Union Ballots.

October 2026 (subject to commencement and/or further statutory guidance)

- The duty to inform workers of the right to join a Trade Union;
- Requiring employers to take 'all reasonable steps' to prevent sexual harassment of their employees;
- Introducing employer obligations in relation to third-party harassment; and
- Employment tribunal time limits.

January 2027 (subject to commencement and/or further statutory guidance)

- Reduction of the unfair dismissal qualifying period from two years to six months for dismissals from 1 January 2027, alongside changes to compensatory awards for successful unfair dismissal claims, including removal of the statutory cap. Compensation would continue to be assessed by employment tribunals by reference to actual and projected losses evidenced by the claimant.

During 2027 (subject to commencement and/or further statutory guidance)

- Mandatory gender equality action plans and menopause action plans, following the voluntary action plan arrangements introduced from April 2026;
- Enhanced dismissal protections for pregnant women and new mothers;
- Commencement of regulations setting out specific steps that employers must take to prevent sexual harassment, following consultation;
- Collective redundancy consultation threshold changes;
- Flexible working reforms;
- Bereavement leave, including pregnancy loss; and
- Introduction of the right to guaranteed hours, reasonable notice of shifts and short notice payments.

It was moved by Councillor G Stephenson, seconded by Councillor Guglielmi and unanimously:-

RESOLVED that:-

- a) the contents of the Officer report (A.2) be noted, including the actions taken to date under the relevant Officer delegation arrangements to ensure the Council's employment policies, procedures and working practices remain compliant with the Employment Rights Act 2025; and

- b) the Committee notes that Officers will continue to review and update the Council's employment policies, procedures and working practices as further provisions of the Employment Rights Act 2025 are implemented during 2026 and 2027, and that further informatives will be provided, as necessary, to the Human Resources and Council Tax Committee on resulting policy changes in accordance with the Council's governance arrangements.

The meeting was declared closed at 8.16 pm

Chairman

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Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Terry Barrett in relation to this Council's opposition to any move by Essex County Council to retreat from its commitments on climate action, biodiversity, environmental protection or nature recovery

"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."

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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

“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.”

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COUNCIL

1 SEPTEMBER 2026

JOINT REFERENCE FROM THE COMMUNITY LEADERSHIP AND THE RESOURCES & SERVICES OVERVIEW AND SCRUTINY COMMITTEES

A.2 OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2026/2027 AND REVIEW OF WORK UNDERTAKEN IN 2025/26 (ANNUAL PERFORMANCE REPORT)

(Report prepared by Katie Koppenaal)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Council's 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 is also asked to receive the proposed 'Annual Report 2025/26' for overview and scrutiny work undertaken through those Committees.

EXECUTIVE SUMMARY

At this Council, the overview and scrutiny function is facilitated through two separate Committees. These are the Community Leadership and the Resources & Services Overview and Scrutiny Committees. Together, their work comprises the whole overview and scrutiny function on the Council.

Under the Council's Overview and Scrutiny Procedure Rules, the Constitution states, 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 have 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.*

Under Article 6.02 of the Constitution the separate Overview & Scrutiny Committees (OSCs) perform the role of overview and scrutiny and its functions in relation to:

Resources and Services OSC

“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*
- Customer Service and Standards”*

Community Leadership OSC

- (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:*
 - o Community Safety*
 - o Health and Well-being*
 - o Economy, Skills and Educational Attainment*
 - o Community engagement, development and empowerment*
 - o Economic Development, Regeneration and Freeport East*
 - o Leisure and Tourism (except matters relating to budgets)*
 - o Planning & Building Control and Strategic Planning (including the Local Plan)*
 - o Emergency Planning*
 - o To scrutinize/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;*
- (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 considers appropriate but no less than once in every 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 enquiries to submit for approval to Council, the separate Overview and Scrutiny Committees have had regard to the Corporate Plan 2024-28 and the themes of that Corporate Plan. These themes are:

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

INFORMAL MEETINGS

Joint meeting of the Community Leadership Overview and Scrutiny Committee and Resources and Services Overview and Scrutiny Committee – 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.

This formal approval follows informal development of concepts by Members of the two Committees. All Councillors on Tendring District Council were provided with the opportunity to contribute proposals for Work Programme items for 2026/27.

Both Committees received the results of a public consultation that ran from 13 April 2026 to 30 May 2026. Details to access the consultation were sent directly to all Town and

Parish Councils in the District with electronic copies of posters that they were invited to display. It was also published on this Council's website in conjunction with a social media engagement campaign by the Council's Communications Team.

Having considered all of the suggestions received from the above activity, the two Overview and Scrutiny Committees determined their proposed Work Programmes for 2026/27, and these are 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 has been developed in dialogue with the Chairmen of the two Committees, and a draft was circulated at the formal Committee meetings already referenced above.

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

Both of the Overview and Scrutiny Committees have approved arrangements to enable appointments of relevant Task and Finish Groups to take forward enquiries from the approved work programmes. These appointments will enable appointments to be made prior to the next respective Committee meetings.

RECOMMENDATIONS

That Council –

- (a) approves the proposed work programmes 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) receives and notes the work carried out by those Committees in the year 2025/26 (Annual Performance Report), as set out in Appendix B.**

BACKGROUND

The Council's Corporate Plan 2024-28 Themes are set out earlier in this report.

The General Role and Functions of the Overview and Scrutiny Committees (as set out in Article 6.01 of the Council's Constitution) are to: -

- 1. Review or scrutinise executive decisions made by the Cabinet (including those delegated to Portfolio Holders and Officers) or are due to be made by the Cabinet or a Portfolio Holder including performance in relation to individual decisions over a period of time;*
- 2. Act as a consultee on policy development and review of policies;*
- 3. Submit to Full Council for approval an annual overview and scrutiny work programme;*
- 4. Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.*
- 5. Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee;*

6. *Deal with any call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers (key decisions only)) in accordance with the Overview & Scrutiny Procedure Rules; and*
7. *Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council Procedure Rules.*

In undertaking the General Role, the following principles apply: -

- (i) *The focused co-ordination of all overview and scrutiny functions on behalf of the Council including the performance reporting on the Corporate Plan, Priorities and Projects;*
- (ii) *Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and*
- (iii) *Consideration of the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny and prioritising those referrals in a timely manner.*

In supplement to the provisions of the Council's Constitution elsewhere referenced in this report, on 21 March 2021, Council approved and incorporated into the Constitution, a Cabinet and Overview and Scrutiny Protocol which includes the following in respect of work programming by the two Overview and Scrutiny Committees:

"9.1 Around the start of each Municipal Year, the Overview & Scrutiny committees will hold a work planning workshop. As part of this workshop the views of the relevant Cabinet Member(s) will be inputted alongside the views received from others. The Cabinet's adopted priorities in support of the Corporate Plan will be considered, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas).

9.2 The Chairmen and Vice-Chairmen of the Overview & Scrutiny Committees will meet quarterly with representatives of the Cabinet in order to ensure ongoing opportunities for Cabinet input into Overview & Scrutiny Committee work plans, ongoing opportunities for Overview & Scrutiny to input into Cabinet policy development or to address performance issues and to build on the positive working relationship between the two functions.

9.3 Overview & Scrutiny Committees may legitimately expect to receive a written report with relevant details for each item on its work programme and, where possible, this report should always be circulated with the agenda for the meeting."

DEVOLUTION AND LOCAL GOVERNMENT REORGANISATION (LGR) IMPLICATIONS

It is important to recognise that during the annual work programme period, the Council will be balancing its statutory duty as a Best Value authority, performing its statutory functions and continuing to deliver quality services to its residents, businesses and communities across the District until Vesting Day on 1st April 2028, should Government decide to proceed with Local Government Reorganisation for Greater Essex. Whilst the Vesting Day is some time off, there is a challenging timetable to follow.

March 2026: Ministerial “minded to” decision on which Unitary Authority configuration proposal to implement, with the Structural Change Order being laid in early Autumn 2026 and passed in late Autumn 2026. Once the Structural Order is passed its legal requirements and restrictions will be in place. Members will be provided with more details on the process and its implications throughout the coming months.

The Shadow Unitary Authority will be in place following elections in May 2027, and a significant amount of work needs to be undertaken in advance for the Shadow Authority to operate in accordance with the Structural Order (Tendring District Council as a legacy and outgoing council has responsibilities both before the Shadow Authority comes into existence and during). Lessons learnt from LGR in other parts of the country have reported focusing on managing the following three essential phases of LGR:

- the preparation of proposals and plans for reorganisation
- the implementation of these plans by outgoing and incoming councils
- the operation of new unitaries after vesting day – the day when the new authority takes on its powers and becomes operational.

The work programmes for the functions of Council, Cabinet and Overview and Scrutiny will need to reflect the above, be kept under review and refocussed as necessary to meet the resource, capacity, financial and legal implications of LGR.

MONITORING OFFICER'S COMMENTS

It is important to note that the programme being presented to full Council for adoption has been complied by the overview and scrutiny committee membership, as required by the Constitution (references included throughout the report).

Under the Local Government Act 1999, local authorities must legally deliver what is termed ‘Best Value’ – a council must be able to show that it has arrangements to secure continuous improvement in how it carries out its work.

The Statutory Guidance for Best Value authorities published in May 2024, contains 7 themes under which expected characteristics of a well-functioning authority, and indicators of potential failures are set out. The role of scrutiny falls under 4 of those 7 themes, being Continuous Improvement, Governance, Culture and Use of Resources and relevant extracts from those themes are described as:

Continuous Improvement:

- *“Making arrangements to secure continuous improvement in performance and outcomes in relation to the exercise of all functions is a core requirement for achieving best value, and should be done whilst reflecting local priorities.”*
- *The authority’s scrutiny function is challenging, robust and contributes to the efficient delivery of services.*

Governance:

- There will be clear and robust governance and scrutiny arrangements in place that are fit for purpose, appropriate to the governance arrangements adopted locally (executive / committee system), and in accordance with statutory or sector guidance such as [statutory guidance on overview and scrutiny](#) and the Centre for

Governance and Scrutiny's [governance risk and resilience framework](#).

- Scrutiny and internal audit functions are challenging, robust, valued and contribute to the efficient delivery of public services.
- Potential failure, where scrutiny functions are undermined without the ability to effectively monitor or call-in decisions or influence overall strategy.

Culture:

- How the established governance procedures and leadership are exercised in practice, whether they are respected by the letter or in spirit.
- The culture of a local authority is determined by an agreed set of shared values, ethics and beliefs, how decisions are made, as well as how elected members and officers behave, interact and carry out their roles.
- Potential failure, where a culture of secrecy and overuse of urgency arrangements, confidential or delegated action reports and a failure for such reports to be reported in a form which allows scrutiny.

Use of resources:

- Investment decisions must have a commensurate level of scrutiny, transparency and approval to make sure that officers and members fully understand the risks.

Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure, as indicated from the examples below:

Under [section 15\(6\) of the 1999 Act](#), the Secretary of State may direct that some or all of the functions of an authority be exercised by the Secretary of State or their nominee (commissioners) for a specified period until that authority is in a sustainable position to comply with the Best Value Duty.

Example: A condition of Wirral Metropolitan Borough Council's request to the department for exceptional financial support in 2020/21 was completion of an external assurance review. This Review identified a range of concerns, including poor financial governance and management and the need to strengthen oversight and scrutiny.

Example: Following a Best Value Inspection of Northamptonshire County Council, which found evidence of poor financial management and a culture that discouraged challenge, the Secretary of State appointed commissioners in May 2018 to exercise all functions associated with the governance and scrutiny

The Council consistently provides training to its members and reviews its procedures and practices against the national guidance.

SECTION 151 OFFICER'S COMMENTS

There are no further comments over and above those already set out elsewhere within the report and appendices. Effective scrutiny forms a key activity within the Council's overall financial management responsibilities / stewardship, and it is important that adequate time is identified within the work programme to undertake the necessary tasks and that they are as timely as possible and take into account of the wider financial cycle over the course of

the year.

BACKGROUND PAPERS FOR THE DECISION

Minutes of the meeting of the Community Leadership Overview and Scrutiny Committee held on 23 June 2026.

Minutes of the meeting of the Resources and Services Overview and Scrutiny Committee on 16 June 2026.

APPENDICES

Appendix Ai - Proposed Work Programme for 2026-27 for the Community Leadership Overview and Scrutiny Committee

Appendix Aii – Proposed Work programme for 2026-27 for the Resources and Services Overview and Scrutiny Committee

Appendix B - Annual Performance Report 2025/26

A.2 APPENDIX Ai

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE ENQUIRIES TO BE UNDERTAKEN IN 2026/27

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
To examine joint working with Parish & Town Councils in the District and opportunities and for the mutually beneficial collaboration to enhance that joint working. [Ongoing from 2025/26]	Through a Task and Finish Group 15 January 2026 – The Committee received a submission from the Task and Finish Group which set out a future proposal to take the enquiry forward. The Group met on 3 June 2026 for initial scoping for their next meeting. The next meeting is scheduled for 1 October 2026.	-Pride in our area and services to residents -Working with Partners to improve quality of life	Details of existing area of joint working between the District Council and Town and Parish Councils in the District. Examples of joint working elsewhere in the nation that may be beneficial to consider. As part of the Public Consultation for preparing the 2025/26 Overview and Scrutiny Committees Work Programmes, Officers received a submission from Frating Parish Council, which calls for enhanced scrutiny of the planning process and its determinations on the grounds of perceived inconsistencies in decision-making. The Parish Council asserts that the Tendring District Council Planning Department frequently bases its decisions on outdated or inaccurate information.	Chief Executive Corporate Director (Planning and Community) The Chair/Secretary of TDALC Representatives from the National Association of Local Councils Appropriate Officers/Portfolio Holders for areas of further joint work.	To develop options for the Cabinet/Council to develop collaborative working opportunities that are mutually beneficial.

A.2 APPENDIX Ai

Youth Mental Health Following their presence at a previous Committee meeting held on 23 September 2025, to consider the research undertaken by Coastal Communities Unit (CCU) [Ongoing from 2025/26] To look at the mental health research which suggests the position is most pronounced among younger people living in coastal communities.	Through a Task and Finish Group comprising of:- • Councillor Terry Barrett • Councillor Dan Casey • Councillor Bill Davidson • Councillor Carrie Doyle • Councillor Ann Oxley	-Working with Partners to improve quality of life -Raising aspirations and creating opportunities -Pride in our area and services to residents	The published articles and summaries of the research findings produced by the University and its collaboration partners.	Dr Emily Murray, Director of the CCU at the University of Essex	To be able to make recommendations around actions and activities that may have a beneficial impact on health inequalities locally.
To Consider Grant Funding by the Council and Others and its appropriateness given the needs of the District, including where the Grants Policy is at and the progress made with the adoption of the Committee's Recommendations	At a meeting of the Committee due to be held on 14 January 2027.	-Financial sustainability and openness	Cabinet's initial budget proposals for 2027/28.	Portfolio Holder, Partnerships Corporate Director (Finance & IT) Corporate Director (Place & Wellbeing)	To consider the Councils approach to grants, the relationship between other grant funding organisations. The extent to which gaps in funding have been identified and addressed.
To review progress made with the adopted Crime & Disorder Reduction Strategy 2025-28 and the adoption of the Committee's Recommendations	At a meeting of the Committee to be held 22 June 2027.	-Working with Partners to improve quality of life	Crime and Disorder Reduction Strategy 2025 – 2028 Community Safety Partnership Annual Report 2026 - 2027	Councillor Peter Kotz – Joint Chair of the Community Safety Partnership Board Councillor Gina Placey - Joint Chair of the Community Safety Partnership Board Corporate Director – Operations and Delivery Chief Inspector Stuart Austin – Essex Police District Inspector Grant Fryatt – Essex Police – CPT and partnership Inspector	To shine a light on unacceptable behaviours within families and the benefit this created for so many families. It will also look at prevention and support measures to consider strengthening these where possible. Look to align Tendring's Strategy with those of Braintree and Colchester Councils.

A.2 APPENDIX Ai

				Community Safety & Safeguarding Manager Head of Health and Culture Members of the Community Safety Partnership : -Essex Probation -Essex County Fire & Rescue Service -NHS North Essex ICB -Essex County Council Public Health	
The Women's Safety Charter for the Tendring District is a preventative intervention, created with a community safety focus, aimed at improving feelings of safety for women and girls in public spaces. The Women's Safety Charter for the Tendring District has been developed from the feedback from people in our local area and through partnership with Essex Police to respond to their needs.	At a meeting of the Committee due to be held on 14 January 2027.	-Pride in our area and services to residents -Working with partners to improve quality of life	Women's Safety Charter – Tendring District Tendring Charter – Business Toolkit How many people / businesses/ organisations have signed up to the Charter Data on feelings of safety in the District for Women and Girls.	Councillor Peter Kotz – Joint Chair of the Community Safety Partnership Board Councillor Gina Placey - Joint Chair of the Community Safety Partnership Board Corporate Director – Operations and Delivery Community Safety & Safeguarding Manager Karen Whybrow – Women's Safety Consultant Representative from the YMCA	Examine the extent to which lived experiences of our residents shape community safety projects and the role of community involvement provide a solution to increase perceptions of safety for all.
NHS Dentistry	At a meeting of the Committee due to be held on 9 March 2027	-Pride in our area and services to residents -Working with partners to improve quality of life	Figures on the number of NHS dentists in Tendring, particularly Clacton and Harwich	Key Personnel Essex ICB Relevant individuals from Essex Healthwatch Local NHS Dentistry Providers Corporate Director (Place & Wellbeing)	To look at the provision of NHS dentistry in the district since the new Essex Integrated Care Board took responsibility for its commissioning and consider how the adverse health implications from poor dental health and gum

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				Head of Health and Community	disease in respect of: -Respiratory infections -Diabetic complications -Cardiovascular problems -Kidney disease -Rheumatoid arthritis And thereby seek to ensure that the steps taken by Commissioners of NHS Dentistry are seeking to mitigate against such issues.
School Active / School Sports Premium	Site visits to primary schools in Tendring and a meeting of the Committee to be arranged and determined in due course. This may then lead to a Task and Finish Group looking at the specific evidence gathered.	-Raising aspirations and creating opportunities -Pride in our area and services to residents -Working with partners to improve quality of life	Current use of the School Sports Premium Perceived impact of the realignment of this UK Government funding stream to schools	Relevant Primary School representatives Portfolio Holder, Partnerships Corporate Director (Place & Wellbeing)	To consider the potential impact of the UK Government's realignment of School Sports Premium Funding and the potential for shared approaches to secure successful bids for school-based activity going forward.
The number of young people not in employment, education or training (NEET) The Committee will seek evidence from organisations responsible for delivering employability and skills programmes to understand how new Government employment support initiatives for young people will operate in practice, the support available to employers, and the opportunities for local partnership working within Tendring.	At a meeting of the Committee due to be held on 6 October 2026.	-Raising aspirations and creating opportunities -Pride in our area and services to residents -Working with partners to improve quality of life	Young people and work: interim report – Authored by Alun Milburn Information held by Essex County Council in respect of NEETs within the Tendring District Information on Work Experience opportunities amongst local employers	Relevant individuals involved in work experience placements in the District Portfolio Holder, Partnerships Corporate Director (Place & Wellbeing) Representative(s) from Essex County Council	To understand how proposed Government employment initiatives for young people, including supported job placements and employer incentive schemes, may operate locally, and to identify opportunities for Tendring District Council, local businesses, education providers and employment support organisations to facilitate access to those opportunities.
Essex ICB to look at measures to address the wider determinants of health (including fuel poverty).	Off-Agenda Briefing Note.	-Pride in our area and services to residents -Working with partners to	An evaluation of the benefit of the Healthy Homes Initiative and fuel poverty interventions	Collated information from: Essex ICB Portfolio Holder, Partnerships	To better understand the contribution of the ICB to address key elements in

A.2 APPENDIX Ai

Identify progress against the Committee's recommendation of 10 February 2026 in respect of waiting times for ADHD and Autism Assessments.		improve quality of life	funded by the then ICB for Tendring. Data surrounding current and previous waiting times for ADHD and autism assessments for adults and children.	Corporate Director (Place & Wellbeing) Head of Health and Community Lauretta Wright – Happy Energy Solutions Geoffery Joy – previous Housing Manager at Dorset Council Jack Head – Researcher at Essex County Council	respect of wider health matters.
Drowning – a public health crisis	Off-Agenda Briefing	-Pride in our area and services to residents -Working with partners to improve quality of life -Raising aspirations and creating opportunities	Water safety statistics for Tendring Data on swimming provision through schools in the district of Tendring The level of provision for learning to swim in the sea All Council Policy or Procedure around public water safety	Collated information from: Essex County Council - Education Portfolio Holder, Partnerships Corporate Director (Place & Wellbeing) Head of Health and Community	The review will consider whether the Council's current approach to water safety and drowning prevention reflects emerging national good practice, including targeted public awareness campaigns, partnership working, preventative education, seasonal and heatwave communications, identification of high-risk locations, and the provision of appropriate physical safety measures at Council-managed waterfront locations.
Joint Working with scrutiny counterparts at Colchester City Council and Braintree District Council will continue throughout the 2026/27 scrutiny year to develop a joined-up system of scrutiny in preparation for LGR. The next meeting is due to be held in the coming months where Braintree District Council will take the administrative lead.					
The Committee will continue its ongoing recognition of the Council's LGR work and its implications, and through actively considering its work programme at each meeting, it will adjust its work programme and meeting schedule accordingly, to include LGR scrutiny, as it may deem necessary.					

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE **ENQUIRIES TO BE UNDERTAKEN IN 2026/27**

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Waste and street cleaning contract rollout update including an update from the Portfolio Holder Working Party for the Waste and Street Cleaning Contract Implementation.	Programmed for a meeting of the Committee due to be held on 15 September 2026.	- Pride in our area and services to residents - Championing our local environment - Financial sustainability and openness	Notes of the meetings of the Portfolio Holder Working Party.	Portfolio Holder for Environment & ICT Corporate Director for Operations and Delivery Assistant Director for Housing and Environment Veolia	To identify any possible areas for improvement and to make recommendations thereon.
Overview of The Financial Outturn 2025/26 and Proposed Allocation of the General Fund Variance For The Year and Other In-Year Budget Adjustments 2026/27	At Committee on 1 December 2026	- Financial sustainability and openness	Financial Outturn Report 2025/26 and In-Year Budget Adjustments 2026/27	Portfolio Holder for Corporate Finance & Governance Corporate Director (Finance & IT)	Provide reassurance and challenge the financial arrangements of the Council.
Pre-Budget Scrutiny Consider long-term forecasts. Challenging assumptions/testing zero base budgeting. Consider repeated overspends/underspends Addressing performance/budget requirements.	At Committee on 13 January 2026 [Pre-meeting 5 January 2026]	- Championing our local environment - Pride in our area and services to residents - Working with Partners to improve quality of life - Raising aspirations and creating opportunities - Promoting our heritage offer, attracting visitors and encouraging them to stay longer - Financial sustainability and openness	The 2026/27 Budget and update the end of Q3, draft budget for 2027/28 and the financial strategy plus details of significant overspend and underspend over the last five financial years. Consideration will be given to providing some additional local government finances training ahead of the Pre-Budget Scrutiny.	All Portfolio Holders All Members of Management Team	
Quarter 2 2026/27 Financial Performance Update	Programmed for a meeting of the Committee due to be held on 13 January 2026.	- Financial sustainability and openness	Financial Outturn Report 2025/26 and In-Year Budget Adjustments 2026/27	Portfolio Holder for Corporate Finance & Governance	Provide reassurance and challenge the financial arrangements of the Council.

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				Corporate Director (Finance & IT)	
Capital & Treasury Strategy for 2027/28	At a meeting of the Committee due to be held on 2 March 2027.	- Financial sustainability and openness	The Capital & Treasury Strategy for 2027/28	Portfolio Holder for Corporate Finance & Governance Corporate Director (Finance & IT)	To identify any possible areas for improvement and to make recommendations thereon.
To examine the Asset management arrangements of the Council and consider the extent to which asset acquisition and disposal is strongly linked to the ambitions of the corporate plan. The enquiry will look at land assets and their use/value to the Council and community properties, investment in them and the use to which they are put, and Beach Hut (bases). [This matter will not look at Human Resources or matters in the Housing Revenue Account]. [carried over from 2025/26]	Through A Task and Finish Group A meeting of the Task and Finish Group was held on 3 September 2025 to consider property matters. The T&F Group was authorised to be reconstituted by the Committee at its meeting held on 4 November 2025. The membership was formally appointed on 4 February 2026 via a decision made by the Assistant Director (Corporate Policy & Support), in consultation with the Chairman of the Committee. The Group's first reconvened meeting is due to be held on 17 June 2026.	- Championing our local environment - Pride in our area and services to residents - Working with Partners to improve quality of life - Raising aspirations and creating opportunities - Promoting our heritage offer, attracting visitors and encouraging them to stay longer - Financial sustainability and openness	A complete list of TDC assets (specifically property & land) and the ward they are located in. Repairing obligations (for this Council) costings in relation to maintenance for land & property asset. The enquiry will look at unused assets (e.g. toilet block at the junction of Coppins Road and Old Road, Clacton).	Portfolio Holder Assets Corporate Director Finance & IT Appropriate other Portfolio Holders and Officers Corporate Director Planning & Community Property & Projects Manager	The enable the examination of asset management and utilisation with a view to supporting delivery of the corporate plan 2024 and recommendations to release assets that do not contribute to that plan or otherwise rationalise assets to improve effectiveness and efficiency of those assets.
The Clacton Airshow and LGR	To be the subject of an off-agenda Briefing Note.	- Pride in our area and services to residents - Working with Partners to improve quality of life - Promoting our heritage offer, attracting visitors and encouraging them to stay longer			
Joint Working with scrutiny counterparts at Colchester City Council and Braintree District Council will continue throughout the 2026/27 scrutiny year to develop a joined-up system of scrutiny in preparation for LGR. The next meeting is due to be held in the coming months where Braintree District Council will take the administrative lead.					

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The Committee will continue its ongoing recognition of the Council's LGR work and its implications, and through actively considering its work programme at each meeting, it will adjust its work programme and meeting schedule accordingly, to include LGR scrutiny, as it may deem necessary.

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Overview & Scrutiny Annual Report 2025/26



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Opening

This Joint Report provides an account of the Council's Overview and Scrutiny activity during 2025/26, bringing together the full breadth of work undertaken by the two Overview and Scrutiny Committees over the year.

Across the reporting period, both Committees delivered a structured programme of formal meetings designed to examine major strategic issues and test the effectiveness of key areas of Council policy. Alongside this, Members led a series of Task and Finish Groups, enabling more focused, in-depth enquiries to progress between committee meetings. This combination of formal oversight and targeted investigation ensured that scrutiny remained active, evidence-based, and capable of responding to emerging priorities. The Council's established scrutiny framework continues to be regarded highly by the Chairmen and Members of both Overview and Scrutiny Committees. Its emphasis on member leadership, constructive challenge, and systematic enquiry is consistently recognised as a strength, contributing to a culture of robust and transparent decision-making.

Throughout the year, Members have shown sustained commitment to the scrutiny process, dedicating significant time and expertise to the enquiries undertaken. Their engagement has been central to maintaining the quality and credibility of scrutiny across the organisation.

Chair's Quotes



“Another busy year has unfolded, shaped significantly by the advent of Local Government Reorganisation. This has drawn the Committee into new areas of work while also reinforcing the value of our proven and trusted approaches. Our core format of regular meetings with invited guests has been strengthened by a wider range of engagement opportunities, including informal sessions, all-member briefings, and targeted training. Together, these have enabled us to take deeper, more informed dives into the issues brought before the Committee.

Over the past year, the Community Leadership Overview and Scrutiny Committee has delivered a robust and far-reaching programme of work. We continue to oversee the development and implementation of the new Essex Integrated Care Board, maintaining open communication to ensure the residents of Tendring are well served. We have also completed a comprehensive review of Community Governance arrangements for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands, providing clear recommendations for the future of local representation.

Looking ahead, Local Government Reorganisation remains a significant development. As this progresses, we will continue to explore opportunities for joint working with colleagues on the Braintree and Colchester Scrutiny Committees to support shared learning and consistent oversight across Northeast Essex.

I extend my sincere thanks to our Council Officers for their timely reports, professionalism and expertise, and to every Committee Member for their thoughtful engagement and constructive challenge. Together, we are strengthening partnerships and raising aspirations for improved public services across our District.”

Councillor Graham Steady

Chairman of the Community Leadership Overview and Scrutiny Committee

“2025/26 has been a year in which the Resources & Services Overview and Scrutiny Committee has taken an increasingly proactive and outward-looking approach to its work. Members have been determined to focus their efforts where scrutiny can make the greatest difference, and this has shaped the Committee’s agenda throughout the year.

A central area of attention has been the implementation of the Waste and Street Cleaning contract. As the largest contract currently held by Tendring District Council, and one representing a substantial investment of public funds, it was essential that the Committee examined its delivery with care and rigour. This scrutiny has been vital not only because of the scale of the contract, but because of its direct impact on the quality of the local environment and the everyday experience of residents. Our work has sought to ensure that the contract is delivering on its commitments, providing value for money, and meeting the standards our communities rightly expect.

Alongside this, the Committee has continued to engage with wider strategic issues affecting the Council’s services, financial resilience, and future planning. Members have remained committed to constructive challenge, transparency, and evidence-led decision-making, recognising the importance of these principles at a time when public resources must be used with ever-greater care. As we look ahead, the Committee will continue to adopt a proactive stance, directing its scrutiny to those areas where it can provide assurance, support improvement, and safeguard the effective use of public funds for the benefit of all residents.”



Councillor Paul Honeywood

Chairman of the Resources & Services Overview and Scrutiny Committee

Line Up

During 2025/26, the memberships of both the Overview and Scrutiny Committees were revised. As this Annual Report covers the majority of 2024/25 and the commencement of 2025/26, the composition of each Committee for both years is detailed herein. The lineups shown do not identify any in year changes that took place and reflect the current Membership of the Committees at the time of publication.

Resources & Services Overview and Scrutiny Committee 2025/26

Councillor Paul Honeywood – Chairman
Councillor Chris Amos – Vice Chairman
Councillor Matthew Bensilum
Councillor Mike Bush
Councillor Dan Casey
Councillor Bernard Goldman
Councillor Jo Henderson
Councillor Sarah Newton
Councillor Graham Steady

Community Leadership Overview and Scrutiny Committee 2025/26 – Current

Councillor Graham Steady – Chairman
Councillor Terrence Barrett – Vice Chairman
Councillor Chris Amos
Councillor Bill Davidson
Councillor Carolyn Doyle
Councillor Tanya Ferguson
Councillor Chris Griffiths
Councillor Peter Harris
Councillor Ann Oxley

2026/27 Enquiry Task and Finish Group Memberships:

Joint working with Parish and Town Councils

Councillor Graham Steady – Chairman
Councillor Dan Casey
Councillor Chapman
Councillor Mark Cossens
Councillor Tanya Ferguson

Youth Mental Health

Councillor Terry Barrett – Chairman
Councillor Dan Casey
Councillor Bill Davidson
Councillor Carolyn Doyle
Councillor Ann Oxley

Assets Management

Councillor Matthew Bensilum
Councillor Mike Bush
Councillor Sarah Newton
Councillor Graham Steady

Council's Enforcement Arrangements

Councillor Dan Casey
Councillor Bernard Goldman
Councillor Paul Honeywood
Councillor Graham Steady

Overview of 2025/26

What follows is a concise overview of the 2025/26 Work Programme, as approved by Council and later by the Committees. The full scope endorsed by Council on 14 August 2025 can be found on the Council's website.

Community Leadership OSC

Completed:

- Community Governance Review progress
- Carnarvon Terrace Progress/Implementation
- Crime and Disorder (Familial Violence/Abuse)
- Crime and Disorder Reduction Strategy 2025-28
- Youth Provision of School Age Children specifically mental health outside of educational settings
- Coastal Communities Unit
- Grant Funding by the Council and others

Commenced in 2025/26 and proposed to be carried forward to 2026/27:

- Joint working with Parish & Town Councils
- Explore joint working opportunities with Braintree and Colchester Scrutiny Panels/Committees
- Water Quality Enquiry

Resources & Services OSC

Completed:

- Pre-budget scrutiny
- Overview of the Financial Outturn 2024/25
- Housing Strategy Development and Infrastructure and Temporary Accommodation
- Capital treasury strategy 2026/27
- Quarter 2 2025/26 Financial Performance Update
- Waste and street cleaning contract

Commenced in 2025/26 and proposed to be carried forward to 2026/27:

- Asset management arrangements
- Council enforcement arrangements
- Explore joint working opportunities with Braintree and Colchester Scrutiny Panels/Committees

Summary of accepted recommendations:-

- Community Governance Review at the meeting of Full Council held on 2 June 2026
- Housing Strategy Development and Infrastructure and Temporary Accommodation, in relation to the endorsement of the Housing Strategy, adopted by Full Council at its meeting on 27 January 2026
- Pre-Budget Scrutiny, in relation to the Annual Capital and Treasury Strategy, adopted by Full Council at its meeting on 31 March 2026

Spotlight (CLOSC)

Spotlight on The Community Governance Review

The Community Governance Review for Clacton, Holland and Jaywick has been undertaken as a key component of the wider Local Government Reorganisation process. This reorganisation represents a significant, once-in-a-generation opportunity to examine how local democratic arrangements can best serve residents now and in the future. Throughout the review, the scrutiny committee has focused on ensuring that the voices of local people are central to the process, safeguarding their democratic rights and enabling them to influence the shape of any future governance structures.

A core aim of the committee's work has been to ensure that, whatever the eventual outcome of the Local Government Reorganisation, the distinct identities, heritage and priorities of Clacton, Holland and Jaywick are fully recognised and protected. The review has therefore considered not only the practical implications of potential governance changes, but also the importance of maintaining strong community representation and preserving the unique character of each area.

Following detailed analysis, public engagement and the committee's own scrutiny, a set of recommendations was formulated and subsequently presented to Full Council. These recommendations were formally adopted at the meeting held on 2 June 2026, marking a significant milestone in the review process and providing a clear framework for the next stages of decision-making.

Primary School Activity Focus

The Committee intends to carry out a programme of site visits to primary schools across Tendring, followed by a dedicated meeting to review the insights gathered and to consider whether establishing a Task and Finish Group would enable a deeper examination of the issues.

This forthcoming work will investigate how schools are currently utilising the School Sports Premium, assess the impact of the UK Government's recent realignment of this funding stream, and explore opportunities for more collaborative approaches that could strengthen future bids for school-based physical activity initiatives.

This inquiry is significant to the committee as the School Sports Premium represents a key investment in children's health, wellbeing, and long-term life chances. Understanding how effectively it is being used—and how schools are adapting to changes in national policy—will help ensure that resources are targeted where they can make the greatest difference. It also provides an opportunity to identify good practice, highlight barriers, and support schools in developing sustainable, high-quality provision that benefits all pupils.

Engagement with primary school leaders, the Portfolio Holder for Partnerships, and the Corporate Director (Place & Wellbeing) will be central to this work. Their perspectives will help the Committee build a rounded picture of local needs and opportunities, directly supporting the Cabinet priorities to raise aspirations, expand opportunities for young people, foster local pride, and enhance the quality of life through strong and effective partnership working.



Still to come





Spotlight (RSOSC)

Spotlight on the Council's Waste and Street Cleaning Contract

The Resources and Services Overview and Scrutiny Committee has played a central role in shining a clear and constructive light on Tending District Council's Waste and Street Cleaning Contract. By taking this issue forward, the committee has helped bring transparency to a high-profile service that affects every resident, every day, and has ensured that performance, value for money, and contract management are subject to robust public scrutiny.

Through its work, the committee has examined how effectively the contract is being delivered, the quality and consistency of street cleansing, the responsiveness of the service to local issues, and the Council's oversight arrangements. Members have highlighted both the strengths of the current system and the areas where improvements are needed—particularly around monitoring, communication, and ensuring that contractual standards are met across all parts of the district. This scrutiny has helped surface operational challenges, identify gaps in service delivery, and reinforce the importance of clear performance data and accountability.

The committee's enquiry has also provided a platform to explore wider strategic issues, including how the contract supports the Council's ambitions for cleaner neighbourhoods, environmental sustainability, and pride in place. By engaging with officers, reviewing evidence, and drawing on the lived experience of residents, members have helped ensure that the service continues to evolve in line with community expectations and emerging national requirements.

As a direct outcome of this work, the committee has agreed to establish a Portfolio Holder Working Party on Waste and Street Cleaning. This group will undertake a deeper, more focused review of the contract, its performance, and future options.

Through this proactive and member-driven scrutiny, the committee has ensured that waste and street cleaning remains a priority area for improvement, transparency, and accountability—helping to deliver cleaner, better-maintained communities across Tending.

Temporary Accommodation – Standards and Meeting the Need

This enquiry—brought to the committee as a direct result of a member-initiated request—has allowed the Resources and Services Overview and Scrutiny Committee to shine a clear light on how the Council provides and manages temporary accommodation for households in need. By taking this issue forward, members have helped highlight both the progress made in improving standards and the significant pressures that continue to shape this area of work, from rising homelessness to the financial strain of providing suitable accommodation.



Still to
come

Through the enquiry, the committee, so far, has examined the systems that sit behind each placement: the safety inspections, planning checks, fire risk assessments, and ongoing monitoring that ensure every property used is lawful, safe, and appropriate. The work has also brought visibility to the improvements achieved in recent years—such as ending the use of B&Bs for families—while acknowledging the challenges ahead, including the need to procure temporary accommodation under the Procurement Act 2023.

Importantly, as a result of this member-driven enquiry, the committee agreed to establish a Task and Finish Group on Temporary Accommodation, made up of the full membership of the Resources and Services Overview and Scrutiny Committee. This group will take forward a deeper, more focused review of the issues raised and will hold an enquiry day in July 2026 to gather evidence, hear from officers and partners, and relevant individuals to develop recommendations for future improvement.



Statement from the Leader of the Council

“I have consistently championed rigorous scrutiny as the bedrock of good governance, and that conviction remains unchanged. As we conclude the 2025/26 year, the role of our Overview and Scrutiny Committees is more vital than ever. Their work as the Cabinet’s ‘critical friend’ is essential for holding decision makers to account, safeguarding public trust, and ensuring that every major policy withstands close examination.

I pay tribute to the unwavering dedication of Overview and Scrutiny Committee Members. Their careful questioning, evidence gathering, and willingness to challenge assumptions strengthen transparency and dispel any perception of complacency. Their efforts ensure that Cabinet decisions are tested against the highest standards and genuinely serve our residents.

Two major areas of scrutiny have defined this year. First, the Community Governance Review—a rare opportunity to examine how local democracy is structured across our towns and parishes. The Committee’s work has been crucial in ensuring that proposed changes reflect community identity, aspirations, and practical needs, with scrutiny helping to guarantee fair, transparent, and well-informed recommendations.

Second, the Waste and Recycling Contract, one of our most significant and high-impact services. As we prepare for a new contract cycle, the Committee’s examination of performance, value for money, environmental outcomes, and service reliability has been vital. Their scrutiny will help secure a modern, resilient, and resident-focused service for the years ahead.

I am proud of the culture of accountability we continue to build. When challenges arise—as they inevitably do in public service—our response must be rooted in openness, learning, and collective responsibility. Scrutiny embodies that principle, turning challenges into opportunities for improvement and ensuring our governance remains transparent, resilient, and worthy of public trust.”

Councillor Mark Stephenson – Leader of the Council

Councillor Mark Stephenson

Leader of the Council



Developing the 2026/27 Work Programme

An open invitation was issued to invite proposals for inclusion in the 2026/27 Work Programme. Members of the public, along with a range of stakeholders, were encouraged to put forward suggestions for consideration. These submissions were subsequently reviewed and prioritised through a series of informal meetings involving Committee Members. The agreed priorities were then formally endorsed at specially convened meetings of the two Committees.

Following this process, detailed enquiry specifications were developed for each agreed topic and were presented to Full Council for consideration on 1 September 2026.

INTERESTED IN CONTRIBUTING TO OVERVIEW AND SCRUTINY ENQUIRIES IN 2026/27?
Contact: democraticservices@tendringdc.gov.uk

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COUNCIL

1 SEPTEMBER 2026

REPORT OF CHIEF EXECUTIVE

A.3 **CHANGE IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the expressed wishes of the Leader of the Conservative Group, and the authority delegated to me, the following appointment has been duly made since the last meeting of the Council, namely:-

Planning Committee

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

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

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

1 SEPTEMBER 2026

BACKGROUND PAPERS LIST FOR REPORT OF CHIEF EXECUTIVE

A.3 CHANGE IN MEMBERSHIP OF COMMITTEES

Email received from the Leader of the Conservative Group (Councillor Paul Honeywood) received 4 June 2026.

Formal appointment by the Chief Executive dated 4 June 2026.

COUNCIL

1 SEPTEMBER 2026

REFERENCE FROM STANDARDS COMMITTEE

A.4 AMENDMENTS TO TENDRING DISTRICT COUNCIL'S LICENSING GUIDANCE FOR COUNCILLORS

(Report prepared by Bethany Jones)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider proposed amendments to the Members' Licensing Guidance (now called the Licensing and Registration Probity Protocol) following a review carried out by the Standards Committee.

EXECUTIVE SUMMARY

The Standards Committee, at its meeting held on 15 July 2026 (Minute 5 refers), considered a report of the Monitoring Officer (A.1) which 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.

RECOMMENDATIONS

That Council, having considered this report, approves that the revised Licensing and Registration Probity Protocol be formally adopted and incorporated into the Council's Constitution.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Standards Committee held on 15 July 2026.

APPENDICES

Revised Licensing and Registration Probity Protocol

Tendring **District Council**



Part 6 – Licensing and Registration Probity Protocol

Contents:

- 1 Introduction
- 2 Role of Councillors
- 3 Relations to Members' Code of Conduct
- 4 Applications submitted by Council, Members or Officers
- 5 Member Training
- 6 Predisposition, Bias and Predetermination
- 7 Contact with Applicants, Objectors and Interested Parties
- 8 Lobbying of and by Councillors
- 9 Pre-application Discussions
- 10 Site Visits
- 11 Meeting of the Licensing and Registration Committee and Sub-Committees
- 12 Right to Fair Determination & Open and Fair Hearing
- 13 Appendices

A.4 APPENDIX A

1 INTRODUCTION

1.1 In this Protocol:

- **“Councillors” or “Members”** - unless stated otherwise, references to Councillors/Members in this Code are to those Councillors dealing with Licensing matters via their appointment to Licensing Committee.
- **“Licensing Committee”** means the Licensing and Registration Committee, the Premises/Personal Licences Sub-Committee and Miscellaneous Licensing Sub-Committee. It also refers to the Planning Committee should it consider a combined matter involving premises matters under the Licensing Act 2003 and to the Full Council when dealing with licensing matters.
- **“Licensing matters”** include all applications for, and reviews of, licences, consents, permits and registrations etc. as set out in the Committee's terms of reference within Part 3 of the Council's Constitution.
- **“Party”** for Licensing purposes includes an applicant, or an objector.
- **“Interested party”** is any other person who has submitted a valid representation within the prescribed timescales in respect of the matter concerned and has a right to attend the hearing.
- **“Licensing administrative fairness duty”** means the particular responsibilities of the Licensing Committee Members who sit in formal administrative hearings and consider matters fairly following rules of natural justice and the relevant principles of the Human Rights Act 1998 in a non-political manner and make decisions in the public interest within (and for the purposes) of the particular licensing legislative framework.
- **“Monitoring Officer”** means the designated Officer and in their absence the reference to Monitoring Officer shall be deemed to include the Deputy Monitoring Officer.
- **“Open-minded”** means the willingness to consider new, different, or opposing ideas, perspectives, and experiences without immediate judgement. It involves setting aside personal biases to evaluate alternative viewpoints fairly, often stemming from an awareness that one's own beliefs might be limited.

1.2 There are fundamental principles of English Law that every decision-making body must observe and be seen to observe. These are called “the principles of natural justice” and they include: -

- (1) the right to have a fair determination;
- (2) there should be no bias leading up to, or in, the decision reached.

In arrangements for licensing matters to be heard and determined the Council will be focused on these principles. In certain cases, the Council will be a party to a hearing by the Licensing Committee. In seeking to apply rules of natural justice in those cases, there will be clear separation of roles between those supporting the administrative process concerned and support for the Committee from those acting as the party to the licensing matter to be heard. In the spirit of openness, the Committee will be requested to note this separation at the commencement of the hearing.

1.3 This Protocol has been prepared: -

- (1) to assist Members to observe these principles in relation to reaching decision on licensing matters; and
- (2) to provide guidance to Members on how to maintain high standards of conduct in relation to their licensing responsibilities and on how the Council's Code of

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Conduct applies to the licensing systems. It does not however replace or in any way modify that Code.

- 1.4 In view of 1.2 and 1.3 above, Members should follow this Protocol when they deal with licensing matters. It is also important that Members follow all other Protocols of the Standards Committee as the Protocol has been adopted in accordance with the Standards Committee's delegation to promote and maintain high standards of conduct by Members of the Council.

Licensing Act 2003 Licensing Matters

- 1.5 One of the single largest areas of licensing that the Council is the licensing authority for relates to authorisations under the Licensing Act 2003. The activities regulated under this Act are:
- the sale of alcohol
 - the supply of alcohol by a members' club
 - regulated entertainment
 - late night refreshment
- 1.6 The Licensing Act 2003 is underpinned by four specific licensing objectives, which the licensing authority and the responsible authorities are required to promote in relation to premises and people licenced under the Act. The objectives are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 1.7 For Licensing Act 2003 matters, each of the objectives carries an equal significance.
- 1.8 The Licensing Act 2003 identifies the Authority itself as a designated Responsible Authority along with the Police, Trading Standards, Environmental Health, Planning, Children's Services etc. In very specific parts of the Licensing Act 2003 there are allocations of specific powers to individual Responsible Authorities. Other than in these specific areas all Responsible Authorities have identical powers across all four licensing objectives. Accordingly, there is an importance of effective co-operation and liaison to ensure that licence holders, designated premises supervisors, personal licence holders and club premises certification holders both understand and comply with the law and the requirements of their authorisation under the Licensing Act 2003. Members considering licensing matters in a Licensing Committee are entitled to question Responsible Authorities who are parties to a hearing on the use of their powers in respect of the matters being considered.
- 1.9 Section 20 of the Licensing Act 2003 provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Section 4 of the Video Recordings Act 1984 specified in the licence, currently only the British Board of Film Classification (BBFC), or by the Licensing Authority itself.

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The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the Tendring District Council area. Typically, this will be for: -

- A film festival covering a specific period of time;
- A one-off screening of a film(s); and
- A trailer for a film.

As such, the provisions of this protocol shall apply in respect of the intended site for the showing of the film. This though, of itself, does not preclude showings at other sites in the district once a determination of the classification has been made.

Applications for authorisations of film(s) shall be determined by the appropriate Licensing Committee.

Gambling Act 2005

- 1.10 The Licensing Act 2003 is not the only legislative framework that the Council is the Licensing Authority for. Each framework applies different tests and responsibilities on the Council and others. One other such licensing framework is the Gambling Act 2005, and the Council (as Licensing Authority) is charged with promoting the three objectives in that Act in respect of applications, notices and determinations under that Act. The 2005 Act objectives are:
- * preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - * ensuring that gambling is conducted in a fair and open way; and
 - * protecting children and other vulnerable people from being harmed or exploited by gambling.
- 1.11 The Licensing Act 2003 and the Gambling Act 2005 put local authorities firmly at the centre of decision making upon licences for regulated entertainment, the provision of alcohol, late night refreshment and the licensing of gambling/gaming establishments and small lotteries. In exercise of its powers under the Gambling Act 2005, the Council must have regard to guidance issued by the Gambling Commission which sets the overall direction of regulation nationally and within which the Council, as Licensing Authority, may exercise its discretion. Members in a hearing are entitled to seek clarity on the evidence available to it in relation to the national guidance referenced.
- 1.12 As with the Licensing Act 2003, the Gambling Act 2005 identifies Responsible Authorities who have responsibilities and powers under the 2005 Act concerning gambling/gaming provision locally. Many of the Responsible Authorities are the same as under the Licensing Act 2003. However, there are differences and the Gambling Licensing Principles are distinct from those in the Licensing Act 2003. It is important that Members of Licensing Committee apply the relevant requirements of the appropriate legislation in the hearing they are involved in. They are entitled to seek clarification from those supporting them. In addition, and as referenced in relation to the Licensing Act 2003, the Council itself is a Responsible Authority under the Gambling Act 2005. A similar separation of functions must be observed where those Responsible Authority powers are applied.
- 1.13 Regulation of the National Lottery is not a matter within the scope of this Council.

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Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

- 1.14 Another significant area of work of the Council in respects of licensing is that related to Taxi and Private Hire Services. The framework for this area of licensing is set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended and otherwise impinged by a range of other more recent legislation). Nationally there is guidance around vehicle standards and statutory guidance around driver expectations. While there are not the same 'objectives' clauses in the relevant Acts for Taxi and Private Hire Services, there is a clear approach that the fundamental consideration of the licensing Authority is public safety and consumer protection.
- 1.15 The following are circumstances where matters are often referred to the Miscellaneous Licensing Sub-Committee for determination: -
- Renewal applications for Hackney Carriage and Private Hire Licences where the application has more than 3 penalty points on his/her DVLA licence or does not meet the current policy requirements, save where the Committee has previously be determined that an application need not be referred back to it, and can instead be determined by Officer under delegated powers;
 - Hackney Carriage and Private Hire Licences where the Taxi licence has received 12 or more Enforcement Penalty Points;
 - Applicants for licences who have convictions or who do not meet the current policy requirements;
 - Applications for renewal of licences where the circumstances of the applicant have changed since the grant of the previous licence; and
 - Any other circumstances where Officers wish the case to be referred to the Committee.
- 1.16 The Sub-Committee will usually meet in private to protect personal and sensitive information relation to an applicant. Each meeting will have to formally decide to exclude the public. To ensure impartiality, all Officers (apart from the Council's legal advisor and Democratic Services Officer) are absent during the decision-making process.
- 1.17 Members of the Licensing Committee are also responsible for Caravan sites, Acupuncture, Charity Collectors, Sexual Establishment Venues, Street Trading, Scrap Metal, and Pavement Licences.
- 1.18 The role of Members as part of the Licensing Committee is to examine the matters before them and apply the requirements upon them (and the Authority more generally) with an open mind and consider all relevant facts in determining the appropriate outcome of the matter. In doing so the Elected Member must maintain his/her impartiality and, as public perception of probity is critical, his/her appearance of impartiality too, during the decision-making process. This protocol is intended to ensure that this is achieved.
- 1.19 This Protocol is part of the Council's Constitution, and all Members are expected to comply strictly with its provisions. Any breach of the Protocol will be referred to the Monitoring Officer. If the alleged breach is also a breach of the Code of Conduct for Members the matter will be dealt with through its associated complaints process for breaches of that Code.

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1.20 The Protocol can be changed at any time by resolution of Council.

2 ROLE OF COUNCILLORS

2.1 The role of a Member at the Licensing Committee involves sitting in a formal hearing and following the rules of natural justice and the relevant principles of the Human Rights Act 1998 in making decisions within the relevant framework for the licensing matter concerned.

2.2 Applying those principles, the following approach to hearings will be applied: -

- (1) Any member of the Committee having a Disclosable Pecuniary Interest or Other Registerable Interest in the matter before the Committee must declare the nature of that interest and in the case of both types of Interest must withdraw from the room in which the meeting is being held whilst the matter is being considered;
- (2) the Committee should not make an irrational decision by considering matters it ought not to take into account of and/or not taking into account matters of which it should do;
- (3) there should be no bias leading up to, or in, the decision reached; and
- (4) in its decision making, the Committee must ensure that its decision is proportionate to the case before it.

2.3 Councillors serve the public and are responsible to the electorate. Officers advise Councillors and the Council and carry out the Council's work. Officers are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a decision (within the relevant powers): -

- at a meeting of the Executive or of the Council, or a Committee or a Sub-Committee of either, or
- by an individual decision of the Leader or a Portfolio Holder properly taken in accordance with the decision-making protocol.

In so far as this Protocol is concerned, instructions will be taken by the Licensing Committee and relate to the matter being considered by the Committee. Members should seek advice about their powers to make decisions to ensure they are capable of being made within the Council's Constitution.

2.4 It is crucial that Councillors serving on the Licensing Committee, or who become involved in the process by which licensing decisions are to be made (by Officers or by a Licensing Committee), must observe the requirement that a Member: -

"must not use or attempt to use [their] position as a Member improperly to confer on or secure for [themselves] or any other person, an advantage or disadvantage"

2.5 Councillors and Officers have different but complementary roles. Both Officers and Councillors are also subject to Codes of Conduct with which they must comply.

2.6 Councillors and Officers will treat each other with respect and not engage in personal criticism during any meeting and, more generally, when performing their respective roles. Concerns about Officer and Councillor conduct should be addressed to the Monitoring Officer.

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- 2.7 Councillors can expect Officers to give them all reasonable assistance in answering questions on licensing matters. Such a right does not extend beyond their 'right to know' for the performance of their role and does not over-ride legal rules such as data protection. An Officer will state the reason if there are any such limitations on their ability to provide information in response to a Councillor's queries.
- 2.8 Councillors serving on the Licensing Committee must determine each application/matter on the evidence presented by (or on behalf of) both the applicant/licensee and interested parties at a hearing. Councillors need to take account of relevant representations made by the applicant/licensee and interested parties but should not favour any person, group, company or locality, not put themselves in a position where they appear to do so, in making the decision.
- 2.9 Councillors are only prohibited from sitting on any Licensing Sub-Committee determining applications which fall within their own Wards where they have an Interest, as defined within the Members' Code of Conduct.
- 2.10 Members are not allowed to discuss any blue page documents outside of the Licensing Committee membership

3 RELATIONSHIP TO MEMBERS' CODE OF CONDUCT

- 3.1 Members must comply with the provisions of the Members' Code of Conduct which has been adopted by the Council, and which sets out the required standards of conduct for Councillors. The Code not only covers issues central to the preservation of an ethical approach to council business but also appropriate relationships with other Members, staff and the public which will impact on the way in which Members participate in the licensing process.
- 3.2 The rules contained in the Members' Code of Conduct must always be complied with first. These are both the rules on Disclosable Pecuniary Interests (DPIs) and any Other Registerable or Non-Registerable interests as defined, and the general rules and obligations giving effect to the (Nolan) Seven Principles of Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- 3.3 The requirements set out in the Code of Conduct on dealing with gifts and hospitality can be particularly relevant when dealing with licensing issues. Councillors and Officers should be very circumspect in response to any offers of gifts and hospitality, should seek appropriate advice where necessary, and should record in the relevant register any gifts and/or hospitality they do receive or refuse. This applies particularly in circumstances where it is known that licensing applications have been submitted, or are likely to be submitted, by the parties making such offers.

DECLARATIONS OF INTEREST

- 3.4 The Council's Members' Code of Conduct sets out requirements for Members on declaring Disclosable Pecuniary Interests, Other Registerable Interest and Non-Registerable Interests and the consequences on participation of having such an interest. These must be followed scrupulously, and Members should review their situation regularly. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct.

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- 3.5 A Member sitting on the Committee at the time of hearing with a Disclosable Pecuniary Interest in respect of a particular licensing matter must declare it and take no part in the discussion or the determination of the proposal. Preferably this should take place prior to the hearing itself as a consequence of enquiries proceeding the despatch of the meeting papers or following this point upon the Member reading those papers. If the declaration takes place at the hearing, he or she should leave the room before the item is considered. The responsibility for this rests with each Member. Advice can be obtained in advance from the Monitoring Officer if required, in advance of a Licensing Committee. It is unsatisfactory if a Member asks for guidance in the course of a debate.

- 3.6 **Do take into account when approaching a decision that the principle of Integrity (one of the Nolan Principles – one of the Seven Principles of Public Life) is defined as**

*“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. **They must declare and resolve any interests and relationships.**”*

- 3.7 It is therefore advisable that Members:

- (i) Note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate Officer, in person or in writing, but that your role as a Councillor may place additional limitations on you in representing the proposal in which you have an interest; and
- (ii) Notify the Monitoring Officer in writing where it is clear to you that you have a Disclosable Pecuniary Interest or other personal conflict of interest and note that:
 - you should send the notification no later than submission of that application where you can;
 - provided the licensing framework permits this, the proposal will be reported to the Committee as a main item and not dealt with by Officers under delegated powers or, if the framework prevents this, it will be reported for information to the Committee at its next meeting setting out relevant officer decision and the decision;
 - you must not get involved in the processing of the application; and
 - it is advisable (but not mandatory) that you employ an agent to act on your behalf in respect of the proposal when dealing with Officers and in public speaking at Committee

4 APPLICATIONS SUBMITTED BY COUNCIL, MEMBERS OR OFFICERS

- 4.1 A licensing application to the Council as Licensing Authority by serving and/or former Councillors, their family members and close associates, are perfectly legitimate. However, it is vital to ensure that they are handled in such a way that provides no grounds for accusations of favouritism or genuine suspicion of impropriety.
- 4.2 Councillors on the Licensing Committee should not act as agents for people pursuing licensing matters within their Authority's administrative area. Similarly, if they submit

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their own proposal to the Council as Licensing Authority, they should state the nature of their interest and play no part in its processing and should, unless they are named specifically as the applicant on the requisite forms, notify the Council's Monitoring Officer of its submission.

- 4.3 Submission of an application by, or concerning, a Councillor would be regarded as a Disclosable Pecuniary Interest for the Councillor under the Council's Code of Conduct and as such, they must not attend any hearing during the consideration of the matter other than to exercise any rights that applicants or the wider public have to make representations, answer questions or give evidence.
- 4.4 The Council's Code of Conduct provides that Members should "not seek improperly to influence a decision about this matter" – this however does not imply that a Member is not able to explain their position to an Officer in advance of consideration by a Committee. The Member should take great care, of course, not to compromise the impartiality of anyone who works for, or on behalf of, the Council. They should also be aware that:
 - they should have no further access to Officers, documentation, etc than would be available to a member of the public;
 - they should scrupulously avoid placing pressure on any Officer; and
 - their position as a Councillor creates a public expectation that the Member will observe the requirements of licensing legislation in relation to their own private property interests, or a property-owning company in which they have a material interest.
- 4.5 Applications under the Licensing Act 2003/Gambling Act 2005 may be received by the Council as the Licensing Authority from the Council itself acting in another capacity. This could include a licence application for a Council sponsored event or for Council owned premises. In addition, there could be an application for a review of a premises licence/club premises certificate (including for a premises not owned by the Council) by the Council as a Responsible Authority under the Licensing Act 2003/Gambling Act 2005 in respect of its functions as Environmental Health, Planning or Licensing Authority. Such applications will be dealt with in the same way as any other application and will give no advantage or disadvantage to the fact that it has been submitted by the Council (or following a recommendation).
- 4.6 No Member of the Executive or any Committee making an application under the Licensing Act 2003/Gambling Act 2005 should seek to influence in any way the determination of the application/review by the Licensing Committee other than by having participated in the decision to apply for the licence/call for a review. Where the application is on behalf of the Council and is to be determined by the Licensing Committee, that Committee shall not be comprised of a Member of the Cabinet/Executive. They shall excuse themselves from participation as a Member of the Cabinet.
- 4.7 As identified earlier within Section 4, applications submitted by Councillors, or by Officers in the Licensing Service, will where legally permissible and where relevant elements of the application impinge on the Council's own policies (or otherwise where relevant representations from others require), be referred to the Licensing Committee for information. However, for legal reasons it will not be possible for the Licensing Committee to determine all such applications – for example, the Council normally has no option but to grant an uncontested application under the Licensing Act 2003. However, where such applications are received, an information report will be submitted

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to the next meeting of the Committee in the spirit of openness and transparency summarising the application and its determination (by Officers or in Committee). At that meeting, Members of the Committee will be free to ask about compliance with this Protocol by those involved in the application.

- 4.8 Where a Councillor frequently declares a pecuniary or other registerable interest in the business transacted at a Committee meeting and therefore is unable to take part in the proper consideration of licensing matters it will be referred to the Monitoring Officer who will decide whether to raise the matter with the relevant Group Leader, solely, for the purposes of determining whether another Member of that Group should take that allocated seat on the Committee.
- 4.9 Members who are part of the Council's decision to apply for a licence, or who express a view in respect of such an application, should not be part of any hearing to determine the licence. Expressly there must not be any predetermination to grant the application solely because it has been submitted by the Council.

5 MEMBER TRAINING

- 5.1 A Member (or designated named Substitute Member) cannot sit as a member of the Licensing and Registration Committee unless they have received specific training regarding the determination of licensing applications (Part 4 – of the Constitution – Council Procedure Rules).
- 5.2 From time to time, the Council will provide training for Councillors on licensing matters. This will achieve compliance with the requirements for training under paragraph 5.1 above, new legal requirements on changes in national guidance from Government, the Gambling Commission etc or otherwise to extend the knowledge of Councillors sitting on the Licensing Committee. Training is also available 24/7 on the LGA's Learning Portal and is a good basis for introducing the requirements of the various licensing frameworks. The LGA also has an annual licensing conference, and the Committee's Chairman and Vice-Chairman will be invited to attend this each year.
- 5.3 Members should not participate in decision making at meetings dealing with licensing matters if they have not attended the mandatory licensing training prescribed by the Council or otherwise feel that their knowledge of licensing requirements is below that which is fair-minded and informed observer would expect of a Member of the Committee hearing the licensing matter.
- 5.4 In relation to licensing issues, the procedures followed by the Council's Licensing Committee are set down in detailed guidance documents issued to both the applicant and other interest parties. These are reviewed periodically in the light of experience.
- 5.5 The Council is committed to a culture of continuous improvement in all of its services and will ensure that Officers and Members involved in the licensing process receive proper training/development to ensure that they are able to undertake their responsibilities.
- 5.6 Members are only allowed to sit on the Licensing and Registration Committee and Sub-Committees if they have received training from the Council itself, but Members are allowed 'top-up' training through other means such as the LGA.

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6 PREDISPOSITION, PREDETERMINATION AND BIAS

PREDISPOSITION

- 6.1 A distinction is drawn by the Courts between a Councillor having clearly expressed an intention to vote in a particular way before a meeting (pre-determination) and a predisposition to an initial view. Where the Councillor is clear they have an open mind and are willing to listen to all the material considerations presented at the Licensing Committee before deciding on how to exercise their vote, there is no predetermination.
- 6.2 The following diagram is produced to help Councillors appreciate the range of circumstances (the following guidance only; any specific questions should be raised with the Council's Monitoring Officer):

Lawful	No view	
	Predisposition	• Manifesto pledges/commitments • Policy making and setting
Unlawful	Predetermination	• Clearly expressed intention to vote in a particular way on an individual application whatever the information provided
	Bias	• Membership of an organisation that supports or opposes particular developments or development types

PREDETERMINATION

- 6.3 Predetermination occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision. The leading case on local authority bias and predetermination acknowledges the difference between Judges sitting judicially and Councillors making decisions in a democratic environment. Given the role of Councillors, there must be 'clear pointers' before predetermination is established. Where there is predetermination, the Councillor should not participate in the consideration of a licensing matter.

BIAS

- 6.4 Councillors should not participate in the consideration of a licensing application if to do so would give the appearance of bias, and the decision may be challenged on the grounds of bias in the Courts. The test for bias is: "Would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?" It is not the Councillor's view of whether they are biased that is relevant but the view of the independent observer. Perception is important and can lead a fair-minded observer to consider that there is a real possibility of bias, they should not participate in making the decision and should withdraw from the room. Further, Councillors do not have to have a Other Registrable or Non-Registrable interest in order to come within the definition of bias. The Courts have held that it is primarily a matter that the Councillor should always err on the side of caution. Whilst not every application will raise the question of bias, there will be occasions when a member of the public in possession

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of all facts might consider that there is a real risk of bias. In these circumstances, the Councillor should seek early advice ahead of the Committee hearing concerned from the Monitoring Officer.

6.5 To avoid an appearance of bias:

- no Member sitting on the Licensing Committees can represent one of the interested parties or the applicant. If they wish to do so they must excuse themselves from membership of the Committee which is considering the application and address the Committee as an 'interested party' or as the applicant's representative/witness.
- If a Member who sits on the Licensing Committee is approached by persons wishing to lobbying, please refer to the section in this document regarding lobbying.
- A Member who are part of the Licensing Committee must avoid expressing personal opinions prior the the Committee decision. To do so may indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the relevant licensing legislative and policy framework (including taking account of any relevant national guidance).
- Political group meetings should never be used to decide how any Members on the Licensing Committee should vote. The view of the Local Government and Social Care Ombudsman is that using political whips in this manner may well amount to findings of maladministration.
- Councillors must not be Members of the Licensing Committee if they are involved in campaigning on the particular application (for or against its approval).
- Other Members (ie those which do not sit on the Licensing Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Committees as this can easily be viewed as bias/pressure and may well open that Member to accusations of such.
- Members must not pressurise Licensing Officers to make any particular decisions or recommendations as regards applications (such as the ability to decide whether a representation is frivolous or vexatious).

6.6 Any attempt to put pressure on a Licening Officer from any Member (whether they sit on the Licensing Committee or not) shall be recorded by the Officer and the application referred to the Assistant Director (Corporate Policy and Support) to oversee the remaining elements of the determination of the application and reference the intervention to the Monitoring Officer.

6.7 It should be noted that a Member for a Ward, which would be directly affected by the application, is most as risk to being accused of bias. Such Members are also likely to be put under pressure to represent local 'interested parties' (i.e. objectors/supporters) or indeed 'responsible authorities' as regards a licence application. It is for this reason that, whilst there are no statutory requirements for Ward Members to excuse themselves from such licence applications (unless they have an interest), Members whose Ward includes the application, or whose Ward is likely to be affected by the application, will not sit on the Committees considering the application but s/he may wish to act as/or represent an 'interested party'. In this respect they must observe the same timelines as anyone else seeking to be an 'interested party'. Earlier in this Protocol, there is reference to the same approach as described in this paragraph applying to the Ward represented by the spouse of the Member concerned.

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- 6.8 Bias has been defined as “an attitude of mind which prevents the decision-maker from making an objective determination of the issues that he/she has to resolve”. The importance concept as regards bias is that there is no need for proof of actual or potential bias for there to be ‘procedural impropriety’ shown. It is sufficient that there is an appearance of bias. Accordingly, the test for bias is ‘whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias’.
- 6.9 ‘Bias’ also includes the situation where it is felt that the decision-maker has pre-determined the case upon his/her own prejudices. In the local government context, the most obvious example of pre-determination is where the impression is clearly given to persons (such as members of the public or a lobbyist) beyond conveying a mere pre-disposition, that ‘the Member or authority will approach the matter with a closed mind and without impartial consideration of all relevant issues’. In short, to avoid a claim of determination, you must be able to say with honesty that your mind is open and that you will determine the matter on the evidence, regardless of any pre-disposition that you may have conveyed.

PARTICIPATING IN DECISION MAKING

- 6.10 Decision-makers must not fetter their discretion by approaching the decision to determine a licensing application with a closed mind. It is a legal requirement to approach the determination of a licensing application with an open mind to prevent a legal challenge for pre-determination or bias (both being judicial grounds in administrative law).
- 6.11 When Councillors come to make the decision, they:
- are entitled to have and to express their own views on the matter, provided they are prepared to consider their position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before them, both the Officers’ presentation of the facts and their advice as well as the arguments from all sides; and
 - must be prepared to change their view right up to the point of making the decision.
- 6.12 Councillors can listen to applicants and objectors, and indicate their view, but must not be biased in their consideration of their issues. Councillors can support or oppose an application and represent the views of their residents in their role as a Ward Councillor. To do so as a Licensing Committee Member MIGHT compromise their role on the Committee and Councillors are advised to seek advice from the Monitoring Officer.

7 OFFICER DISCUSSION & MEETINGS WITH APPLICANTS, OBJECTORS AND INTERESTED PARTIES

- 7.1 Councillors should refer those who approach them for licensing, procedural or technical advice to Officers.

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- 7.2 Councillors should only attend those meetings organised in accordance with this Protocol and must not attend private meetings with applicants or groups of objectors.
- 7.3 Discussions between applicants, interested parties, and responsible authorities (where relevant) can often be encouraged to understand issues entailed and can explore areas of agreement and contributing to resolution of issues when the application is submitted. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Assistant Director (Corporate Policy and Support) to organise it. The Officer(s) will ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any course of action, that the meeting is properly recorded on the public file at the earliest convenience. In all cases, the involvement of Councillors will be recorded in any subsequent licensing application, whether in any delegated report or in any Committee report.
- 7.4 **Do** otherwise:
- follow the Authority's rules on lobbying set out in Section 8;
 - consider whether it would be prudent in the circumstances to make notes when contacted; and
 - report to the Assistant Director (Corporate Policy and Support) or Licensing Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the licensing file.
- 7.5 Discussion between a potential applicant and the Council as Licensing Authority prior to the submission of an application can be of benefit to both parties. Such discussions should however only be dealt with by Officers.
- 7.6 Discussions between the licence applicant and the Licensing Authority to the submission of an application (or prior to a decision being made) are often helpful to both parties. For example, a premises licence applicant may ask for advice on how to complete an 'operating schedule'. However, these discussions can often be viewed by objectors as a form of lobbying and the Authority must ensure it is not open to accusations of appearance of bias. Accordingly, Licensing Committee members should ensure that they do NOT take part in any pre-application/pre-decision discussions and that applicants are referred to the Licensing Officer.

8 LOBBYING OF/BY COUNCILLORS AND EXPRESSING VIEWS

- 8.1 Although lobbying is a normal and perfectly proper part of the political process, it is **not** acceptable in the case of Members who serve on the Licensing Committee about licensing matters given the "Licensing administrative fairness duty".
- 8.2 With the possible exception of Ward Councillors who are not involved in the decision-making process, Councillors should avoid organising support for or opposition to a forthcoming licensing decision and should not lobby other Councillors. Councillors who decide to go public in support for a particular outcome will not be able to argue convincingly when it comes to a decision being made on the application that they have maintained an open mind. In such cases, the appropriate course for the Councillor to take is to make a declaration, withdraw from the meeting, and take no part in the decision-making process.

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- 8.3 Ward Councillors have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Councillors may therefore become involved in discussions with Officers about individual licensing issues. They should however remember that it is very easy to create the impression that they are using their position to influence the outcome.
- 8.4 Lobbying can be oral or by the circulation of letters or documents to all or some Councillors. Problems can occur if Councillors are given information or assurances by, for example, the licensee or applicant, their agents, neighbours, objectors or business colleagues/rivals, which are not part of the formal application or hearing process. Problems can also arise if the information provided to Councillors outside the formal process is misleading or untrue. Furthermore, there is a danger Councillors are manoeuvred into inadvertently confirming or denying confidential information to a third party. In the Hope and Glory case the judge ruled Licensing Act 2003 applications are not considered in quasi-judicial manner but an administrative one (with ultimately the same safeguards).
- 8.5 Councillors on a Licensing Committee must not put themselves in a position where they appear to favour a person, company or group. Even a 'friendly' private discussion with an interested party could cause others to mistrust the impartiality of Councillors.
- 8.6 Specific guidance for Councillors who are also Members of the Licensing Committee is as follows, in relation to external lobbying:

The Member:

- Should endeavour to avoid the hearing, and must avoid entering correspondence over, a case that is being put to them by any interested party outside of the official process for dealing with Licensing matters. It may be necessary to politely interrupt a person trying to raise such an issue.
- Should politely point out the reason why the matter must not be heard or considered by them in this situation, asking the person kindly not to continue, and not to raise further points direct with them. If the matter has been raised by correspondence, the Member need only pass the letter or email to the Licensing Officer and Officers will respond with the appropriate advice.
- Should explain how the matter may be raised in the correct manner, i.e. in writing, to the Licensing Service.

The Member may also:

- provide procedural advice e.g. how to obtain further advice via Licensing Officers, the right to address the Licensing Committee as a deputation, how to make representations, where to obtain advice on appealing a decision, and so on;
- should not under any circumstances indicate how they are going to vote, or reaction to, the matter being raised;
- should report all such contacts, with the details and any connected correspondence/paperwork, as soon as possible after they have occurred to the Licensing department, so that the incident can be recorded;
- should not provide any information on the matter gained by virtue of their position that is not already in the public domain e.g. details from a report that may be heard with the press and public excluded by the Licensing Committee. In any case, where information is requested, best practice is to signpost the enquirer to official Council sources of information. This avoids any

A.4 APPENDIX A

accidentally selective provision of information by the Member, which although well intentioned, could be interpreted as bias

- refer the person to a Councillor who is not a Member of the Licensing Committee e.g. a colleague Ward Councillor, if the interested party is insistent on speaking to a Councillor. If despite the best efforts of the Member in compliance with the above, the person has not desisted as requested, and continues to put forward his/her view by contacting or making submissions direct to the Member, the Member must:
 - o in the absence of any written submission from the person appearing with the official papers at the Licensing Committee hearing, **or**
 - o in the event that the official submission from the person is not the same as the information given to the Member declare at the relevant Committee meeting the nature of the lobbying, who with, when, and the content of the issues raised, by whom and when.

- 8.7 Failure to follow these procedures above could prejudice the proper legal processing of the licensing matter, and this may have serious legal and financial consequences for the Council, also implications for the individual Councillor involved.

9 PRE-APPLICATION DISCUSSIONS

- 9.1 Any pre-application discussions on licensing matters are normally between Officers and either the applicants or interested parties, not with Members other than in general terms to determine what the local Ward Councillors may think.
- 9.2 Members will send applicants to the Licensing Officers for pre-applications discussions if approached.

10 SITE VISITS

- 10.1 Site visits are generally unnecessary in respect of licensing applications and should only be held under exceptional circumstances where particular site factors cannot be ascertained from plans provided with the application. Where a site visit is deemed necessary, it will be part of the Licensing Committee's formal hearing process. No representations from the applicant or other interested parties will be heard or accepted on site. No indication of the likely outcome of the application will be given on site. The
- 10.2 Councillors on the Licensing Committee are advised not to conduct their own site visits.

11 MEETINGS OF THE LICENSING AND REGISTRATION COMMITTEE AND SUB-COMMITTEES

- 11.1 Councillors must have the proper information to make an informed decision.
- 11.2 The following information will be included in an Officer report to the Licensing and Registration Committee: -
- A clear description of the issue, application and/or decision required;
 - Any relevant history in relation to the matter;
 - All relevant evidence (even if apparently conflicting) that will enable Members to reach an informed decision;

A.4 APPENDIX A

- Details of any persons making witness statements and indicating willingness to provide verbal evidence to the Licensing Committees – such persons shall normally be available at the time of the meeting to be called if required, unless some other arrangement is made for the taking of evidence; and
 - A list of the options available.
- 11.3 Members of the Licensing Committee are entitled to this information and question if they consider that anything is not there.
- 11.4 Details of any persons making representations, (are also given to the Members but may not be contained within the report) together with an advance indication of a wish to address the hearing personally, or through their representative. Members should consider these in respect of whether they have an interest and declare.
- 11.5 Where a change in policy is being considered the following information will be included:
- Relevant existing requirements and policies
 - An appraisal of the implications of the decision
 - An accurate summary of the response to consultation, or if this is to be a decision 'in principle', the recommended consultation that is to be carried out if Members agree.
 - An Officer recommendation.
- 11.6 The majority of reports will be available for public inspection in accordance with the provisions for access to information and freedom of information. Occasionally the Licensing Committees will be asked to hear matters in private with the press and public excluded due to a need to respect personal confidentiality and privacy where sensitive issues are involved. This most often occurs in connection with Public Carriage driver hearings. In these circumstances the papers will not be publicly available in advance of the meeting, and the Licensing Committees will be asked to determine whether the meeting should be held in private to consider the report. Legal advice will be provided where necessary to assist with this decision. The Licensing Committee will also normally adjourn a public hearing to consider evidence together ahead of then returning to conclude the hearing in public where the decision will (again, normally) be provided orally.

COUNCILLOR ATTENDANCE

- 11.7 It is important that the Councillors' decision takes account of all material issues, not solely those contained in the Officers' report, but also those which may be legally permitted to be presented orally or otherwise at the meeting. Any Councillor absent from any part of the meeting during consideration of a licensing matter must not vote on that matter.

MAKING REPRESENTATION ON LICENSING APPLICATIONS

- 11.8 Members of the Licensing Committees may from time to time make representations on licensing applications. In these circumstances they are required to make their comments in writing and will also be afforded the opportunity to present their view at the appropriate meeting of the Licensing Committee. They may not participate in any part of the determination process.

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PUBLIC SPEAKING AT COMMITTEE MEETINGS

- 11.09 Where applications are considered pursuant to the Licensing Act 2003 or the Gambling Act 2005, by the Licensing Committees, the conduct of the meeting will be governed by the appropriate Hearings Regulations. The right to make representations under these Acts and Regulations is accordingly limited.
- 11.10 Consideration of applications for drivers of public carriages are held in closed sessions due to the sensitive nature. Consideration of other Licensing matters at a Licensing Committee will be judged against the information to be disclosed and the likelihood of exempt information being considered. The public, who are not parties to the application hearing (by virtue of having submitted representations) will not normally be permitted to address the Committee. The Council's hearing procedures will be followed in all cases.

DEFERMENT

- 11.11 The Licensing Committees should only defer a decision where there are clear and legally permissible reasons for doing so.

12 RIGHT TO FAIR DETERMINATION & OPEN AND FAIR HEARING

- 12.1 It is important that all the Licensing Committee Members read all of the agenda papers prior to each meeting and listen to all points raised during those meetings. Members have a duty to take into account all relevant matters, including licensing advice, and to ignore relevant matters. Members should present during the whole discussion of an item, or they should take no further part in the debate and should not vote on that item. Infrequently, certain applications may be adjourned at meetings for site visits etc and it is important that the same Members attend the subsequent meeting in order to determine the application.
- 12.2 Councillors, and Members of the Licensing Committees in particular, need to take account of the public's expectation that a licensing matter will be processed and determined in an open and fair manner, in which the Members taking the decision will take account of all of the relevant evidence presented before arriving at a decision, and that committing themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality.
- 12.3 Determination of a licensing matter is a formal and fair administrative process involving the following rules and procedures, including the rules of natural justice, and is subject to rights of appeal and an expectation that people will act reasonably and fairly. There is an added possibility that an aggrieved party may seek judicial review of the way in which a decision has been arrived at; or complain to the Local Government and Social Care Ombudsman on the grounds of maladministration; or that a Member has breached the local Code of Conduct.
- 12.4 Whilst Section 25 of the Localism Act 2011 provides some comfort to Member on the extent to which they are entitled to express firm views on matters before decisions are made it is still the case that Members must retain an open mind at the time the decision is made and be prepared to listen to and consider the arguments, together with any advice or information from Officers, at the Committee meeting before finally making up their mind on how to vote.

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- 12.5 Given the formal hearings nature of licensing matters and the licensing administrative fairness duty. Members of the Licensing Committee should not participate in any discussion on the merits or otherwise of particular cases including whether or not to grant or refuse any application. There should be no discussions at political group meetings to decide how Members will vote; this includes any pre-committee meeting or discussions between Licensing Committee members of a political group.
- 12.6 The fundamental principle is that a Member on a Committee determining a licensing matter must both: -
- (a) have an open mind; and
 - (b) be capable of being seen by an objective and reasonable third party as having an open mind.
- 12.7 A Member of the Licensing Committee can pass on the views of a resident to the appropriate Officer prior to its hearing, but the Member must be careful not to be seen to be an advocate trying to influence the decision in any way on behalf of the resident. It would be inappropriate for the Member to pass on the views to a Member involved in the determination of the licensing matter.
- 12.8 Even if a Member of the Licensing Committee has not expressed a view on a licensing matter, if their mind is closed the Member should not participate in the hearing/determination of the matter. In these circumstances, another Member of the Committee or a substitute may attend to replace the Member (subject to the rules permitting or preventing such replacements and to them having undertaken the required training). It is not possible for a Member merely to act as a replacement for part of the meeting only while a particular licensing matter is determined. Any replacement Member must accept all of the principles set out in this guidance, including the need to have an open mind. In other words, the Member has declared an interest must not give an instruction or even an indication to the replacement Member on how that Member should vote. In addition, the Member should not seek or be seen to seek to influence the decision in any way, otherwise the integrity of the licensing processes would be damaged.

13 APPENDICES

DECISIONS CONTRARY TO THE STATEMENT OF LICENSING POLICY (LICENSING ACT 2003 OR GAMBLING ACT 2005) AND/OR OFFICER RECOMMENDATIONS

- 13.1 The law requires that regard should be had to the statement of licensing policy in making decisions.
- 13.2 If a Licensing Committee intends to make a decision contrary to the statement of licensing policy or to an Officer's recommendation (whether for approval or refusal), the Officer should first be given an opportunity to explain the implications of the contrary decision. The Chairman should ensure that the Committee's reasons made clear at the meeting. A full record of the reasons should be made in the minutes and a copy placed on the application file. The courts have expressed the view that such reasons should be clear and convincing.

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LICENSING SUB-COMMITTEE HEARINGS GENERAL INFORMATION

- 13.3 The Licensing Sub-Committees will undertake those functions of the Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 which have been delegated to the Sub-Committees, as defined in the Council's Constitution.
- 13.4 A Licensing Sub-Committee consists of three Members of the Licensing Committee.
- 13.5 Each Licensing hearing will be in public and will usually be conducted virtually. Each hearing will be recorded, and the recording of the meeting will be publicly available on the Council's YouTube channel.
- 13.6 Only those parties who have made written representations will be invited to and allowed to address the licensing hearing. A party may be assisted or represented by any person at the meeting, whether or not that person is legally qualified. A party may be represented by a Councillor, usually their Ward Councillor, but not by a Member of the Licensing Sub-Committee. The Democratic Services Officer must be notified in advance of the meeting with the details of any assistant or person representing any party.
- 13.7 For each hearing the Licensing Sub-Committee will consider a report from the Licensing Authority which will be displayed on the Council's website and available to all parties in advance of the hearing.
- 13.8 Only those parties who have made written representations will be invited to and allowed to address the licensing hearing. A party may be assisted or represented by any person at the meeting, whether or not that person is legally qualified. A party may be represented by a Councillor, usually their Ward Councillor, but not by a Member of the Sub-Committee. The Democratic Services Officer must be notified in advance of the meeting with the details of any assistant or person representing any party.
- 13.9 For each hearing, the Sub-Committee will consider a report from the Licensing Authority which will be displayed on the Council's website and available to all parties in advance of the hearing.
- 13.10 The Licensing Authority may take into account additional material produced by a party in support of their application, representation or notice (as applicable) supplied after the closing date for making written representations. Such material must be supplied to the Democratic Services Officer 5 working days before the date of the hearing. Additional material submitted after that date will not be considered and permission to rely upon it must be sought from the Sub-Committee at the hearing. Where permission to rely upon additional material is sought at the hearing, the Sub-Committee may grant permission and may seek advice from the Legal Advisor to the Sub-Committee as appropriate.
- 13.11 The Sub-Committee will disregard such additional documents or information which is not relevant to: -
- (a) the application, representations or notice (as applicable), or
 - (b) the promotion of licensing objections or,
 - (c) in relation to a hearing to consider a notice given by a Chief Officer of Police, the crime prevention objective. If accepted, the material submitted 5 days prior to the hearing date will be published with the remainder of the hearing papers.

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CONDUCT OF THE MEETING

- 13.12 Meetings can be conducted virtually. The onus is on all parties to be conversant with the technology required.
- 13.13 When joining the virtual meeting, the party joining online will be held in a lobby to start with.
- 13.14 During the meeting, all participants will be in control of their own microphone. The microphone should be set to mute at all times, until the Chairman invites you to address the Sub-Committee. The online chat facility on the virtual platform for a virtual hearing is not permitted.
- 13.15 The Chairman will have complete discretion of the procedure to be adopted for the meeting and the order in which those entitled to address the Sub-Committee are permitted to make their submissions.
- 13.16 The Chairman will strictly manage time allocations. The applicant and those making representations will be afforded equal time to present their case. The maximum time for a party to speak will be determined by the Chairman, taking into account the complexity of the case and the number of participants. By default, the maximum time will be set at 15 minutes; however, for more complex cases or numerous participants, the Chairman may adjust time allocations where needed.
- 13.17 Those addressing the Sub-Committee should avoid repetition and use their allocated time efficiently.
- 13.18 The hearing shall not adversarial but will take the form of a discussion led by Members. Cross-examination of any party will not be permitted unless the Chairman of the Sub-Committee considers, in exceptional circumstances, that cross-contamination maybe appropriate for a specific issue.
- 13.19 At the end of the hearing, the Chairman will announce a general discussion. Should the party wish to speak during this part, the party should activate the 'raised hand' function. Please be patient, the Chairman will be aware the party wishes to speak and will come to them in due course.
- 13.20 The Sub-Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing and may: -
- (a) refused to permit that person to return, or
 - (b) permit them to return only on the conditions that they give assurance of no further interruptions, or
 - (c) exclude the individual from the hearing.

PROCEDURE AT THE MEETING OF THE SUB-COMMITTEE SHALL HAVE THE OPPORTUNITY TO ASK QUESTIONS AT ANY TIME

- 13.21 The Chairman will ascertain whether the parties and their assistant, if any, are present. If any party has indicated that they will not attend or failed to indicate whether or not they will attend, or do not attend, the Sub-Committee will normally hold the hearing in that party's absence but may decide to adjourn depending upon the circumstances and nature of the hearing.

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- 13.22 The Chairman will ascertain that parties understand that they may be assisted or represented, legally or otherwise.
- 13.23 The Licensing Officer will give details of each application case and of the number and type of objections/representations received as set out in the Officer report.
- 13.24 The applicant and/or their representative and their witnesses will then be invited to address the Sub-Committee confirming why they consider the issues that have been raised by written representations against the application are not relevant with regard to the licensing objectives and why they consider the Sub-Committee should grant the application, or notice, as applicable. The maximum amount of time allowed will normally be 15 minutes; however, this may be extended at the discretion of the Chairman depending on the complexity of the application.
- 13.25 Those making representations, or their representatives, will be invited to address the Sub-Committee confirming why they consider the issues they have raised to be relevant to the licensing objectives and how they impact upon the promotion of the licensing objectives, to enable the Sub-Committee in its deliberation of its decision. The maximum amount of time allowed will normally be 15 minutes; this may be extended at the discretion of the Chairman depending on the complexity of the application.
- 13.26 A discussion involving parties will ensue at the discretion of the Chairman of the Sub-Committee. Cross-examination of any party shall not be permitted; however, it may be allowed in exceptional circumstances at the discretion of the Chairman of the Sub-Committee.
- 13.27 Upon conclusion of submitted and discussions, the hearing will come to an end. The Sub-Committee will then retire to deliberate its decision. The decision of the Sub-Committee will be notified to all parties by email within 5 working days, or earlier where required by law, together with the right of appeal.

PROCEDURE FOR CONSIDERING LICENSING ISSUES OTHER THAN THOSE THAT FALL UNDER THE LICENSING ACT 2003 OR THE GAMBLING ACT 2005

The procedure will be as follows: -

1. The Chairman will ascertain that the applicant knows that they may be represented.
2. The Lead Officer will give details of each application in each case and of the number and type of objections received.
3. The applicant, or the applicant's representative, and the applicant's witnesses will then be invited to address the Sub-Committee.
4. The objectors, or their representatives, will then be allowed to speak. They should cover the points that relate to something that the applicant may have raised during their address that was previously unknown to the objector. (The applicant should be advised to note specific points during the objectors' presentation.)
5. The applicant, or applicant's representative, will be permitted to put questions to each objector immediately after they have addressed the Sub-Committee and to answer any new points raised by the objector.

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6. The Sub-Committee Members will be able to ask questions at any time but will generally restrict most questions to the end of the statement made by the objector, applicant or witness, as appropriate.
7. The Sub-Committee will then discuss the application and the objections, and give their decision, giving clear reasons for their decision reached.
8. Should Members wish to discuss certain issues such as whether an applicant is a “fit and proper person” to hold a licence, the Sub-Committee will move into a closed session, and the public will be excluded for the duration of the discussion prior to a decision on the application being announced.
9. A few days after the meeting, the written Decision Notice will be issued to the applicant, which will include details of the applicant’s right of appeal if appropriate. Notification of the decision will be sent to the objectors.

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COUNCIL

1 SEPTEMBER 2026

REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

A.5 TENDRING DISTRICT LOCAL PLAN REVIEW: SUBMISSION VERSION

(Report prepared by Ian Ford, Democratic Services Manager)

PURPOSE OF THE REPORT

To enable Full Council to consider the recommendation made to it by the Planning Policy and Local Plan Committee in relation to the Tendring District Local Plan Review – Submission Version.

EXECUTIVE SUMMARY

The Planning Policy and Local Plan Committee (“the Committee”), at its meeting to be held on 25 August 2026, will consider a comprehensive report of the Corporate Director (Planning and Community) (A.1) which will present the Tendring District Local Plan – Submission Version to the Committee and which will seek the Committee’s agreement for this document, along with the associated evidence base (including the Sustainability Appraisal, Habitat Regulations Assessment and other relevant technical studies) 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.

As the agenda (and therefore this report) for the Full Council meeting on 1 September 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 25 August 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 of the Planning Policy & Local Plan Committee in this matter, Council decides whether to approve, for public consultation purposes, the Tendring District Local Plan Review – Submission Version.

CURRENT POSITION

Council is requested to consider the recommendation submitted to it by the Planning Policy and Local Plan Committee.

The Corporate Director (Planning and Community)’s Report and Appendices which will be considered by the Planning Policy and Local Plan Committee at its meeting to be held on 25 August 2026 are attached as an appendix to this report and as a supplementary document respectively.

BACKGROUND PAPERS

None

APPENDICES

A5 Appendix – Report of the Corporate Director (Planning and Community) (item A.1) to the meeting of the Planning Policy and Local Plan Committee to be held on 25 August 2026 (note: the appendices to that report have been separately published as a supplementary document)

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

25 AUGUST 2026

REPORT OF THE CORPORATE DIRECTOR (PLANNING AND COMMUNITY)

A.1 TENDRING DISTRICT LOCAL PLAN REVIEW: SUBMISSION VERSION

(Report prepared by Anthony Brindley, William Fuller, Jacob Jaarsma, Kate Patterson, Hayley Sargent, Carlos Valenzuela, Paul Woods and Gary Guiver)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To present the Tendring District Local Plan ‘Submission Version’ to the Planning Policy and Local Plan Committee and seek 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. The Submission Version contains 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 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 public consultation on the earlier Preferred Options Draft, carried out in February and March of this year. Although the Submission Version contains notable changes that should address some of the previous objections, it still contains a number of policies and proposals that are known to be unpopular locally and will undoubtedly attract further objections. However, as has 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 is being 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 meets with government requirements is 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 contains 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 are likely to be encountered in moving forward to the next stage. These include 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 continued public objections, the risks involved in progressing a Local Plan with very limited headroom contingency within the

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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 concludes that the Local Plan is not sound.

The Submission Version should be treated as the final draft of the Plan that the Council believes has 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 is 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 must 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.

EXECUTIVE SUMMARY

Background

The preparation and review of the Local Plan is 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 will apply in the determination of planning applications, planning appeals and some enforcement cases, the Local Plan will 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.

This Council like many others across the country is having to review its Local Plan under extremely challenging circumstances against the backdrop of ambitious government-imposed mandatory housebuilding targets that require Tendring to plan for 1,069 homes a year - nearly double the amount of housing required under its previous Plan. The Council is also having to work to an extremely tight programme as it must 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, for which the delay would have significant negative consequences for Tendring 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 has reached the next important stage in the statutory plan-making process where it needs to carry out a final round of public consultation on a revised 'Submission Version' of the Local Plan. This is essentially the final draft that, following consultation, will be submitted to the Secretary of State who will then appoint a Planning Inspector to carry out a formal examination of the Plan to determine its legal compliance

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and soundness. Only once the Local Plan is confirmed legally compliant and sound can it be lawfully adopted by the Council. If Local Government Reorganisation does proceed as currently proposed, the new Local Plan will be inherited by the new unitary authority for decision making purposes.

The recommended Submission Version incorporates various revisions to policies and proposals that take into account and seek to address (as far as practical) comments and objections received in response to consultation on the earlier Preferred Options Draft. The most notable of these revisions relate to sites allocated for housing and mixed-use development, which were discussed by the Planning Policy and Local Plan Committee at its last meeting of 8 June 2026. These include 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 contains a number of significant development proposals known to be unpopular locally and that will understandably continue to attract further objections.

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

Because the proposed revisions to the housing and mixed-use development allocations were detailed extensively in the reports to, and resolutions of, the Committee on 8 June 2026, the main focus of this report is to highlight the other recommended changes to specific planning policies in the Draft Local Plan and the associated maps; and to thereafter seek the Committee's approval for the revised Plan in its entirety to be recommended to Full Council for it to agree to proceed to the next stage of public consultation as part of the statutory process.

Overall strategy for growth

Although the Submission Version incorporates changes to certain site allocations, the overall vision, objectives and spatial strategy for growth have 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 remain of the view that there are no other realistic spatial strategy options that can 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 Tendring's significant physical, environmental, geographic and economic constraints and the agreed overarching principles that have guided the review of the Local Plan since the beginning of the process (which includes the continued protection of established Strategic Green Gaps).

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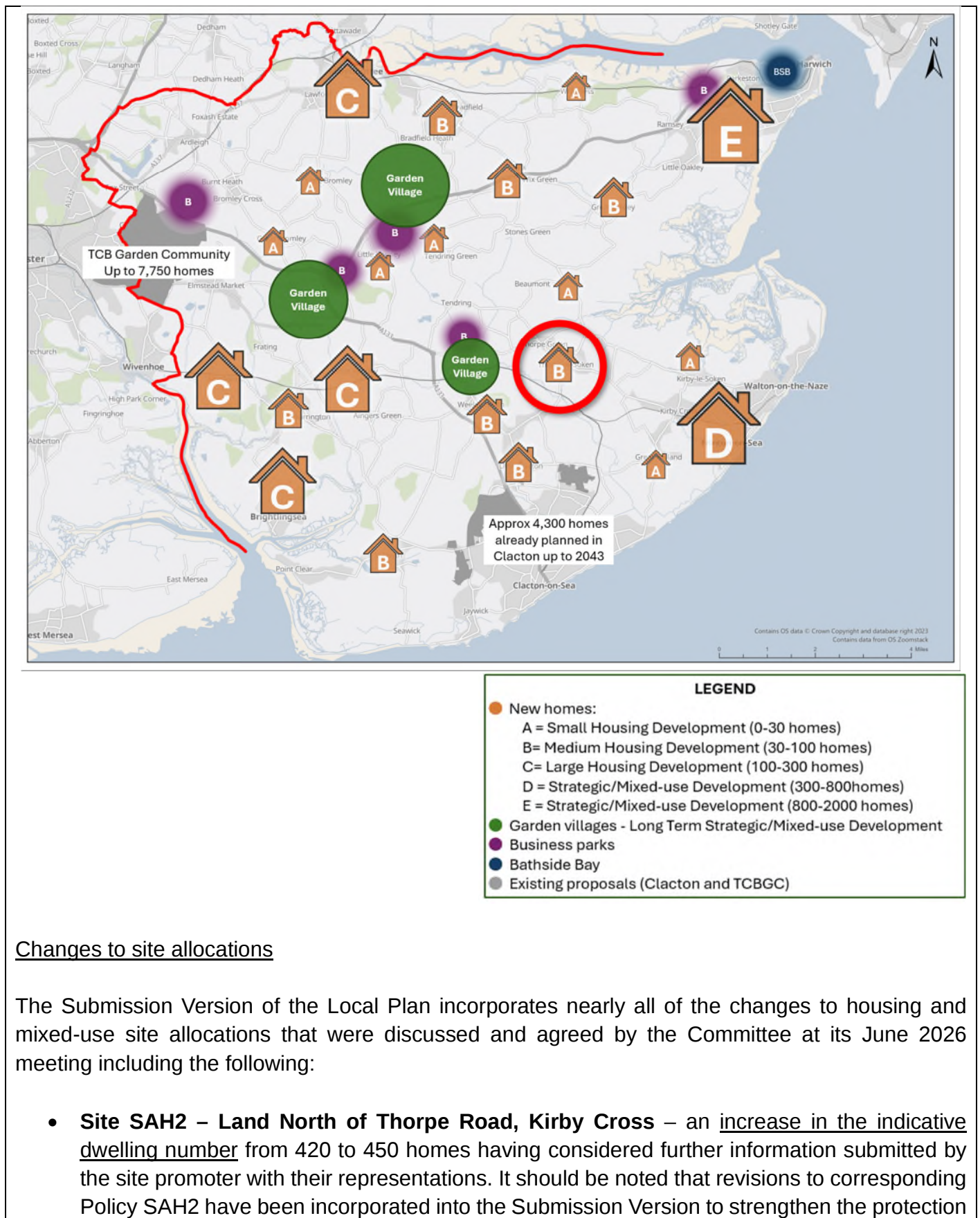
It is expected that around 10,211 of the required 18,173 homes will be built on sites carried forward from the Council's last Local Plan (including the Tendring Colchester Borders Garden Community and strategic development sites around Clacton) as well as sites that are either already under construction, have planning permission for housing development or are 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 to 2043) remains broadly unchanged from the 'preferred option' that was published for consultation in February/March 2026. The preferred spatial strategy option represents a combination of Options A and B from the 2025 Issues and Options consultation, as indicated on the key diagram overleaf.

The only notable deviation from the original preferred option is at Thorpe le Soken where the allocation of housing development in the Submission Version of the Plan has been reduced to 70 homes due to issues with primary school capacity which means Thorpe now falls 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 deals with much more than just housing growth, it is 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 will be a main focus of the Planning Inspector's examination of the Plan and the main matter on which the soundness of the Plan will be scrutinised. The distribution of growth and the specific housing numbers for different parts of the District are set out in more detail within the main body of this report.

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Changes to site allocations

The Submission Version of the Local Plan incorporates nearly all of the changes to housing and mixed-use site allocations that were 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 should be noted that revisions to corresponding Policy SAH2 have been incorporated into the Submission Version to strengthen the protection

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of footpath connections and ecology as well as stronger requirements around open space provision – noting that this proposal has 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 is 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 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 raising 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 should be noted that two parts of this site are 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 having 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 adj 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 has 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 over concerns about highway access.

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- **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 should be noted that Little Bromley Parish Council has written to formally object to the Committee's resolution at the 8 June meeting to retain this site in the Local Plan, asking for the Committee to reconsider deletion of the site. Details are provided in the main body of this report.
- **Site MSA27 – Land at Abbey Bottom Farm, Harwich Road, Wix** – previously proposed for 20 homes but now deleted having learnt that the principal landowner has 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 replacing, in part, some of the numbers being lost as a result of deleting contentious Site SAH4 from the Plan.
- **Site MSA34 – Vicarage Field, Church Road, Brightlingsea** – addition of new site with an indicative capacity of 30 homes.
- **Site MSA35 – Land North of Robinson Road, Brightlingsea** – addition of new site with an indicative capacity of 25 homes.
- **Site MSA36 – Land north of Wix Road, Bradfield** – addition of 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.

As set out in the June Committee report and associated resolution, the 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 have had to revisit this figure following the discovery of a double-counting error in the numbers presented in the June Committee report which, when corrected, gives 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 have 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 suggested in the June report, it is now recommended that the figures for each proposal are 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

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that the first new homes will likely not come forward until at least 2033/34. In addition, the dwelling capacities at Hartley Gardens, Clacton (SAMU2) and Oakwood Park, Clacton (SAMU3) have been revised from 1,700 to 1,870 and from 900 to 925 respectively based on latest evidence and, in respect of Oakwood Park, the current but yet to be determined planning application 22/00537/OUT.

Whilst most of the changes listed above will hopefully address a large number of local objections that were received in response to the Preferred Options Draft and the proposals in the Submission Version, having discovered and addressed the above-mentioned error, are 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) is 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. These fine margins further demonstrate how challenging, and potentially unrealistic, the Government's mandatory housebuilding targets are for Tendring.

Changes to planning policies

In line with the overarching principle agreed by the Committee at the beginning of the Local Plan review back in December 2023, the Council has 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, follows a similar format and chapter headings to that of the Council's existing adopted Local Plan and many of the policies are carried forward either unchanged or only slightly updated and revised. The Preferred Options Draft did however include 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 site having to be identified in the Plan for additional future development to meet the Government's housebuilding targets.

Having carried out public consultation on the Preferred Options Draft and taken into account the many representations and objections received in response to the consultation, Officers are of the view that the majority of policies from the Preferred Options Draft can 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 are however various, more significant or notable revisions to policies in the Submission Version which are detailed in the main body of this report and highlighted below.

The following policies have 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

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proposal for 200 homes in response to objections raised by the Essex Wildlife Trust and a large number of 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 a large number of residents which 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 raising concern about limited primary school capacity in the Thorpe area.

The following policies have 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 is 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 is also 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 has 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. This is because the most appropriate means of addressing the healthcare requirements for each growth area has not been determined by the various health partners of the ICB and therefore flexibility needs 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 sets out the overall sources of housing supply to meet the government 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 have been comprehensively updated in the Submission Version of the Plan to reflect the changes to site allocations set out above in this report and rolling forward the plan period. The revised policy shows that the Local Plan makes provision for 18,334

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homes which incorporates 161 units of contingency headroom above the government requirement.

- **Policy LP2: Housing Choice** – this policy in Chapter 5 of the Plan has 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 may have specific housing and support needs. The revised policy also refers to park homes, modular homes and other innovative forms of residential development being supported where they comply with other policies in the Local Plan.
- **Policy LP4: Development Layout & Design** – this policy in Chapter 5 of the Plan has been revised to include more detailed guidance around Biodiversity Net Gain and the incorporation of green infrastructure and vegetation within new developments and references 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 incorporates 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 justify an alternative approach. The revised policy also includes 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 relate to this policy in Chapter 5. To comply with national planning policy set out in the Planning Policy for Traveller Sites (PPTS), there is an expectation that Local Plans will be specific about the sites or locations in which the projected need for gypsy and traveller sites will be met. The evidence on gypsy and traveller need has been updated, and the revised policy reflects the updated projected need for 45 pitches up to 2043. The underlying evidence recognises that accommodation needs can 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 expresses site capacity in terms of additional pitches or pitch equivalents.

The previous version of the policy in the Preferred Options Draft 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 were made but the Council is still required to identify specific locations, the updated study looked more widely at where existing accommodation needs arise and where additional capacity could reasonably be delivered through expansion, intensification or reconfiguration of existing sites.

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The revised policy therefore reflects the latest study and identifies 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 arises from households already living on established sites who require 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 will 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 is 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 also includes 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 will also have to demonstrate suitable management arrangements are in place for the maintenance of communal facilities, waste storage areas and external spaces.
- **Strategic Policy PP7: Employment Allocations** – this policy in Chapter 6 lists all of the sites specifically allocated for new employment development including B2 General Industry; B8 Storage and Distribution; Eg(ii) Research and Development; and Eg(iii) Light Industrial Processes. The only change proposed to this policy is the deletion of Land off Clacton Road/Dead Lane, Mistley as a 2ha employment site in the knowledge that development for that purpose has not come forward as part of the wider mixed-use development that is already under construction, and that a different parcel of the wider site is currently subject of a current, but yet to be determined, planning application (26/00645/FUL) which indicates 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** – these policies in Chapter 6 of the Plan are 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 affective their setting conserves and enhances their natural beauty, landscape character and special qualities. The revisions specifically require

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that development is 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 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 is carried forward into the Submission Version of the Plan with a simple addition requiring any Biodiversity Net Gain, new saltmarsh habitat or other ecological enhancement to support 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 has 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 have 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 includes strengthened requirements relating to the protection of internationally designated habitat sites and introduces specific policy provisions relating to Functionally Linked Land, recognising that land outside designated sites can nevertheless be important to qualifying bird species. The policy also introduces a framework for the provision of Suitable Alternative Natural Greenspace (SANG), which involves providing attractive places for walking, dog exercising and informal recreation away from the District's most sensitive wildlife habitats. The purpose is to help protect internationally important sites by encouraging some visitors to use alternative green spaces instead. Additional policy requirements clarify the relationship between SANG provision and the Essex Coast RAMS strategy and seek to ensure that recreational impacts on protected habitats are appropriately addressed. The policy also aligns development proposals with the Essex Local Nature Recovery Strategy and strengthens expectations around biodiversity net gain, green and blue infrastructure, ecological connectivity and habitat enhancement, ensuring that development contributes 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 included a statement that for any residential enabling development proposals in respect of the Priory, the Council will expect the development to have a

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reasonable geographical relationship and connection to St. Osyth, the Priory and the community to which it most relates. However, this requirement attracted objections both from St. Osyth Parish Council and the owners of the Priory and, in response, Officers are proposing deleting that requirement from the policy in the Submission Version. Officers accept 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 is 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 have been made in response to advice from Essex County Council and include additional references to the Tendring District Cycling Action Plan, Essex Walking Strategy and Local Cycling and Walking Infrastructure Plan (LCWIP). The revised policy will 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 includes a statement that parking provision is 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 are proposed to the wording of this policy in Chapter 10 itself, the associated table 10.1 is 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 from Essex Police, Essex County Fire & Rescue Services and the East of England Ambulance Service NHS Trust.

Changes to site-specific policies

Chapter 9 in the Local Plan sets 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 have been deleted from the Submission Version of the Plan, but all others have been carried forward, including some where some notable changes have 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 have 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.

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A number of the policies have also been revised to include specific reference Green and Blue Infrastructure and ensuring opportunities are taken to retain, enhance and ingrate such features within a multi-functional network. Some policies have also been strengthened to require development to seek to improve walking and cycling connectivity to surrounding neighbourhoods, services and facilities. Officers have 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 has 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 have 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 masterplanning 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 have also been revised to indicate that further detail could also be developed as part of any future review of the overall Local Plan (which may well be a new Local Plan for the future unitary authority).

Some other notable changes are highlighted as follows:

- **Strategic Policy SAMU6: Development of Weeley Green Garden Village** – the policy for this 900-home mixed use development has been strengthened with the addition of a requirement that development proposals be accompanied by an infrastructure phasing, delivery, funding and monitoring strategy demonstrating how infrastructure necessary to support each phase of development will be secured and delivered. Development shall 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 has 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 supported by a site-specific Flood Risk Assessment demonstrating that the development will 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) 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 are proposing a number of minor amendments to the broad location boundary to better reflect site ownership,

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physical features and development constraints, and to ensure that Policy SAMU9 represents 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) has 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 has 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 will have to demonstrate how required infrastructure will be funded, delivered, maintained and reviewed, ensuring that no phase of development proceeds unless the infrastructure necessary to support that phase has been secured.

Changes to the Policies Maps

The policies maps that accompany the Submission Version Local Plan are presented in a similar format to those in the Council's current adopted Local Plan and the more recent Preferred Options Draft in the interest of familiarity and continuity. As per the current Local Plan, they will 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.

The most significant changes to the Policies Maps between the Preferred Options Draft and Submission Version relate 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 arise.

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

- Clacton and Little Clacton;

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

Legal compliance and soundness

The Council is required to produce a Local Plan that is legally compliant and sound and this has to be tested and confirmed by a government-appointed Planning Inspector at the examination stage of the process before the Council can lawfully proceed to formally adopt the Plan.

The legal test is 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 is set out in the National Planning Policy Framework (NPPF) which says that Plans can be considered 'sound' if they are positively prepared, justified, effective and consistent with national policy.

Officers believe that the Submission Version of the Local Plan presented with this report does 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 have the opportunity to indicate otherwise through representations in response to the public consultation; and once the Plan is submitted to the Secretary of State those representations can then be considered by the Planning Inspector as part of examination.

Although an Inspector can, through the later examination process, propose modifications to rectify resolvable soundness issues, it can lengthen the examination and delay formal adoption – and it is therefore advisable that Councils carry out their own assessment as their Plans progress through the different stages of the process. With that in mind, Officers have continually assessed the soundness of policies in the emerging Plan with reference to guidance produced by the Planning Advisory Service (PAS) and have attended a Planning Inspectorate advisory visit.

Weight to be given to the emerging Local Plan

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

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

However, Councils are 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 are unresolved objections to relevant policies and the degree of consistency with the policies in the NPPF. Therefore, if the Council agrees to publish the Submission Version of the Local Plan for public consultation, Planning Officers and the Council's Planning Committee will 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 is submitted to the Secretary of State and as it progresses through the examination process.

Updates to the technical evidence base

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

Since the publication of the Preferred Options Draft, a number of studies and documents have either been updated or added to as part of the technical evidence base or are in the process of being finalised ahead of the publication of the Submission Version for consultation. The most significant studies and documents are 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;

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• 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. The main body of this report contains a full summary of all of the evidence base documents that have informed the preparation of the Draft Local Plan and which are to be published on the Council's website as background documents. <u>Public consultation</u> 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 of the evidence base documents that support the Local Plan, including draft Consultation Statement and Statement of Cooperation, will also be published for public inspection as background information. The focus of the public consultation exercise for the Submission Version of the Local Plan will be to encourage and invite residents and other interested parties to consider and comment specifically on whether or not they think the Plan complies with legal requirements of the planning system; and specifically, whether or not they think the policies and proposals in the Plan meet with the 'tests of soundness' set out in national planning policy. This is because the representations received in response to the consultation will go to the government-appointed Planning Inspector as part of the examination process, whose job it will be to examine the Plan's legal compliance and soundness. It is proposed that the consultation could take place from early September to mid-October and will include a number of public events, consistent with previous consultations.
RECOMMENDATION(S)

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It is recommended that the Planning Policy and Local Plan Committee:

- a) notes the content of this report explaining 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 Preferred Options Draft carried out in February and March 2026 and the updated evidence base – 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) 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 delegated authority be given to the Corporate Director (Planning and Community), 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 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 would need to be taken by Full Council, on the recommendation of the Planning Policy and Local Plan Committee following the closure of the 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.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Ensuring the District has an up-to-date Local Plan is a statutory duty and a high priority for the Council, with a requirement to review and update them every five years. The review of the Local

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Plan is thus identified as a Council priority within the Corporate Plan (Our Vision) 2024-2028. It is also the goal of the Government for local planning authorities to deliver sustainable development and coordinate provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment.

The need to review and update the Local Plan for Tendring has become all the more important following significant changes to the National Planning Policy Framework (NPPF) made by the Government following the General Election in 2024 to increase housing delivery across the country through the introduction and imposition of mandatory housebuilding targets calculated using a standard methodology. With the requirement for housebuilding in Tendring nearly doubling from previous levels, it is necessary to put in place an updated Local Plan that responds positively and proactively to these new targets to work towards achieving the best outcome for the District. In doing so, it avoids an extended period of time in which the area could be vulnerable to unplanned, uncoordinated and speculative housing development proposals over which the Council could have limited control – with a higher likelihood of local planning decisions being overturned on appeal. As explained elsewhere in this report, the Council is already witnessing an increase in planning applications for such proposals.

The programme for Devolution and Local Government Reorganisation (LGR) in Greater Essex has also heightened the importance of the Local Plan Review in Tendring. As new powers including strategic planning powers are now devolved to upper-tier authorities and Mayoral Combined County Authority (MCCA) (with the election of a Mayor for Greater Essex now expected in 2028) and as the area moves from a two-tier local government structure with County and District Councils replaced with Unitary Authorities from 2028, the current Local Plan Review could well be Tendring District Council's last opportunity to influence the long-term approach to growth in our area before the new structures are put in place. If the Council completes the Local Plan Review and adopts a new Local Plan in 2027 or early 2028, it will be inherited by the new Unitary Authority for decision making purposes and will influence the content of the Mayor's first 20–30-year Spatial Development Strategy (SDS) for the wider Greater Essex area.

In its meetings since 20 December 2023, the Planning Policy and Local Plan Committee has already considered and agreed:

- a set of overarching guiding principles;
- the carrying out of two 'call for sites' exercises;
- a revised vision and objectives statement for consultation;
- six high-level spatial strategy options for consultation, later revised to four following the changes in Government policy and the introduction of increased housebuilding targets;
- an Issues & Options Consultation Document for which public consultation was carried out in Spring 2025;
- revisions to the Local Development Scheme (LDS) setting out the overarching work programme and timetable;

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- the preferred spatial strategy for growth and the specific locations and sites for housing, mixed-use development and employment land;
- the Preferred Options Draft Local Plan for which public consultation was carried out in February/March 2026;
- a report setting out the main issues and matters raised through the responses to the Preferred Options consultation;
- the revised baseline housing position at April 2026 for the purposes of the Local Plan Review going forward; and
- provisional changes to the housing and mixed-use allocations in the Draft Local Plan for incorporation into the next version of the Plan i.e. the Submission Version that is now the subject of this report.

At its last meeting on 8 June 2026, the Planning Policy and Local Plan Committee gave provisional agreement to a number of recommended changes to the housing and mixed-use allocations in response to comments received through the Preferred Options consultation. Amongst others, these changes included the deletion of two of the most objected-to proposals from the Preferred Options Draft in Brightlingsea and Walton on the Naze; deletion of a large housing allocation in Thorpe le Soken; the inclusion of some new sites in Brightlingsea and Bradfield; and changes to indicative numbers on other sites – including the assumptions for housing delivery up to 2043 at the proposed Hare Green and Horsley Cross Garden Villages.

The Submission Version of the Plan reflects these changes and the seriousness with which the Council has considered the comments raised by residents, communities and other stakeholders through the previous consultation – including Town and Parish Councils, many of whom have engaged positively and cooperatively in the process. The Submission Version also incorporates further changes to the wording of specific policies in response to comments raised through the previous consultation and to reflect the updates to the technical evidence base. In making such changes in response to the comments received, Officers are hopeful that the Submission Version of the Plan might receive fewer public objections than the Preferred Options Draft, however that can not be guaranteed.

Going forward, it will be a priority to progress through the remaining stages of the plan-making process quickly to both minimise the period of time the District could be vulnerable to unplanned speculative development; and to ensure the updated Plan can be submitted to the Secretary of State before the end of 2026 – the ‘cut-off’ point for Local Plans being prepared under the current plan making system. If the Committee for whatever reason at this meeting decides not to recommend the Submission Version to Full Council to approve for public consultation, or if Full Council does not agree to proceed to consultation, it is very unlikely that the cut-off date for submission will be achievable. The risks and implications of missing the cut-off point are set out in this report.

RESOURCES AND RISK

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Resourcing the plan-making process

The overall review and update of the Local Plan has been managed by the Council's Planning Team utilising funds from the agreed Local Plan budget; however cost pressures for 2026/27 and 2027/28 have been identified that reflect the increased costs of consultancy support and the consequences of having to condense what might usually be a four-year programme of work into two years to meet government requirements in respect of housebuilding and the cut-off date for submitting Local Plans to the Secretary of State.

The near doubling of Tendring's housebuilding requirement for the period to 2043 has already had a significant impact on resources, with Officers having to assess more sites and locations for development and test the impacts on infrastructure and the environment across more parts of the District. With more sites identified for development across a wider range of locations across Tendring, the consultation on the Preferred Options Draft unsurprisingly attracted a larger number of objections from communities than would possibly have been the case if government policy had not changed and a lower and more manageable housing requirement remained in place.

Because of the Government's strict deadline of the end of 2026 for submitting Local Plans to the Secretary of State under the current plan-making regulations, the Council risks missing the deadline if it does not progress quickly to agree and carry out consultation on the revised Submission Version of the Local Plan, with only few months of 2026 remaining. The consequence of failing to meet that deadline will be that the Council would have to start the plan-making process again under the Government's new system that, whilst designed to be streamlined, will significantly delay progress in getting an up-to-date Local Plan in place for Tendring. This risks leaving the District vulnerable to speculative development over an extended period of time and would likely result the new unitary council, not Tendring District Council, progressing the Plan through the various stages of the new system.

The work on the Local Plan considered by the Planning Policy and Local Plan Committee to date has been carried out mainly by Officers in-house; however, much of the supporting evidence base has been produced by external specialist consultants who may need to be called upon to assist the Council in providing expert evidence at the future examination hearings. The transport modelling work has been a particularly expensive element of the technical evidence prepared in support of the Local Plan, albeit very necessary to assess the impact and demonstrate the soundness and deliverability of the Local Plan, particularly the large Garden Village proposals at Hare Green and Horsley Cross.

Although Officers are hopeful that the changes to policies and proposals in the revised Submission Version of the Plan might result in fewer public objections during the next round of consultation, (particularly in locations like Brightlingsea and Walton on the Naze where contentious development proposals have been deleted), this is not guaranteed – and the Council must still anticipate that there will be a significant level of objection to the Submission Version that could result in a lengthy

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examination process, that will need to be appropriately resourced in due course. Furthermore, it is often developers, landowners and planning agents that put up a strong and well-resourced challenge to Local Plans; and Councils therefore need to be prepared to respond to that challenge by resourcing their own defence accordingly. Where appropriate, and in line with standard practice, Officers will continue to encourage the landowners, developers and agents promoting or supporting sites and proposals included in the Submission Version to carry out their own work and produce further information in support of the deliverability of their site proposals – which will support the examination process in due course.

In carrying out the formal public consultation on the Submission version, the Planning Team will draw on assistance from Officers across its services to attend events and meetings. At the events held for the previous Preferred Options consultation, there was also good attendance and support from TDC Councillors and Town & Parish Councillors which was welcomed.

Risks

In considering the Submission version of the Local Plan and whether or not to proceed to the next stage of the process, the main issues for Councillors to bear in mind in respect of risks are the tight timetable for progressing the Local Plan along with the serious consequences of failing to submit a sound Plan to the Secretary of State by the end of 2026; the fact that the Council is still having to make very difficult and unpopular decisions about the content of the Local Plan; and that decisions on changes to the Plan that might prove popular locally might result in tougher scrutiny, challenge and criticism from other interested parties and will need to be justified to the Planning Inspector as part of the examination process. Ultimately, the Inspector's judgment on legal compliance and soundness will determine whether the Council can formally adopt the Local Plan.

Risk of delay and missing the 'cut-off' date for the current plan-making system

The programme and timetable for the Local Plan review (as agreed by the Committee as part of the updated Local Development Scheme on 8 December 2025) proposes that all the necessary stages of the process required for the Council to submit its final agreed version of the Local Plan to the Secretary of State are completed before the end of 2026. The end of 2026 is the cut-off point for Councils submitting Local Plans prepared under the current plan-making regulations and procedures; after which any new Local Plans will be expected to be prepared in accordance with the new procedures which require a very different standardised format of Local Plan for which the full process would need to start from the beginning. It is important therefore that the Council does submit 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 will 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 includes bespoke policies of local significance); and Tendring would be left without an up to date Plan to guide

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the direction of future housing, employment land and other development for a longer period, in which time the District will remain vulnerable to speculative planning applications while a new-style Local Plan is being drawn up. 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.

The Planning Inspectorate's capacity to receive and examine Local Plans

The Government's changes to the planning system, both in respect of moving towards a new system of plan-making and imposing mandatory housebuilding targets, has resulted in many Councils being in the same position as Tendring. Councils in the process of carrying out their five-year Local Plan review under the current system are looking to progress quickly to submit a Local Plan to the Secretary of State before the end of 2026.

The consequence is that the Planning Inspectorate (PINS) is likely to receive an extremely high number Local Plan submissions in one go at the end of 2026 (potentially more than 100) with an expectation from the Government that all of these Local Plans will be examined within a reasonable period of time to enable Councils to adopt those Plans and achieve its ambition of full coverage of up-to-date Local Plans across the country. This will put the Planning Inspectorate under significant pressure to progress an unprecedented number of Local Plan examinations at the same time which will be challenging to resource. Whilst the Planning Inspectorate has been carrying out a recruitment campaign to get more Inspectors in place in anticipation of this increase in workload, it will likely have to prioritise the examination of Local Plans to manage workloads and might look to push back submitted Local Plans that, on receipt, exhibit soundness issues that might require further work.

Therefore, Councils are being asked to undertake a PINS checklist exercise prior to the submission of their Local Plans requiring the Councils to have carried out their own analysis of representations received in response to the Regulation 19 stage consultation and identified the main issues arising in respect of legal compliance and soundness. The checklist then has to then be sent to PINS who will advise if the Local Plan is ready or not to be submitted. The need to carry out this work adds two additional risks to Councils that have not been present in the past. The first is that the Councils are not able to carry out the checklist exercise and receive a response from PINS in time to submit their Local Plan to the Secretary of State before the end of 2026; and the second risk is that having submitted the checklist, PINS advises that the Local Plan is not ready for examination.

Because of this, it will be important for the Council to not only ensure the Local Plan progresses as quickly as possible to consultation on the Regulation 19 Submission Version, but to also to ensure enough time between the end of the consultation and the end of the year to carry out the checklist assessment, get it submitted, and receive confirmation from PINS that the Local Plan is ready to be submitted. With this issue in mind Officers have taken every opportunity available to meet with government officials and members of the PINS team to seek advice, update them on the progress

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of the Draft Local Plan and highlight key issues being encountered in trying to comply with government requirements.

On 22 June 2026 an online advisory meeting with a PINS Inspector took place in which Officers were able to outline some of the key challenges facing the Local Plan review and seek the Inspector's advice on how such issues might be approached and what the Council might need to consider in preparing for the submission of the Plan to the Secretary of State.

The Inspector's advice was that it will be very challenging for many Councils to demonstrate the soundness of their Local Plans against the backdrop of the Government's new requirements and that if Inspector's do identify soundness issues or gaps in the evidence base that could take longer than six-months to resolve, there is a higher likelihood that Councils will be advised to withdraw their Local Plans and start again under the new system.

Given that the Council's strategy for growth in the Draft Local Plan relies on the establishment of longer-term Garden Villages at Hare Green and Horsley Cross where there will be a degree of uncertainty as to the timescales for delivery and funding mechanisms for early infrastructure delivery in the early years of the plan period, the Inspector's advice emphasises the importance of telling a very clear story as to why the preferred strategy has been chosen and how and why other alternatives have been discounted. With this advice in mind, Officers will begin work on a topic paper that clearly articulates the journey the Council has taken over the last three years to reach the current position in respect of the Local Plan's spatial strategy and site choices.

Strong likelihood of continued public objection to the Local Plan

When the Council carried out formal consultation in the Preferred Options Draft of the Local Plan in February and March of 2026, it knew that there would be a lot of public interest and a lot of objection from residents and communities to policies and proposals in the Plan – particularly the additional housing and mixed-use development sites included in the Plan to meet the Government's new mandatory housebuilding targets. On 8 June 2026, the Committee considered a report providing an overview of the responses and the main issues and matters that were raised; and it was no surprise that the amount of objection from residents and communities was significant.

The Submission Version of the Local Plan incorporates changes aimed at addressing any issues of legal compliance and soundness raised through the last consultation and which might have the potential to satisfy a significant number of public objections, particularly in respect of the developments in Brightlingsea and Walton. However, even with the changes, the revised Plan will not satisfy everybody's concerns and may well result in completely new objections from interested parties, some that might be aggrieved by the changes themselves. Whilst it might be reasonable for the Council to hope there will be fewer public objections overall to the Submission Version compared to the Preferred Options Draft following the changes, this is by no means guaranteed.

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Officers expect that many residents and communities will continue to raise objections and concerns as they did at Preferred Options Stage in respect of matters set out in detail in the June Committee report including: inadequacies in transport, utilities and community infrastructure; environmental impacts; questions over the need and realistic deliverability of the housing; the challenge of matching housing and jobs growth; issues around migration and affordability; loss of agricultural greenfield land; impact on local character; criticism of recent developments; and the distribution and proportions of development across different parts of the District.

Whilst the deletion of the contentious Brightlingsea and Walton housing allocations may address the concerns raised in around 200 formal representations of objection and petitions signed by 700 residents at Preferred Options stage, the Submission Version still includes the development north of Thorpe Road, Kirby Cross which last time attracted 50 objections and a 511-name petition as well as the Garden Villages at Hare Green and Horsley Cross which each attracted more than 30 objections and which are undoubtedly the most radical and challenging proposals in the Plan.

Although the deletion of certain sites from the Plan might result in fewer public objections, it will likely result in objections from the landowners and developers that have been promoting those sites for inclusion in the Plan who will look to challenge the legal compliance and soundness of the Local Plan in order to get them reinstated. In locations where new, albeit smaller, sites are included in the Plan (for example the alternative sites in Brightlingsea and Bradfield), there is a likelihood of new objections to the Local Plan by those affected by the inclusion of those sites.

The Submission Version includes numerous revisions to policy wording that attempt to address concerns raised by residents and communities, but again these bring a risk that landowners and developers might take an adverse view to the changes and lodge objections themselves. The Council needs therefore to be prepared that addressing objections through changes can result in objections from other quarters. Ultimately, when it comes to the examination of the Local Plan, it will be important that the Council can clearly explain and justify the changes it has made between Preferred Options and Submission stage to demonstrate that the Plan, as amended, remains legally compliant and sound.

Reduction in the level of oversupply/contingency

The changes to housing and mixed-use development sites in the Submission Version of the Local Plan have reduced the level of oversupply in housing land from around 1,500 above the total 17-year requirement (as indicated in the Preferred Options Draft) to just 161 units. Although the changes will help address some of the planning issues that were raised in response to the Preferred Options Draft consultation and will hopefully result in many fewer public objections to the Submission Version, reducing the level of built-in contingency from 8% to nearer 1% will undoubtedly be criticised by landowners, developers and planning agents who will argue that the changes increase the risk of the government housing targets not being delivered – even though the Council has technically identified enough land under very challenging circumstances.

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The Council will need to be prepared that deliverability of the government's housing numbers will be challenged through objections to the Submission Version and will likely be a key focus of the Planning Inspector at the examination. Certain landowners, developers and planning agents promoting alternative sites will try and convince the Inspector that either sites included in the Local Plan are not deliverable in the timescales predicted, or that the overall level of contingency needs to increase. With a much-reduced level of contingency built into the housing supply as a result of the changes made to the Submission Version, there is with it a greater risk that the Inspector might conclude that additional sites need to be included in the Plan through modifications.

However, the Council has already made its views known to the Government about how problematic and unrealistic the mandatory housebuilding targets already are for Tendring and how this has forced the Council to consider radical options for development that would otherwise not been necessary under previous targets. In that context, a smaller percentage of contingency being built into the figures is not unreasonable – with a higher level having been achievable against a lower, more realistic overall target.

In their informal advice as part of the PINS advisory visit, the Planning Inspector did indicate that whilst there are no hard and fast rules on how much of a buffer to include in a Local Plan, it is normally better to submit a Local Plan with more sites than needed (given the likelihood that some sites might be removed through the examination process) than to leave too little in the way of contingency and risk falling short of the Government requirement and either having to carry out further work to find additional sites or otherwise having the Plan judged to be unsound. However, they understood why the Council might choose to delete sites at submission stage if they are identified to have certain planning issues and are the subject of a lot of objections. In this scenario however, it is important that Councils put forward evidenced justification for the changes they have made.

Need for the Council to make difficult and unpopular decisions on both the Local Plan and planning applications – and risk of planning appeals

From the consultation and engagement carried out to date, the Local Plan has attracted a considerable level of public objection and criticism of the Council, albeit with a reasonable understanding among communities that the Council is having to respond to challenging housebuilding targets imposed by central government.

The changes to the Draft Local Plan in the Submission Version respond to the issues raised through the consultation and should be a clear demonstration that the Council has listened to residents and taken account of the advice put forward by technical consultees and other interest parties; however, the decisions will not please everyone. The majority of site proposals in the Draft Local Plan have remained unchanged due to the sheer scale of housebuilding the Council is required to plan for; and whilst some communities will support the changes being proposed, others will remain deeply dissatisfied and critical of the Council.

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The Council approaches important decisions on the Local Plan at the same time as the District is seeing the predicted increase in planning applications for major housebuilding schemes that represent departures from the Council's current adopted Local Plan – some of which accord with the emerging Draft Local Plan, whereas others do not. This increase in planning applications has come about following the Government's changes to the National Planning Policy Framework in 2024 and the introduction of new mandatory housebuilding targets which, from 26 January 2026 (the fifth anniversary of the Council adopting Section 1 of its current Local Plan), has thrown the Council into a position where it can no longer meet the Government's requirement to demonstrate a five-year supply of deliverable housing sites against the new target – and will not be able to until such time that sufficient sites have obtained planning consent.

The consequence is that the Council is now required to apply what has become to be known as the 'tilted balance' to the Presumption in Favour of Sustainable Development set out in the NPPF in the determination of planning applications for housing on certain sites. These provisions are set out in paragraph 11d) in the NPPF whereby, for planning applications for the provision of housing, the Council will be expected to grant planning permission unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

This means that for some planning applications, even where they fall outside of the housing site allocations or settlement development boundaries in the Council's existing Local Plan, they will still need to be determined having regard to the above NPPF guidance. This means that some planning applications that one might usually expect to have been refused by the Council on principle grounds for being contrary to the Local Plan might, in the coming months, be recommended to the Planning Committee for approval – with increasing weight being given to the need to boost housing supply and address government targets.

Already the Planning Committee has resolved to grant planning permission for some notable housing developments applying the above NPPF guidance – notably 100 homes off Cockaynes Lane in Alresford, 80 homes south of Weeley Road in Great Bentley and 60 homes off Avocet Place in Thorrington, all of which are at least in accordance with the Preferred Options Draft Local Plan (sites SAH6, MSA10 and MSA23 respectively). Granting planning consent for those developments will assist in reducing the five-year housing land shortfall and reinforcing the soundness of the emerging Local Plan. However, at the time of writing, the Council is already in receipt of a significant and growing number of other major planning applications for housing that are yet to be determined but

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that will have to be determined on their merits in due course and before the Local Plan process has fully concluded.

These include:

- 25/01633/OUT – 120 dwellings and sports facilities north of Weeley Road, Great Bentley (which corresponds with Draft Local Plan allocation SAH7);
- 26/00355/OUT – 350 dwellings off Sladburys Lane, Clacton (outside of Draft Local Plan allocations and within existing Strategic Green Gap);
- 26/00160/OUT – 31 dwellings off Batemans Lane, Little Clacton (outside of Draft Local Plan allocations);
- 26/00279/FUL – 15 dwellings east of Lifehouse Drive, Thorpe le Soken (which corresponds with part of Draft Local Plan allocation SAH11);
- 26/00281/FUL – 12 dwellings south of Thorpe Hall Gardens, Thorpe le Soken (which also corresponds with part of Draft Local Plan allocation SAH11);
- 26/00287/OUT – 30 dwellings north of Colchester Road, Elmstead Market (outside of Draft Local Plan allocations and within a proposed Strategic Green Gap);
- 26/00193/OUT – 86 homes off Holly Way, Elmstead Market (outside of Draft Local Plan allocations and within a proposed Strategic Green Gap);
- 26/00509/OUT – 78 dwellings north of Harwich Road, Hare Green (within the broad location for the Hare Green Garden Village);
- 26/00528/OUT – 206 dwellings west of Heckfords Road, Great Bentley (outside of Draft Local Plan allocations);
- 26/00599/OUT – 80 dwellings east of Heckfords Road, Great Bentley (which corresponds with Draft Local Plan allocation MSA21);
- 26/00627/OUT – 95 homes at the Grange Road, Lawford (outside of Local Plan allocations);
- 26/00810/OUT – 160 homes off Bromley Road, Elmstead Market (outside of Draft Local Plan allocations);
- 26/00910/OUT & 26/00912/OUT – between 90 and 200 homes at Carringtons Road, Bromley Cross; and
- 26/00969/OUT – 75 homes on land east of Bentley Road, Weeley Heath (which corresponds with Draft Local Plan allocation MSA24, albeit proposing higher numbers).

As well as these currently undetermined planning applications, there is also a refused planning application 24/01803/FUL for development of 79 homes north of Beth Chatto Gardens in Elmstead Market that is the subject of an appeal scheduled to be heard in September 2026. The Council is also in receipt of the hybrid planning application for the Tendring Colchester Borders Garden Community which is being dealt with by a dedicated team and which is likely to be determined, by the Joint Planning Committee in 2027.

In total, the above planning applications total more than 1,600 potential homes. All of these applications represent departures from the Council's existing adopted Local Plan and more

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applications of this nature are expected. Whilst some of these applications do correspond with the proposals in the emerging Draft Plan, others represent speculative planning applications for housing that are both contrary to the Council's adopted and emerging Local Plans.. Some of these planning applications will, and already have, attracted public objection and media publicity.

When it comes to either the Planning Committee or Officers making decisions on these applications there is the likelihood that some applications will be approved and others will be refused, with a reasonable expectation that the refusal of permission will result in appeals to the Secretary of State. Furthermore, following a government direction implemented on 11 May 2026, any planning application for 150 or more homes that the Council is minded to refuse must be referred to the Secretary of State to enable central government to decide whether or not to call in and determine the application itself.

By progressing work on the Local Plan through the remaining stages of the plan-making process, the Council may be able to exercise a level of control and be in a stronger position in defending appeals by applying increasing levels of weight to policies in the emerging Local Plan. In accordance with paragraph 49 of the NPPF, Councils are able to give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that can be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In taking decisions on planning applications for housing in the coming months (in light of the requirements of the NPPF, the change in housebuilding targets and housing supply situation, and the weight that can be afforded to policies and proposals in the emerging Local Plan), Officers and Members of the Planning Committee will need to carefully consider the implications of refusing permission – including the likelihood of either of the applicant appealing to the Secretary of State (or for larger applications of 150 or more homes, the Government deciding to call in the application for a decision); and the likely strength of the Council's case in contesting a possible appeal and the potential for significant costs in professional and potential legal support that might be required in fighting appeals – particularly where there might be a high likelihood of an appeal being allowed and/or costs being awarded to the appellants.

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In this regard, Officers will endeavour to provide the best possible advice to Members of the Planning Committee, acknowledging that the advice might not always be followed and might not be popular amongst residents and communities affected, or the applicants in question.

Risk of government intervention

As well as the risk of individual planning decisions being overturned on appeal, the Government does have powers to intervene in the Local Plan-making process if it believes a Council is failing in its legal duties to prepare a Plan and keep it up to date. So long as this Council continues work on the Local Plan, this ought not to be an issue for Tendring. However, Officers draw Councillors' attention to recent events in Basildon where the Government has exercised its powers to intervene.

In the case of Basildon Borough Council, the Secretary of State on 21 July 2026 exercised their powers of intervention under 27 of the 2004 Planning and Compulsory Purchase Act because that Council has not managed to put an up-to-date Local Plan in place since 1998 and has consistently fallen short of its housing requirements. Concerned that Basildon has stated its opposition to the Government's standard method for calculating housing targets and progressing a Plan that meets that housing need in full, the Council has been ordered to commence consultation on the emerging plan that was in the process of being considered by its Members by and to submit that Plan to the Secretary of State no later than 31 December 2026 – essentially forcing the Council to progress its draft Local Plan to the examination process without the endorsement of its Councillors.

Whilst this is a scenario Tendring District Council will not face if it continues to progress the Local Plan through the remaining stages of the process with Councillor support as recommended, it does provide a clear demonstration to anyone that thinks the Council should simply ignore government requirements to review the Local Plan and meet the new mandatory housebuilding targets, that the Government is prepared to exercise its powers to step in and will, if necessary, take decision-making powers away from the Council.

Criticism of the consultation

The minimum legal expectations around consultation are set out in the planning regulations, however the Council always exceeds these requirements and through its Statement of Community Involvement (SCI) sets out the approach it takes and intends to take in respect of public consultation and engagement of planning matters including the Local Plan. Despite this, there is always public criticism of the consultation carried out at different stages of the Local Plan process in terms of the timing of consultation, the nature and level of publicity, the level of detail contained within the publicity (either too little or too much), the number of events, the location of events, the legibility of consultation material and the ease with which people can make representations. No matter what the Council does, it will inevitably be criticised given the often contentious nature of the subject matter.

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Through the Preferred Options consultation, the Council and its Officers tried their best to make the engagement as effective as possible whilst making best use of available resources, knowing that the Planning Policy Team would be undertaking consultation and progressing work on the Local Plan and evidence base at the same time in order to meet the tight work programme. As well as utilising social media and on-line platforms to publicise the consultation, the early and ongoing engagement with Town and Parish Councils was extremely valuable both in enabling Officers to better understand local issues and concerns, and in providing a clear explanation to residents of its duties around planning, the requirements of national planning policy, the need for a Local Plan and the consequences of either failing to properly consider alternative options or otherwise not proceeding with the Local Plan Review - i.e. that the Council could be left without an up-to-date Local Plan, leaving the District vulnerable to speculative, unplanned and unwanted development proposals and an uncertain period of 'planning by appeal'.

It would be Officers' intention to approach the consultation on the Submission Version in a similar way with five drop-in events and, where practical, offering attendance at any Town/Parish Council or Ward Member-organised events – however, as explained in more detail in the consultation section of this report, the emphasis and focus of the Submission Version consultation will be different in that the Council will have already made its final decision on the content of the Local Plan, and the consultation this time around will be to invite comments on the legal compliance and soundness of the Plan which will go forward for the Planning Inspector's consideration as part of the examination process.

Economic and housing market conditions and deliverability

Whilst it is the job of the Local Plan to create the conditions for sustainable growth and to identify sites and locations for housing, mixed-use and employment development, the actual deliverability of development will depend heavily on wider economic and housing market conditions nationally and locally. In its objections to the Government's mandatory housebuilding targets, this Council made it very clear that it was concerned that the new targets bore little relation to projections of market demand nor the capacity of the housebuilding industry to deliver a rapid increase in housebuilding.

Therefore, whilst the Local Plan makes provision for a potential 18,173 homes between 2026 and 2043 and corresponding allocations of employment land, there is a significant risk that economic and housing market conditions will fluctuate during that period and these numbers will not actually be delivered. It has the potential to place the Council in a difficult position if, through no fault of its own, it is unable to maintain an ongoing five-year supply of deliverable housing land in accordance with government requirements or deliver upon the full potential for economic growth during the plan period.

Risk of the Local Plan being found 'unsound'

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The Council has done the best job it can under extremely challenging circumstances to produce a Local Plan that Officers believe meets with the Government's requirements for legal compliance and soundness. However it will ultimately be for government-appointed Planning Inspector to determine whether those tests are met through the examination process and is a risk that the Inspector might, for whatever reason, find the Plan unsound or with legal compliance issues.

There are typically three possible outcomes from an examination:

1. that the Plan is found to be legally compliant and sound without the need for any 'main modifications' (i.e. further changes that would need to be published for consultation before the Local Plan can be formally adopted);
2. that the Plan is found to be capable of being made legally compliant and sound but only following additional work and/or main modifications; or
3. the Plan is found to be neither sound and/or legally compliant with no ability for it to be corrected through additional work and/or main modifications – in which case a Council would likely be advised by the Inspector to withdraw the Plan and start the process again.

It is desirable but unlikely that an Inspector will declare a Local Plan sound without a requirement for some additional work and/or main modifications. It is usually the case that soundness issues arising through the examination will be discussed openly at the hearings and Officers will be invited to consider possible wording for modifications to assist the Inspector in coming to their recommendations. For the Council to formally adopt the Local Plan it would need to carry out public consultation specifically on modifications set out in the Inspector's interim report and thereafter receive a final report from the Inspector confirming legal compliance and soundness.

Although the Council should be prepared for the likelihood that the examination will result in the Local Plan requiring some additional work and/or modifications on the advice of the Planning Inspector, it is difficult to predict how long the examination hearings might take, how long the Inspector takes to come to a view on what additional work or modifications might be required and how significant or contentious those modifications might be. Officers would however hope that such matters would be resolved in the 2027/28 financial year to enable the Local Plan to be adopted ahead of Local Government Reorganisation and the vesting of the new unitary authority.

The worst of the three scenarios would be for the Inspector to find the Local Plan to be not legally compliant and/or unsound to the degree that there is no ability for it be corrected through additional work and/or modifications. In that scenario, and unless the Council has reason to believe the Inspector has come to a legally flawed decision, the Local Plan would need to be withdrawn, the Council would be left with no up to date Local Plan and the District would be left vulnerable to speculative development proposals for an extended period of time. If Local Government Reorganisation does go ahead, work on a new Local Plan progressed under the new plan-making

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system would most likely be for the new unitary authority planning for the North East Essex area as a whole.

In the report to the Planning Policy and Local Plan Committee on 8 June 2026, Officers highlighted what they considered to be the main matters likely to be the focus of an Inspector's exploration of soundness as part of the examination process along with an indication of how those matters were to be addressed either through changes to the Local Plan or through updated works and additions to the technical evidence base. Since that meeting, Officers have incorporated changes into the Submission Version aimed at addressing those matters and the evidence-base has been updated accordingly.

LEGAL

Planning legislation and plan-making regulations

Planning legislation and the National Planning Policy Framework (NPPF) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

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

Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the Council, before submitting a Local Plan to the Secretary of State, to make a copy of each the proposed submission documents (including the Submission Version Local Plan,

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Sustainability Appraisal and Habitat Regulations Assessment) available for inspection and publish a statement setting out the fact that submission documents are available for inspection and the places and times at which they can be expected. It also requires the Council to invite people to make representations.

The Planning and Infrastructure Act 2025

On 18 December 2025, Royal Assent was given to the Planning and Infrastructure Bill. The new Planning and Infrastructure Act 2025 introduced the following notable measures:

- making it quicker and easier to deliver critical infrastructure projects including through streamlining NSIP (Nationally Significant Infrastructure Projects) consultation requirements, ensuring National Policy Statements are kept up to date, and reducing opportunities for judicial review – this is to support the government’s Clean Power Action Plan by accelerating the planning process for energy infrastructure and ensuring local communities benefit through the creation of a bill discount scheme for people living closest to new electricity transmission infrastructure;
- introduction of a new Nature Restoration Fund that will unlock and accelerate development while going beyond simply offsetting harm to unlock the positive impact development can have in driving nature recovery;
- measures to make planning committees operate as effectively as possible, so that (in the Government’s words) they play their proper role in scrutinising development without obstructing it, whilst maximising the use of experienced professional planners – with a national scheme of delegation expected to be introduced through new regulations likely to result in more decisions having to be taken by Officers, particularly for development proposals that accord with policies in the Local Plan (expected to come into force at the end of October 2026);
- reforms to planning fees aimed at ensuring local planning authorities have the resources they need to deliver an efficient service;
- measures to improve the effectiveness of compulsory purchase powers by ensuring compensation paid to landowners through the CPO process is fair but not excessive, and so that development corporations can operate effectively; and
- formal introduction of the new strategic planning system and a requirement for the preparation of Spatial Development Strategies at sub-regional level to facilitate effective cross-boundary working to address development and infrastructure needs – this is a duty that will fall to the new Mayoral Combined County Authority (MCCA) for Greater Essex under current proposals for Devolution and Local Government Reorganisation.

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The new measures are mainly applicable to NSIPs (such as pylon and sub-station schemes that are being determined by central Government) and sub-regional strategic planning as opposed to having any direct implications for the current Local Plan review. They do however have implications for Council decision making on planning applications and future delivery of larger-scale developments (such as the Garden Community and Garden Village proposals) and the critical infrastructure of sub regional importance required to support them – which may be the subject of future reports to Councillors in due course – particularly if a national scheme of delegation comes into being.

The tests of soundness

The Local Plan will ultimately be tested, through the examination process, to meet both legal requirements and the ‘tests of soundness’ set out in the latest NPPF which was last updated in February 2025 – although the Government has carried out consultation on a potential new version that could come into force imminently. The tests of soundness as they currently stand, and which apply to Local Plans being progressed under the current system, require a Local Plan to be:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Status of the Government’s draft revised NPPF

In December 2025, the Government published a new draft version of the NPPF for consultation, with comments invited until 10 March 2026. The intention is that the requirements of the new version of the NPPF will apply to Local Plans being prepared under the new plan-making regulations i.e. new style Local Plans to be submitted to the Secretary of State after the cut-off date at the end of 2026. Because this Council’s Local Plan is being reviewed under the current plan-making regulations with the intention to submit to the Secretary of State before the end of 2026, the requirements of the new NPPF are not expected to apply and thus the current NPPF will remain relevant under transitional

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arrangements. The policies in the new NPPF will however apply to decision-making in the determination of planning applications from the date the final version is published, with an expectation that any inconsistency between NPPF policies and current or emerging Local Plans should be resolved in favour of the national policies.

The draft NPPF was presented in a format that clearly articulates its policies in relation to plan-making and decision-making and the new strategic planning system (which will be a focus for the new Mayoral authority for Greater Essex in its preparation of a Spatial Development Strategy (SDS)) and to providing standardised policies that are expected to apply nationwide. Officers have reviewed the draft NPPF and whilst it is presented very differently to the current version (and helpfully in some respects), the majority of its content is similar to that of the current NPPF with no significant change in the thrust or intent of the majority of policies that would apply to Tendring or that would suggest the policies in the recommended Preferred Options Draft are substantially inconsistent with what the Government is proposing. It is understood that the publication of the new NPPF, with any revisions following the consultation, could be this summer.

Duty to cooperate

There had been, from the Localism Act of 2011, a legal duty for Councils to cooperate on cross-boundary matters in the preparation of Local Plans. In respect of the test of 'effectiveness', Tendring District Council, Colchester City Council and Braintree District Council, having worked together to produce Section 1 of the current adopted Local Plan have previously demonstrated exemplary practice in effective joint working on cross-boundary strategic matters. The joint work of TDC, CCC and Essex County Council on the Tendring Colchester Borders Garden Community project, with the setting up of a dedicated joint Committee is a further demonstration of continued positive cooperation.

Through the current Local Plan Review, and that of Colchester City Council (which is itself following similar timescales), Officers of both Councils have been in regular contact to discuss matters that could be of cross-boundary significance, exploring opportunities for alignment on policy and sharing resources. This has demonstrated continued cooperation under the legal duty and forward thinking in respect of Local Government Reorganisation – under which, for all options under consideration by the Government, Tendring and Colchester are expected to merge under same unitary authority.

Whilst the Councils and other relevant partners have cooperated in line with the legal duty, that duty was abolished in March 2026, and will no longer apply to Councils in the process of preparing new Local Plans. Instead, new legislation has introduced the legal requirement for higher-level strategic plans to address and coordinate cross-boundary planning issues (Spatial Development Strategies) at combined authority level – which, for Greater Essex, will be the duty of the Mayoral Combined County Authority and the future elected Mayor. The advice from Government is however for Councils in the process of preparing Local Plans to carry on with that work, as Local Plans will feed into and inform the direction of growth in the early years of the Spatial Development Strategies.

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The requirement for Sustainability Appraisal/Strategic Environmental Assessment

Section 19 of the 2004 Planning and Compulsory Purchase Act requires a local planning authority to carry out a Sustainability Appraisal (SA) of each of the proposals in a Local Plan and the consequence of reasonable alternatives during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. The Sustainability Appraisal incorporates a Strategic Environmental Assessment (SEA) which is necessary to ensure that potential environmental effects are given full consideration alongside social and economic issues. The requirement for SEA comes from EU Directive 2001/42/EC, which has been transferred into UK law. The updated Sustainability Appraisal for the Submission Version Local Plan (incorporating SEA) is attached at Appendix 2 to this report.

The Habitats Regulations

As well as the requirement for SA/SEA, there is a legal duty under the Conservation of Habitats and Species Regulations 2017 (as amended) otherwise known as the ‘Habitats Regulations’ to consider the potential affect of policies and proposals in Local Plans on the integrity of internationally important wildlife sites or ‘European sites’ such as Special Areas of Conservation, Special Protection Areas and Ramsar sites – of which there are a number around the coast of Tendring focussed on the Stour Estuary, Hamford Water and the Colne Estuary. In carrying out a Habitat Regulations Assessment (HRA), the Council as the ‘competent authority’ is assessing the likelihood of plans and proposals having a significant adverse affect, following which a more detailed ‘Appropriate Assessment’ might be required to consider specific affects of particular proposals.

The whole of the Tendring District is within the ‘zone of influence’ for the various European sites and through the Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS) and associated Supplementary Planning Document (SPD) the Council, like others in Essex, secures financial contributions from most residential developments towards a programme of measures to mitigate the potential indirect affects of growth to ensure which, for most developments, ensures compliance with the Habitat Regulations. The updated assessment accompanying the Submission Draft Local Plan is attached at Appendix 3 to this report.

Full Council approval to submit the Local Plan to the Secretary of State

Following the consultation on the Submission Version of the Local Plan, the next stage of the plan-making process will be to submit the Local Plan along with the representations received and other relevant documents to the Secretary of State who will then appoint a Planning Inspector to examine the Plan. In the past, some Councils, including Tendring District Council have sought Full Council approval to publish the Submission Version Plan for consultation and subsequently submit the Plan to the Secretary of State in the same decision. However following a recent High Court Case, Oxford

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City Council was blocked from submitting its Local Plan for examination without the Council having first considering the representations received.

Therefore, it is the intention that following the consultation on the Submission Version, there will need to be a further decision from the Planning Policy and Local Plan Committee and Full Council to confirm the submission of the Local Plan to the Secretary of State in time for that submission to be made before the end of 2026. The reports to those meetings will provide an overview of the representations received during the consultation.

OTHER IMPLICATIONS

Area or Ward affected: All wards across the District are affected directly or indirectly either by one or more policies or proposals contained the Submission Version of the Local Plan. Of note in respect of the largest development proposals:

- the proposed broad location for the Hare Garden Village falls within both the Alresford & Elmstead Ward and the Frating & Bentleys Ward;
- the proposed broad location for the Horsley Cross Garden Village straddles three wards: Lawford, Manningtree & Mistley Ward; Stour Valley Ward; the Oakleys & Wix Ward;
- the main site proposed for development crosses Stour Valley Ward and Dovercourt All Saints Ward;
- the proposed development at Weeley falls within the Weeley & Tendring Ward; and
- the Collierswood Business Park employment site falls mainly within the Alresford & Elmstead Ward and partly in the Ardleigh & Little Bromley Ward.

Consultation/Public Engagement: Formal public consultation on the Submission Version of the Local Plan is a statutory requirement under the plan-making regulations. It is however very important to point out to Councillors and the public that the consultation carried out at Submission Version stage serves a very different purpose to the consultation that was previously carried out on Issues & Options in 2025 and the Preferred Options Draft back in February and March 2026.

Whereas the previous Issues & Options and Preferred Options consultation stages were designed to invite residents and other interested parties to make comments and suggestions for the Council to take into account in drafting and making changes to the Draft Local Plan, the purpose of the Submission Version consultation stage is to invite residents and other interested parties to specifically comment on and challenge the legal compliance and soundness of the Draft Local Plan. The comments are then submitted to the Secretary of State for consideration thereafter by the Government-appointed Planning Inspector as part of the examination process.

The Council will therefore not have an opportunity to make any further changes to Local Plan following the consultation, and whilst it can make suggestions for changes to the Planning Inspector as part of the examination, it will be ultimately up to the Inspector themselves to determine whether

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any changes to the Local Plan are needed to ensure it is legally compliant and sound and whether it can therefore be legally adopted by the Council.

Because the purpose of consultation on the Submission Version of the Local Plan is different to that of the previous two rounds of consultation, the approach to publicity and engagement with residents and others at meetings and events will also be subtly different in its emphasis. Officers will be encouraging people to consider the tests of soundness in the National Planning Policy Framework (NPPF) when making their representations as they will need to persuade the Government Planning Inspector, not necessarily the Council, that there are issues with the Local Plan that need to be resolved.

Subject to the agreement of the Committee and Full Council, the six-week consultation for the Submission Version of the Local Plan is intended to be held in September and October 2026, with the precise dates to be agreed with the Planning Portfolio Holder and will be carried out in conformity with the Council's Statement of Community Involvement (SCI).

The Submission Version of the Local Plan and relevant supporting documents will be published online on the Planning Policy consultation portal, which can be accessed through the Council's website. Interested parties will be encouraged to submit comments directly through this portal, although alternative methods of submission such as emails or letters will also be accepted. Hard copies of the documents will be deposited at a number of locations around the District for those that do not have access to the internet – specifically at Clacton Town Hall, and at each of the District's libraries.

As before, various methods will be used to advertise the consultation and encourage members of the public and other interested parties to respond. These methods include:

- use of the Council's website and social media;
- letter/email to residents, businesses and interested parties that have registered on the Local Plan Consultee Database to advise that the consultation period has started;
- email to statutory consultees and other key stakeholders including town and parish councils; including where possible adding a News item to websites of town and parish councils with a link to TDC and the Planning Policy consultation portal; and,
- a press release to local newspapers.

Officers also propose to again hold a limited number of public events in locations across the District – most affected by the developments proposed in the Plan. However, as stated above, the emphasis of the events will be to encourage residents to consider the legal compliance and soundness of the Local Plan in making their representations.

Although these kinds of events have become less well attended in recent years, particularly since the pandemic and the rise in internet usage, they are still an important method of engaging with

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people – and they provide an opportunity for discussions and questions of clarification before a formal submission is made. It is proposed to hold events in similar locations to those used for the Preferred Options stage of consultation.

Not being able to attend an event will not put people at a disadvantage, as all of the consultation materials will be available online and in locations around the District, and Officers will be available by phone and email should members of the public or other stakeholders have further questions. The intention is to publicise the availability of the consultation documents widely across the District via posters/leaflets in locations, for example GP surgeries, Post Offices and Sports Centres, which will aim to impress upon hard-to-reach groups.

Alongside carrying out official TDC public consultation events, it is proposed that Officers continue informal engagement with Town and Parish Councils and could attend local meetings on request, subject to capacity and availability, to provide further information and explanation of the Local Plan and to encourage people to make representations.

Local Government Reorganisation: The Local Plan currently under review is highly likely to be the last Local Plan that will ever be prepared by Tendring District Council in its current configuration before proposals for Devolution and LGR take effect, TDC and other Councils are abolished, and a new unitary authority for the north or north/east part of Essex comes into being. It also represents TDC's last opportunity to influence the future pattern of growth in the Tendring area ahead of the formation of the Mayoral Combined County Authority (MCCA) for Greater Essex – which will have new powers in respect of strategic planning, including through the preparation of a 30-year Spatial Development Strategy (SDS) for longer-term growth across the Greater Essex area.

The updated Tendring Local Plan will therefore not only serve as the statutory development plan to guide planning decisions in the Tendring area by TDC and the future unitary authority that succeeds it – but will also have an important bearing the MCCA's decisions on the content of the SDS for long-term strategic growth in Greater Essex. Therefore, the proposals to establish Garden Villages at Hare Green and Horsley Cross are of particular relevance for the SDS, with the potential for growth to extend well beyond the Local Plan's 2042 timeframe and over a 20-30 period and the potential to secure support through the MCCA for future masterplanning, infrastructure delivery and funding.

Financial sustainability of public services: When the Government introduced the concept of mandatory housebuilding targets, the Council raised strong objections to the significant increase in housebuilding targets if not supported by necessary investment in infrastructure. When the Council publishes the Submission Version Local Plan for consultation, Officers anticipate understandable feedback from residents, communities and other stakeholders raising concerns about the impact of growth on infrastructure provision, particularly in respect of transport, health and education.

Whilst the extent of additional housing growth being proposed under the Government-imposed target is extremely challenging for the Council to plan for through the Local Plan and raises a number of

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concerns, growth in housing and employment is however important both for the national and local economy and the future sustainability of providing public services including Council services, health services (including the NHS), education and associated infrastructure. Therefore, whilst growth in housing and commercial development raises concerns about impacts on infrastructure, it is also part of the solution; and at a national level, the Government has been keen to emphasise the importance of housing growth to general growth in the economy, tax revenue and the ability for both central Government and Councils in sustaining and investing in public services.

In addition to sustaining and growing public services through economic growth and increasing the tax base, the planning system provides the ability to secure infrastructure delivery through s106 legal agreements on the grant of planning permission and/or through Community Infrastructure Levy.

PART 3 – SUPPORTING INFORMATION

WORK ON THE LOCAL PLAN REVIEW TO DATE

Tendring's current Local Plan was adopted by decision of Full Council in two sections - Section 1 on 26 January 2021 (for North East Essex), and Section 2 (for Tendring only) on 25 January 2022. The Local Plan was designed to set out the planning framework for the period up to 2033 and, in the case of developments like the Tendring Colchester Borders Garden Community, into the longer-term beyond 2033.

However, to be effective, plans need to be kept up to date and the National Planning Policy Framework (NPPF) states policies in local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, over the course of the last three years, the Council has been in the process of updating and reviewing the Tendring District Local Plan under its statutory duties and has done so clearly and transparently through its reports and meetings – following a logical sequence and an agreed set of overarching guiding principles. The various stages of this process have been extensively documented in reports to, and associated decisions from, the Planning Policy and Local Plan Committee since December 2023.

The initial anticipated timescales for reviewing the Local Plan were set out broadly in the report to the Planning Policy and Local Plan Committee in December 2023, with a more detailed timetable provided to the Committee in February 2024 as part of the Local Development Scheme. A 'call for sites' consultation was undertaken in early 2024, and around 200 site propositions were submitted to the Council for consideration as part of the Local Plan Review.

An Issues and Options Consultation Document was presented to, considered and agreed by the Committee in May 2024 including a set of key overarching principles and six spatial strategy options for how additional growth to meet needs over an extended plan-period could be accommodated in the District, however the consultation itself was delayed due to the General Election and the new

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Government's proposals for reforming the NPPF and imposing new (much higher) mandatory housebuilding targets.

The Council responded to the Government's consultation on its proposed changes to national policy raising strong practical objections to the proposed imposition of mandatory housebuilding targets which, for Tendring nearly double the amount of housing needing to be planned for from the figures in the previous Local Plan. However, in December 2024, the Government pressed ahead with publishing the new NPPF along with the updated standard method for calculating housing need, which despite the Council's objections, at least provided it with certainty over the requirements that the updated Local Plan will need to satisfy.

With greater certainty over the housing target the Council would be expected to address through its updated Local Plan, the Committee was able to agree an updated version of the Issues and Options Consultation document, which featured greatly limited options for accommodating the significantly increased housing target. Four new spatial strategy options were proposed, each combining elements of urban expansion, proportionate growth in smaller settlements, and the establishment of strategically located garden villages to deliver housing at scale with supporting infrastructure.

The Issues and Options document was published for public consultation in spring 2025, and generated strong engagement from residents, Town and Parish Councils, technical stakeholders and the development industry. Recurring themes included concerns about infrastructure capacity, the protection of green spaces, and the deliverability of large-scale development. While there was some support for Garden Villages as a means of delivering comprehensive infrastructure alongside new homes, there were concerns about the deliverability of such large schemes and the impacts on nearby communities. Technical stakeholders emphasised climate change mitigation, sustainable transport, and water and health infrastructure as key considerations for the updated Local Plan.

In December 2025, the Committee agreed the preferred strategy and site allocations for inclusion in the Preferred Options Draft of the new Local Plan followed, in January 2026 by the Draft Plan itself containing the full suite of planning policies and maps. Following a decision of Full Council on 27 January 2026, the Preferred Options Draft was published for six-weeks consultation between 9 February and 23 March. On 8 June 2026, the Committee was presented with a report providing a broad overview of the level and nature of responses received from residents and other stakeholders to the public consultation. That report also identified what Officers considered to be the ten main matters raised through the consultation:

- 1) the realistic deliverability and soundness of the Garden Villages proposed for Hare Green and Horsley Cross;
- 2) the realistic deliverability of the overall housebuilding requirement;
- 3) the soundness of the Brightlingsea allocation of 300 homes (site SAH4);

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- 4) the soundness of the Kirby Cross and Walton allocations of 420 and 200 homes respectively (sites SAH2 and SAH3);
- 5) the amount of development proposed at Thorpe le Soken;
- 6) the sustainability of housing developments in smaller rural villages;
- 7) the justification and soundness of the District's Strategic Green Gaps;
- 8) the protection given to Ardleigh and Elmstead in the Draft Local Plan;
- 9) the viability of zero carbon, water efficiency and BNG policies; and
- 10) The robustness of the evidence base.

A second Committee report on 8 June 2026 then set out Officers' thoughts on potential next steps, including provisional recommendations for changes to the Draft Local Plan and additional work to strengthen the technical evidence base to address the above main matters. The Committee then agreed a series of changes to the housing and mixed-use site allocations including (notably) the deletion from the Plan of sites SAH3, SAH4 and SAH10 in Walton, Brightlingsea and Thorpe and other deletions, additions and revisions to sites or indicative housing numbers – which have now been incorporated into the Submission Version of the Plan subject of this report, with the exception of the previously proposed revisions to the delivery assumptions for the Hare Green and Horsley Cross Garden Village proposals which, for the reasons set out earlier in this report, are no longer recommended.

Throughout the review process, the Council has been updating and adding to the technical evidence base that sits alongside and informs the content of the Draft Local Plan and the current position is set out below.

EVIDENCE BASE UPDATES AND FINDINGS

The Submission Version of the Local Plan is informed and underpinned by a range of technical evidence and studies, some of which were already in place (or otherwise in the process of being finalised) to inform the earlier Preferred Options Draft. In moving to the submission stage of the process, the evidence base is now completed to the level necessary to support the Submission Version and includes additional pieces of evidence and relevant updates to other studies.

In the 22 January 2026 report to the Planning Policy and Local Plan Committee accompanying the Preferred Options Draft Local Plan, Officers set out a summary of each element of the technical

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evidence base, their purpose and final or emerging findings. In the interest of completeness and continuity, this approach is replicated again for the purpose of this report with relevant updates and additions.

Sustainability Appraisal (SA)

The Submission Version Local Plan is accompanied by updated versions of the Sustainability Appraisal and a Habitat Regulations Assessment – both of which are legal requirements of the plan-making process. The Sustainability Appraisal (which includes a Strategic Environmental Assessment) is needed to assess the extent to which an emerging Local Plan, when judged against reasonable alternatives, will help to achieve sustainable development, having regard to environmental, economic and social objectives. The assessment is also specifically designed to ensure that potential environmental effects are identified, considered and where necessary addressed. There is a requirement under legislation to carry out a Sustainability Appraisal for all the proposals and policies in a Local Plan throughout the different stages of its preparation.

The updated SA for the Submission Version Local Plan has been carried out by Essex Place Services, and it has considered all of the policies and proposals in the Submission Version of the Plan against reasonable alternatives (where applicable) and against a set of sustainability criteria, similar to those used to assess the Council's previous Local Plan. The work is presented in an Integrated Sustainability Appraisal Report (ISA), which includes:

- a review of relevant plans, strategies and environmental protections;
- a detailed baseline of environmental, social and economic information;
- a set of sustainability objectives and appraisal criteria;
- assessment of each policy and proposed allocation;
- assessment of reasonable alternatives; and
- supporting Annexes, including site-by-site assessments.

The updated ISA also incorporates a Health Impact Assessment screening and an Equalities Impact Assessment, ensuring that health outcomes and equality considerations are taken into account.

The Integrated Sustainability Appraisal (ISA) concludes that the Submission Version Local Plan is likely to generate a range of positive social, economic and environmental effects through the delivery of new homes, employment opportunities, infrastructure, biodiversity net gain, green infrastructure and measures to address climate change. In particular, the appraisal identifies significant positive effects in relation to housing delivery, economic growth and biodiversity net gain.

As would be expected for a Plan accommodating significant levels of growth, the ISA also identifies the potential for adverse or uncertain effects in relation to transport, biodiversity, landscape character, the historic environment, agricultural land, water resources and flood risk. These considerations have

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informed the preparation of the Local Plan and the refinement of policies and site allocations throughout the plan-making process.

The appraisal highlights that the scale of development proposed at the Hare Green and Horsley Cross Garden Villages has the potential to give rise to landscape and heritage impacts if not carefully planned and designed. However, the ISA recognises that the Local Plan's policy framework requires further masterplanning, assessment and mitigation work as these proposals progress, providing opportunities to avoid, minimise or mitigate adverse effects and secure environmental enhancements.

The ISA concludes that, overall, the Submission Version of the Local Plan represents an appropriate and sustainable strategy for accommodating Tendring's development needs. Recommendations arising from the appraisal have informed the preparation of the Submission Version and will continue to be addressed through future masterplanning, detailed assessment work and, where appropriate, planning applications.

The ISA also incorporates Health Impact Assessment screening and an Equalities Impact Assessment. These conclude that the Local Plan has the potential to support improved health and wellbeing through the provision of housing, infrastructure, open space, employment opportunities and active travel measures, whilst no significant adverse impacts have been identified for groups protected under the Equality Act 2010.

It is a legal requirement for the Sustainability Appraisal to be part of the Council's formal decision-making process and for it to be published for consultation alongside the Draft Local Plan. For this reason, it is expressly referred to in the recommendations and is attached to this report as appendices rather than being simply listed as background documents like other studies within the evidence-base.

Habitats Regulations Assessment (HRA)

The Habitats Regulation Assessment (HRA) assesses whether the Local Plan, either alone or in combination with other plans and projects, is likely to have a significant effect on internationally important wildlife sites protected under the Habitats Regulations, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites associated with the Stour and Orwell Estuaries, Hamford Water, Colne Estuary, and other designated coastal environments. The HRA has been updated by Essex Place Services to support the Submission Version of the Local Plan, taking into account consultation responses received on the Preferred Options Draft and the earlier iteration of the HRA – including from Natural England and the Essex Wildlife Trust.

The updated HRA has been carried out in accordance with the requirements of the Habitat Regulations and relevant case law. At the screening stage, a number of policies and site allocations were identified as having the potential for likely significant effects, particularly through recreational

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disturbance, impacts on functionally linked land, water quality and air quality. As a result, these policies and allocations were subject to Appropriate Assessment.

The Appropriate Assessment considered the potential effects of the Local Plan both alone and in combination with other plans and projects and examined the mitigation measures embedded within the Plan, including requirements relating to the Essex Coast RAMS, Suitable Alternative Natural Greenspace (SANG), protection of functionally linked land, biodiversity mitigation, wastewater infrastructure, sustainable drainage and project-level HRA where necessary.

The HRA concludes that, with these mitigations incorporated into the Plan and secured through subsequent planning applications where required, the Submission Version Local Plan would not result in an adverse effect on the integrity of any Habitats Site, either alone or in combination with other plans and projects. Consequently, no further stages of the Habitats Regulations Assessment process are required.

As with the Sustainability Appraisal, there is a legal requirement for the updated HRA to be part of the Council's formal decision-making process and for it to be published for consultation alongside the Draft Local Plan. For this reason, it is expressly referred to in the recommendations and is attached to this report as an appendix.

Strategic Housing Market Assessment (SHMA)

The Strategic Housing Market Assessment (SHMA) carried out by HDH Planning and Development was reported to the Planning Policy and Local Plan Committee at its meeting on 28 May 2025. It remains valid and has not needed to be revisited or updated any further for the purposes of progressing the Submission Version of the Local Plan.

The SHMA forms a key part of the Local Plan evidence base and provides an up-to-date picture of the types of homes likely to be needed in Tendring over the Plan period. It's main finding is that, across the 18,000 new homes the District is required to plan for up to 2042, the projected demand is likely to be relatively evenly spread across one-, two-, three- and four-bedroom homes. This reflects Tendring's ageing population, continued growth of smaller households, and a steady requirement for family-sized accommodation. Although the Submission Version of the Local Plan has now been revised to extend its plan period to 2043, it is not considered necessary nor proportionate to update the SHMA evidence at this time to align its timescales.

The SHMA's modelling indicates that no single house size dominates future need, and that a balanced mix will be required to support both older residents wishing to downsize and working-age households needing larger homes. The SHMA also identifies a significant requirement of affordable housing, estimating a net annual need of around 275 affordable homes – equivalent to roughly 25% of the District's total housing requirement. This need arises from a combination of households unable to access market housing, newly forming households, and expected future turnover within the affordable stock. The assessment also highlights the importance of a range of affordable housing

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types – with most need focussed on Social and Affordable Rent, but with a meaningful role for Shared Ownership and First homes in helping younger households enter home ownership.

This evidence is reflected both in the affordable housing policy and the housing choice policy in Submission Version of the Local Plan. It is also consistent with the existing Local Plan policy which requires larger housing developments to deliver an appropriate mix of housing size, type and tenure having regard to the SHMA, ensuring that new development responds directly to Tendring's demographic profile and future needs.

Strategic Housing Land Availability Assessment (SHLAA)

The purpose of the Strategic Housing Land Availability Assessment (SHLAA) is to identify land with potential for housing development, assess its suitability, availability and achievability, and demonstrate how the district's housing requirement can be met over the plan period. It is updated every year by Officers in the Planning Team, and the 2026 update has been prepared using an updated base date of 1 April 2026, drawing on the most up-to-date information about planning permissions, appeal decisions and delivery rates across the district.

The updated SHLAA has informed the Local Plan's spatial strategy and the selection of locations and sites for housing and mixed-use development in the Draft Local Plan. It includes a housing trajectory showing how the requirement for 18,173 homes between 2026 and 2043 could be met through a combination of existing commitments, adopted and emerging Local Plan allocations, strategic locations for longer-term growth and a realistic allowance for windfall development of smaller sites.

Based on current evidence, around 10,211 homes are expected to be delivered from sites that already benefit from planning permission or are allocated in the current Local Plan, alongside small sites and windfall development that have consistently contributed to housing supply in Tendring. The additional allocations proposed through the Submission Version of the Local Plan will deliver the remaining 8,000 homes. As set out earlier in this report, following refinement of the housing trajectory and removal of some of the most objected-to or otherwise problematic sites, the level of contingency is significantly lower than previously anticipated but remains sufficient to demonstrate that the housing requirement can be met over the plan period.

Employment Land Review (ELR)

The Tendring Employment Land Review (ELR) was prepared by GC Insight (formerly Ekosgen) and BE Group to assess whether additional employment land is needed beyond existing allocations to support economic growth, housing delivery and strategic infrastructure projects. The study reviewed national and local policy, Tendring's economic performance and property market trends, and tested future growth scenarios originally to 2041. Following the Council's decision to extend the Local Plan period to 2043, an ELR Addendum has been prepared to update the higher growth 'policy-on'

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scenario using the same Cambridge Econometrics forecasts and sector-specific adjustment assumptions as the original study, but over the extended period.

The Addendum shows that extending the assessment period to 2043 increases the higher growth scenario from the 2025 ELR figure of 30.69 hectares to a total employment land requirement of 35.03 hectares. This comprises 18.38 hectares of B2 industrial land, 12.93 hectares of B8 warehousing land and 3.72 hectares of E(g)(i–iii) office, research and development and light industrial land, associated with just over 169,000 square metres of floorspace. While the revised requirement is higher than previously identified, the overall supply of employment land in Tendring remains sufficient in quantitative terms.

The Local Plan therefore continues to focus on safeguarding high-performing and strategically important sites, aligning new employment allocations with growth priorities, supporting strategic housing locations and capitalising on opportunities linked to Freeport East, Bathside Bay and the A120 and A133 corridors. The ELR and Addendum also support a flexible approach between employment uses, protection of key employment areas and the delivery of modern, high-quality premises to meet demand from logistics, advanced manufacturing, low-carbon, construction and knowledge-based sectors. This approach ensures Tendring can accommodate economic growth over the extended plan period while supporting housing delivery and infrastructure investment.

Essex Supported and Specialist Housing and Accommodation Need Assessment 2025 (SSHANA)

The Supported and Specialist Housing and Accommodation Need Assessment (SSHANA) has been undertaken by Essex County Council, with input from district authorities, the NHS and housing providers. It provides a comprehensive evidence base on the future need for supported and specialist housing across Essex to 2044, covering people with learning disabilities and autism, mental health needs, physical and sensory impairments, vulnerable young people, children in care, older people, victims/survivors of domestic abuse, and people with lower-level support needs. Its purpose is to quantify unmet need, identify pressure points and ensure that Local Plans and commissioning strategies can support the right mix of accommodation, care models and tenures across the county. The assessment forms part of the evidence base for emerging Local Plans and will need to be refreshed every five years.

The assessment provides strong evidence that delivering specialist and supported housing in sustainable, well-connected locations helps residents maintain independence, reduces pressure on health and social care services, and supports the Council's aim of creating healthy, inclusive communities. These benefits are maximised where new provision is integrated within existing settlements, with good access to services, public transport, and high-quality design and amenity standards that promote wellbeing and prevent isolation.

Local Plan Viability Assessment

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The Local Plan Viability Assessment has been prepared by consultants HDH Planning and Development to test whether the policies and proposals in the Local Plan are capable of being delivered viably over the plan period. The assessment considers a range of factors including development values, construction costs, land values, infrastructure requirements, and the cumulative impact of policy requirements such as affordable housing, efficiency standards and Biodiversity Net Gain. The assessment has been updated to reflect changes to national policy, market conditions, development costs, the extended plan period to 2043 and amendments made to the Local Plan since the previous stage of consultation.

The updated assessment indicates that the economic viability of development varies across different parts of the district, reflecting differences in sale/rental values, market conditions and site characteristics. It also confirms that the cumulative impact of the Plan's policy requirements, including higher environmental standards and infrastructure obligations, can have a significant effect on viability and therefore requires a balanced and proportionate policy approach.

The findings support the proposed approach in the Submission Version of the Local Plan of seeking 20% affordable housing on most qualifying developments, rising to 30% on the Tendring Colchester Borders Garden Community and the proposed Garden Villages at Hare Green and Horsley Cross. The assessment uses a balanced tenure mix of 10% Social Rent, 60% Affordable Rent and 30% Affordable Home Ownership, which reflects local needs and viability considerations.

The viability evidence has also informed the proposed approach to environmental standards. In particular, whilst the Water Cycle Study identified that a tighter water efficiency standard of 85 litres per person per day is technically achievable, viability testing indicates that a standard of 100 litres per person per day represents a more appropriate balance between environmental objectives and deliverability. Overall, the Viability Assessment provides evidence that the Plan's policies and allocations are capable of being delivered over the plan period.

Community Infrastructure Levy Viability Study

The Community Infrastructure Levy (CIL) Viability Study assess whether CIL could fund infrastructure in Tendring without putting planned growth at risk. It will form part of the evidence base for the Local Plan Review, and tests in a consistent district-wide way how typical policy costs affect viability for different development types and locations. Importantly, the modelling was undertaken against the Council's adopted policy requirements, and the emerging Local Plan is proposing even higher standards (for example in water and energy efficiency) which would further tighten viability margins for CIL.

The Study was carried out by Porter Planning Economics using standard methods and typology testing across market value areas, differentiating between greenfield and brownfield land, and

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including sensitivity tests on market conditions. It provides a robust indication of where, and to what extent, any levy might be supportable alongside section 106 obligations.

In headline terms, the findings show limited and uneven capacity for CIL. Most brownfield housing typologies have little or no headroom, while some greenfield housing (particularly in higher-value parts of the district) could support CIL. The largest strategic sites (including the Garden Community and Hartley Gardens) do not have capacity for CIL and would continue to rely on bespoke section 106 agreements. In the non-residential market, meaningful headroom is largely confined to convenience retail; offices, industrial, hotels and most comparison retail do not support a viable levy under current conditions.

These findings have been shared with the consultants preparing the Local Plan Viability Assessment and will continue to inform our work as the Local Plan Review progresses. At this stage, Officers are not recommending the introduction of CIL but consider that the question should be revisited later in the plan-making process – potentially following Local Government Reorganisation, when a more coordinated approach across a wider North Essex geographic area may offer a more effective and efficient route to implementation.

Gypsy and Traveller Accommodation Assessment (GTAA)

The Gypsy and Traveller Accommodation Assessment (GTAA) identifies the accommodation needs for Gypsies, Travellers and Travelling Showpeople in Tendring and provides the evidence base for the preparation of Local Plan policies relating to traveller accommodation.

The study was commissioned jointly by the Essex Planning Officers Association (EPOA) and undertaken by Opinion Research Services (ORS). It involved desk-based research, stakeholder engagement, and interviews with Gypsy and Traveller households across the district. Fieldwork was undertaken between July and October 2023, using a November 2023 baseline.

The GTAA identified a need for additional Gypsy and Traveller pitches over the plan period and recommended that provision should be made through a combination of site allocations and criteria-based policies capable of responding to future needs and windfall proposals. The assessment found no current or future need for Travelling Showpeople plots within the district.

Following publication of the GTAA, the Council commissioned a further Pitch Deliverability Assessment (PDA) to investigate the extent to which identified needs could be met through the intensification, reconfiguration or expansion of existing sites and to inform the Local Plan's approach to delivery. The PDA included additional engagement with site owners and residents, resulting in updated evidence that supersedes the original GTAA figures.

Gypsy and Traveller Pitch Delivery Assessment

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The Pitch Deliverability Assessment (PDA) was undertaken by Opinion Research Services (ORS) to assess the suitability, availability and deliverability of existing Gypsy and Traveller sites in Tendring and to establish how much of the identified accommodation need could realistically be met through existing sites. The assessment considered opportunities for site intensification, reconfiguration and expansion, together with the potential for unauthorised sites to contribute towards future supply where appropriate.

Additional fieldwork and engagement undertaken as part of the PDA resulted in an updated assessment of need. The revised evidence identified a requirement for 45 pitches over the plan period, comprising 33 pitches of current need and 12 pitches of future need. These figures supersede those contained within the original GTAA and form the basis of the Local Plan's approach to future traveller provision.

The PDA concludes that approximately 64% of the identified need could potentially be met on existing sites through intensification, reconfiguration or expansion, subject to detailed planning assessment and the resolution of any site-specific constraints. The assessment therefore demonstrates that a significant proportion of identified need can be accommodated through existing sites, reducing the requirement for wholly new allocations.

The findings of the PDA have informed the Local Plan's approach to traveller provision. In the short term, additional pitches are expected to come forward primarily through the expansion and intensification of existing authorised sites where these are demonstrated to be suitable and deliverable. To provide flexibility over the longer term, the Local Plan proposes broad locations for future provision within the Tendring Colchester Borders Garden Community and the proposed Garden Villages at Hare Green and Horsley Cross. Any proposals outside these locations would be considered against the criteria-based policy approach set out in the Plan.

Leisure, Open Space and Outdoor Sports Evidence Base

To inform the Local Plan Review, the Council commissioned a suite of studies from Knight, Kavanagh & Page (KKP) covering leisure facilities, open space, playing pitches, and outdoor sports provision. Together, these studies provide a comprehensive overview of the quality, quantity, accessibility and future needs of leisure, recreation and open space infrastructure across the district and establish the standards required to support both existing and future communities.

The studies identify existing deficiencies and future requirements arising from population growth, together with opportunities to improve the quality, accessibility and long-term sustainability of facilities. Common themes include the need to protect existing open spaces, playing fields and sports facilities; maintain and enhance opportunities for recreation and physical activity; address deficiencies in provision; and ensure that new development contributes appropriately towards the delivery and improvement of leisure and open space infrastructure.

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The evidence confirms that population growth over the plan period will increase demand for a range of facilities, including public open space, children's play areas, playing pitches, sports facilities and associated recreational infrastructure. It also highlights the importance of securing both on-site provision and developer contributions towards off-site improvements where necessary to maintain adequate levels of provision and accessibility.

The findings have directly informed the Local Plan's approach to open space, sport and recreation. In particular, Policy HP5 establishes updated standards for open space provision, safeguards existing facilities from inappropriate loss, and requires development to deliver or contribute towards open space, play, sports and recreational facilities in accordance with identified needs. The policy's requirements for on-site provision, financial contributions and long-term management arrangements reflect the recommendations of the evidence base and are intended to ensure that planned growth is supported by appropriate leisure and recreational infrastructure.

Infrastructure Delivery Plan

The Infrastructure Delivery Plan (IDP) has been prepared by LUC to support the Regulation 19 Submission Version of the Tendring District Local Plan. It has been informed by engagement with Council Officers and a wide range of infrastructure providers, including transport, education, health, utilities, emergency services, waste, libraries, green infrastructure, leisure and flood risk bodies. The IDP provides a proportionate strategic assessment of existing infrastructure provision and the additional infrastructure likely to be required to support the proposed housing and employment growth over the plan period. It should be treated as a living document and a snapshot in time, with further refinement expected as detailed masterplanning, planning applications and provider investment programmes come forward.

The Regulation 19 IDP assesses a broader range of infrastructure topics than the earlier Regulation 18 work, including water and drainage, energy, broadband, green infrastructure/open space and leisure, education, health, transport and sustainable travel, emergency services, waste, libraries and flood defences. Residential sites have been assessed individually where they are of strategic scale, with smaller sites grouped into settlement-based clusters, while employment allocations have been tested separately. Education remains one of the most significant infrastructure considerations. The Garden Villages at Hare Green and Horsley Cross will require substantial on-site provision, including new primary schools and secondary school land, while Weeley Green Garden Village, Hartley Gardens, Oakwood Park and Rouses Farm also generate primary and early years requirements. In health terms, the IDP identifies existing pressure across GP practices in Tendring, with developer contributions or new branch surgery/community hub solutions likely to be required for several larger allocations. Green infrastructure and open space requirements are also significant, particularly the need for Suitable Alternative Natural Greenspace and Essex Coast RAMS contributions to address recreational pressure on protected coastal habitats.

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Utility and transport infrastructure will require careful planning and phasing but the IDP does not identify any constraint that is incapable of mitigation. Wastewater is a key issue, with Clacton-Holland Haven, Manningtree and Great Bromley Water Recycling Centres facing capacity constraints and new or on-site wastewater treatment solutions likely to be required for Hare Green and Horsley Cross Garden Villages. Electricity infrastructure may require new or extended primary substations in several growth areas, while potable water provision will generally require detailed modelling and local reinforcement. Transport modelling identifies a package of highway, bus, mobility hub, rail, walking and cycling measures, including improvements to key corridors and junctions, sustainable travel measures, mobility hubs and enhanced access to railway stations. The IDP also identifies potential contributions towards emergency services, libraries, waste infrastructure, healthcare and community facilities. Overall, while the infrastructure requirements are substantial, and in some cases critical to phasing, the IDP supports the deliverability of the Local Plan provided that development is accompanied by timely infrastructure planning, developer contributions, provider investment and continued engagement through masterplanning and planning applications.

Education Scenario Testing

Alongside preparation of the IDP, Essex County Council's School Place Planning Team undertook a detailed Education Scenario Test to assess the school place implications of the emerging spatial strategy. The test was based on the June 2026 housing scenario supplied by the Council (excluding the Tendring Colchester Borders Garden Community because it is already governed by an adopted Development Plan Document and will operate largely as a self-contained school planning area). The assessment used January 2026 school census data, May 2026 pupil forecasts and ECC's standard pupil product factors, with most dwellings treated as houses in the absence of detailed unit mix information to provide a robust worst-case test.

The Scenario Test confirms that the two larger Garden Villages will require significant on-site education provision. Hare Green Garden Village should allocate three 2.18 hectare education sites for primary schools with early years and childcare provision, with one site co-located with a further 7.9 hectares for secondary school and sixth form provision. Horsley Cross Garden Village should allocate four 2.18 hectare education sites for primary schools with early years and childcare provision, with one site co-located with a further 10.1 hectares for secondary school and sixth form provision. The assessment also confirms that education land already secured or proposed through the adopted Local Plan should be carried forward at Weeley, Rouses Farm, Hartley Gardens and Oakwood Park, and that land south of Colchester Road at Weeley should be considered as a potential alternative location for primary and early years provision given the scale and character of the Weeley Green Garden Village proposal.

For the remainder of the District, the assessment identifies a combination of manageable capacity issues and locations where careful planning will be required. In the Manningtree/Lawford area, Lawford CE Primary has already expanded to 2fe and has limited further scope, but changes to admission patterns and modest expansion at other schools could assist. In Harwich and Dovercourt,

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much of the additional primary demand would be closest to Chase Lane Primary, but St Michael's CE Primary at Ramsey has a larger site that could facilitate expansion. In the west of the District, coordination will be needed around Elmstead, Great Bentley and Alresford, particularly because the area will also be influenced by the Tendring Colchester Borders Garden Community. In Frinton and Walton, Kirby Primary and Frinton-on-Sea Primary are full or constrained, although Hamford and Walton-on-the-Naze Primary have potential expansion options. For Thorpe-le-Soken, the previous concern around primary school capacity has been reflected in the Submission Version by deleting the larger allocation south of Colchester Road (SAH10) and reducing the remaining level of growth from 260 homes to 70 homes, thereby reducing pressure on Rolph CE Primary and the wider planning group.

For secondary education, the Scenario Test identifies the need for land within both Hare Green and Horsley Cross Garden Villages, while noting that existing secondary schools may be able to respond to growth in other areas through expansion, changes to admission patterns and the effect of new schools altering catchment behaviour over time. Harwich and Dovercourt High has site area to expand, although substantial expansion could have cost implications; Colne Community School will need to be considered carefully in relation to Hare Green; and in Clacton there is a range of potential need, with scope for capacity at Clacton County High and evidence that a 2fe expansion at Lift Clacton is viable. ECC's overall conclusion is that, provided the recommended education land allocations, financial planning obligations, safe walking and cycling routes, cross-boundary coordination and careful phasing of secondary provision are addressed, the scenario does not identify any school place planning reason why the emerging Local Plan cannot be supported or any concern regarding soundness. These findings have informed the Regulation 19 IDP, the site-specific policies and the approach to safeguarding land for education and early years provision across the District.

Transport Modelling

Transport evidence for the Submission Version Local Plan has been updated by Essex County Council and its consultants to assess whether the scale and distribution of growth proposed in the Plan can be accommodated on the transport network and what improvements will be required to support development up to 2043. The work builds upon the earlier transport evidence presented alongside the Preferred Options Draft and provides a more detailed assessment of both the impacts of growth and the measures needed to address them.

The assessment has considered not only the additional homes and employment proposed through the new Local Plan, but also growth that is already committed through existing planning permissions, allocations in the adopted Local Plan and neighbouring authorities' emerging plans. This provides a realistic picture of how travel demand across Tendring and the wider North Essex area is expected to change over time and allows the Council and Essex County Council to identify where intervention will be required.

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The evidence confirms that growth will place additional pressure on a number of key transport corridors, particularly the A120, A133 and parts of the network connecting Tendring with Colchester. Existing congestion issues around locations such as the A12 Junction 29, Greenstead Roundabout, Manningtree and parts of the A133 corridor are expected to become more pronounced as development comes forward. However, the modelling demonstrates that these impacts can be managed through a planned package of transport improvements and do not represent an insurmountable obstacle to delivery of the Local Plan strategy.

Importantly, the transport evidence follows a "vision-led" and "sustainable travel first" approach consistent with national planning policy. Rather than relying solely on new highway capacity, the strategy focuses on providing residents with greater choice over how they travel. This includes improved walking and cycling connections, enhanced bus services, better links to rail services, new mobility hubs and measures that make sustainable transport more attractive and convenient. These interventions are then complemented by targeted highway improvements where required.

Key transport measures identified through the assessment include improvements along the A133 corridor, upgrades at important junctions including A12 Junction 29 and Greenstead Roundabout, improvements to the B1029 in Brightlingsea, enhanced public transport connectivity between Tendring and Colchester, and the introduction of a Rapid Transit System linking the proposed Garden Villages at Hare Green and Horsley Cross with major employment, service and transport hubs in Colchester, Manningtree and Harwich. The strategy also includes a network of mobility hubs and extensive active travel improvements connecting new developments with existing settlements, services and railway stations.

The modelling has been undertaken using a range of scenarios, including one that assumes greater use of sustainable transport modes as the proposed improvements are delivered. The results indicate that, where the identified package of transport measures is implemented alongside development, the cumulative impact of growth can be accommodated, and the transport effects of the Local Plan can be managed to an acceptable level. The evidence therefore supports the deliverability of the Council's preferred spatial strategy from a transport perspective.

The assessment also recognises that many of the larger strategic developments, including the Tendring Colchester Borders Garden Community and the new Garden Villages at Hare Green and Horsley Cross, will continue to grow beyond the current plan period. Longer-term modelling has therefore been undertaken to test the resilience of the proposed transport strategy over time. While further investment will inevitably be required as growth continues beyond 2043, the evidence concludes that the overall approach provides a robust framework for managing growth and supporting sustainable movement across the District.

Overall, Essex County Council's transport evidence concludes that the Submission Version Local Plan is capable of being supported by an integrated package of highway, public transport and active travel improvements. Whilst significant investment will be required over the plan period, the evidence

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demonstrates that the proposed strategy is deliverable and that the impacts of growth can be appropriately mitigated through a coordinated approach involving developers, infrastructure providers and public sector partners.

Evidence to Support the Essex Energy and Carbon Policies

A comprehensive package of technical studies has been prepared by Essex County Council to support the development of robust and deliverable Energy & Carbon policies across Greater Essex. Together, these reports provide the scientific, engineering, design and viability evidence required to justify new planning policies that will ensure future development delivers healthy, energy-efficient, climate-resilient and net zero-carbon buildings consistent with local and national climate commitments.

At the core of the evidence is the Essex Net Zero Policy Study (Reports 1 and 2), led by Introba, which establishes the technical justification for requiring all new buildings to be ultra-low-energy, fossil-fuel-free and capable of generating sufficient on-site renewable energy to match their annual energy consumption. The study sets clear performance targets for space heating demand, total energy use and building fabric efficiency – measures that reduce carbon emissions, cut running costs for residents and ensure resilience to future climate conditions.

Alongside the technical standards, the Policy Study also examines the cost of meeting these requirements compared with current Building Regulations (2021). The findings show that the additional costs are manageable and broadly comparable to those identified in the earlier county wide Net Zero Carbon Viability Study undertaken by Three Dragons and partners. This provides assurance that the proposed approach is financially viable and can be embedded into Local Plan viability assessments across Greater Essex.

To support the practical implementation, Report 2 sets out the information applicants need to provide through the planning process, such as energy modelling, carbon reporting, and design evidence. It also includes design guidance and submission checklists to help planning officers and developers apply the standards consistently and effectively.

The wider evidence base is strengthened by the Essex Embodied Carbon Policy Study, which assesses how to reduce the whole-life carbon footprint of new development. This includes both the operation energy used once buildings are occupied and the carbon associated with materials and construction. The study covers a range of residential and non-residential building typologies, using recognised modelling tools. It recommends an overarching planning policy requiring net zero carbon in operation, supported by standards for energy efficiency, heating systems and renewable energy generation, aligned with Greater Essex's climate targets.

Further practical detail is provided in the Essex Buildings (Net Zero) Specifications, which offer clear, typology-specific guidance on building fabric, ventilation systems and design considerations –

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including good practice for Mechanical Ventilation with Heat Recovery (MVHR) and approaches to reducing thermal bridging. A supporting document expands on materials, skills and supply chains in Greater Essex, and offers advice on cost-effective design and meeting the emerging policy requirements.

Finally, the Net Zero Carbon Viability and Toolkit Study assesses the financial and practical implications of different carbon-reduction targets. Drawing on industry engagement, national research and high-level modelling, it concludes that net zero-aligned development can be viably delivered where local plan policies are clearly framed and consistently implemented.

Together, these studies provide a coherent and robust evidence base for New Policies PPL10a, PPL10b, and PPL10c detailed above. These demonstrate that net zero new development is technically achievable, financially viable and supported by clear, practical guidance – enabling the Council to include these ambitious policies within the updated Local Plan.

Integrated Water Cycle Study

The Tendring Water Cycle Study (WCS) has been prepared by AECOM as part of the evidence base for the updated Local Plan. It has been undertaken jointly with Colchester City Council, with separate authority reports reflecting the different Local Plan timetables, and has involved Anglian Water Services, Affinity Water, the Environment Agency and other relevant bodies. The WCS follows Environment Agency guidance and combines scoping and detailed assessment in one report. It considers the interaction between planned housing and employment growth, water supply, wastewater treatment, sewer networks, water quality, flood risk, water-dependent habitats, bathing and shellfish waters, sustainable drainage and nature-based solutions. The WCS also updates the assessment to reflect revised site allocations and employment allocations following the Regulation 18 consultation.

In wastewater terms, 11 Water Recycling Centres are expected to receive growth. Brightlingsea Church Road, Harwich and Dovercourt, Thorrington, Walton-on-the-Naze and Wix have sufficient flow capacity within existing permits after growth. By contrast, Clacton Holland Haven, Great Bromley, Jaywick, Manningtree and St Osyth are expected to be at or exceed their permitted flow limits once growth is taken into account, requiring new permits, investment, phasing or upgrades. Little Bentley Tendring Road has a descriptive permit and therefore any additional connections will require careful liaison with Anglian Water and the Environment Agency. Horsley Cross Garden Village is outside an existing sewer catchment and is likely to require a new developer-delivered wastewater treatment facility or alternative agreed wastewater solution; modelling indicates that a single local discharge to Holland Brook may present constraints for ammonia, so options will need to be developed through detailed masterplanning and engagement with Anglian Water and the Environment Agency.

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The WCS concludes that wastewater infrastructure is capable of supporting the Local Plan, but only where growth is accompanied by timely infrastructure planning, pre-application engagement, appropriate phasing, developer contributions and, where necessary, upgrades or new treatment solutions. It recommends that development in constrained catchments engages early with Anglian Water, demonstrates capacity in the sewerage network and receiving WRC, and prevents surface water from entering the foul sewer network. For water supply, Tendring is within an area of serious water stress and is served by Affinity Water's Brett Water Resource Zone. Affinity Water's Water Resources Management Plan indicates a supply surplus until around 2040, with demand management being critical thereafter. The WCS therefore provides evidence for a stronger water-efficiency policy. Although the study shows that 85 litres per person per day is technically achievable and would further reduce pressure on water resources and wastewater infrastructure, viability testing indicates this would risk deliverability at this stage. Policy PPL5 therefore requires new homes to be designed to use no more than 100 litres per person per day, supported by Water Efficient Design Statements, while also requiring separate surface water drainage, sustainable drainage systems, protection of water quality and stronger control over non-mains drainage proposals. This represents a balanced and deliverable response to the WCS evidence, while still supporting long-term water resilience, environmental protection and Local Plan deliverability.

Strategic Flood Risk Assessment

This Strategic Flood Risk Assessment (SFRA) provides a comprehensive and up-to-date assessment of flood risk across the district and forms a key part of the evidence base supporting the Local Plan. Prepared by Essex County Council, the SFRA draws on the latest Environment Agency flood modelling, surface water and groundwater mapping, climate change allowances, and relevant national policy and legislation. The assessment considers flood risk from all sources including fluvial, tidal, surface water, groundwater, sewer and reservoir flooding, and includes an assessment of 62 Local Plan sites.

In line with the National Planning Policy Framework (NPPF), the SFRA supports the application of the Sequential and Exception Tests, ensuring that development is directed towards areas of lowest flood risk wherever possible. The assessment concludes that most sites are located wholly or predominantly within Flood Zone 1, although a number are affected by fluvial, surface water or groundwater flood risk and will require site-specific Flood Risk Assessments, careful masterplanning, and appropriate mitigation measures.

The assessment identifies surface water flooding as a significant issue across parts of the district, particularly when climate change impacts are taken into account. It therefore emphasises the importance of Sustainable Drainage Systems (SuDS), green infrastructure, and natural flood management measures in reducing runoff, managing exceedance flows and improving resilience. The assessment also highlights the need to consider groundwater flooding in some locations and the longer-term implications of sea-level rise and coastal change along the district's coastline.

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The findings have informed the site selection process and the development of policies relating to flood risk, sustainable drainage and climate resilience. The assessment demonstrates that the proposed pattern of growth can be accommodated, subject to appropriate mitigation and site design, while ensuring that development remains safe and resilient to future flood risk.

Landscape Character Assessment

Place Services has produced the updated Landscape Character Assessment as part of the Local Plan evidence base. The assessment is intended to inform policy formulation and decision making with regard to landscape management and nature recovery. In doing so, the assessment will guide any conservation and restoration efforts of Tendring's landscapes and highlight opportunities to increase the District's resilience to climate change. The methodology undertaken for the Landscape Character Assessment follows the accepted method promoted by Natural England. The work included a review of the District's physical, ecological, and historic and cultural characteristics, together with field surveys and an updated assessment of landscape character types and areas.

The formative influences within Section 2 of the report provide background to the landscape context of Tendring. Physical influences refer to the geology and landform of the District, including marine erosion and deposition, local drainage patterns, and soil and agricultural capacity. The assessment also notes the historic human influences on Tendring's local landscape, such as woodland clearance, farming, settlement development, and policy. Ecological Character and Landscape Designation and Value are identified as further formative influences. The assessment identifies the Internationally Important Sites, regionally important sites, the Coastal Protection Belt, and National Landscapes as key designations within the District for local landscape character.

Section 3 of the report identifies eight landscape character types and 29 individual Landscape Character Areas across the District. The assessment identifies a range of pressures for change, including climate change, coastal erosion, biodiversity decline, infrastructure projects and development pressures, and provides guidance on conserving and enhancing landscape character, supporting nature recovery and responding to future environmental challenges.

The findings generally support the retention of the District's existing landscape protections and provide evidence for the continued protection and enhancement of important landscapes, settlement separation and green infrastructure. The assessment also reinforces the importance of the Coastal Protection Belt, Strategic Green Gaps and other measures aimed at preventing the coalescence of settlements and conserving the distinctive character of Tendring's coastal and rural landscapes.

The Naze is identified as a specific Landscape Character Area in the assessment. Changes to the area noted in the assessment include intensive grassland management of coastal heath habitats, ongoing pressure for development, and the continued erosion and slippage of the Naze cliffs. The assessment's guidance encourages the conservation and protection of the Naze as it relates to

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habitat diversity, views, and heritage value. Therefore, the LCA provides a robust evidence base for Policy PPL12c of the Local Plan, which seeks to conserve and protect the Naze.

The Landscape Character Assessment provides a robust evidence base for policies in the Local Plan that seek to conserve and enhance local landscapes, habitats, and heritage assets in the District, as well as site specific policies that include requirements to protect landscape character, biodiversity, and green infrastructure.

Strategic Green Gap Study

To inform the review of the Local Plan, the Council commissioned The Landscape Partnership to undertake a Strategic Green Gaps (SGG) Study as part of its evidence base. The purpose of the study was to assess whether the District's existing Strategic Green Gaps continue to fulfil their role in maintaining the separate identity of settlements and preventing coalescence, in accordance with Policy PPL6 of the Local Plan. The study also considered proposed new and extended Strategic Green Gaps identified through the Regulation 18 Preferred Options consultation.

The study reviewed all existing Strategic Green Gaps within the adopted Local Plan, together with proposed new or amended gaps at Elmstead Market, Little Clacton/Weeley Heath, Little Oakley and an extension to the existing gap south of Kirby-le-Soken. The assessment considered a range of factors including settlement identity, landscape character, visual separation, boundary defensibility, biodiversity interests and opportunities for landscape enhancement and public access. The work included both a desk-based assessment and field surveys, culminating in recommendations on the retention, amendment or removal of designated gaps, together with revised boundary proposals where appropriate.

The study was prepared to provide a robust and up-to-date evidence base for the emerging Local Plan Review, particularly in the context of significant planned housing growth across the district and the need to ensure that Strategic Green Gaps remain justified, effective and capable of withstanding examination scrutiny. The findings generally support the retention of existing Strategic Green Gaps and the extension of a number of gaps, including those between Clacton and Little Clacton, Clacton and Jaywick, Dovercourt, Ramsey and Little Oakley, Kirby Cross and Kirby-le-Soken, Elmstead Market and the Tendring Colchester Borders Garden Community, and Little Clacton and Weeley Heath. Boundary amendments otherwise reflect changes on the ground and the need for more logical and defensible boundaries whilst maintaining and strengthening separation between settlements.

Consultation Statement and Report of Regulation 18 Representations and Responses

The Consultation Statement and Report of Representations and Responses document how the Council has engaged with residents, stakeholders, statutory consultees and other interested parties throughout the Local Plan Review process, and how the views expressed through consultation have influenced the development of the Plan.

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The Report of Representations and Responses provides a comprehensive record of the comments received on the Preferred Options Draft Local Plan, summarising individual representations against specific policies, site allocations and other elements of the Plan, together with the Council's response and an explanation of whether changes have been made to the Submission Version as a result.

The Consultation Statement provides a higher-level summary of the main issues and themes raised during consultation and the Council's response to those matters. It demonstrates how consultation has informed the evolution of the Local Plan and will be updated following the Submission Version (Regulation 19) consultation to reflect representations received at that stage. The final document will form part of the submission documents provided to the Planning Inspectorate, setting out how representations received throughout the plan-making process have been considered and taken into account in preparing the Local Plan.

FINAL SPATIAL STRATEGY AND DISTRIBUTION OF GROWTH

Whilst the Local Plan covers a wide variety of topics and it's not just a strategy for housing growth, it is normally the spatial strategy and distribution of growth, particularly housing growth, that attracts the most public attention and the greatest level of scrutiny by the Planning Inspector in considering the legal compliance and soundness of the Plan. For this reason, Officers have included a specific section in this report to articulate the final spatial strategy and distribution of housing and other development in the Submission Version of the Local Plan, as revised following the Preferred Options Draft consultation.

The total housebuilding requirement for Tendring, as calculated in line with the Government's standard methodology is 18,173 homes over the period 1 April 2026 to 31 March 2043 as was discussed and agreed by the Planning Policy and Local Plan Committee on 8 June 2026. The Council has no choice but to accept this figure as it is effectively imposed by the Government through its standard methodology and the Council has to prepare a Local Plan that seeks to address that requirement.

10,211 of the 18,173 homes are expected to come forward on sites that have been carried forward from the Council's previous Local Plan and sites that are either already under construction, have obtained planning permission for housing or are otherwise anticipated to come forward as small site 'windfall' development. Developments carried forward from the previous Local Plan include the Tendring Colchester Borders Garden Community (see Policy SAMU1) shared with Colchester City Council which is expected to contribute 1,950 homes up to 2043, and the Hartley Gardens (SAMU2), Oakwood Park (SAMU3) and Rouses Farm (SAMU4) developments on the edge of Clacton which are together expected to deliver 3,745 homes.

To deliver the additional 8,000 that result from the introduction of the new government housing targets, the preferred option for growth is a hybrid combination of Options A and B that were part of the consultation (alongside Options C and D) carried out at Issues and Options Stage – albeit

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with an amendment now in respect of Thorpe le Soken where only 70 homes are now proposed as opposed to the 100 to 300 range indicated under the original Option A/B strategy.

The revised distribution of the additional housing growth in the revised Submission Version of the Local Plan that results from that strategy is summarised as follows:

- **Major expansion at Harwich & Dovercourt:** 1,882 additional homes, mostly through a major mixed-use urban extension onto greenfield land south-west of the settlement off Long Road and Oakley Road (mostly within the parish of Ramsey and Parkeston). Whilst this major allocation did attract objections at preferred options stage, Officers remain satisfied that the proposal is sound in planning terms and is necessary for the Council to achieve the Government housebuilding target.
- **Hare Green Garden Village:** An almost entirely new settlement in the Frating, Great Bromley and Hare Green area including up to 4,500 homes in total (alongside employment, infrastructure and community facilities) built over 20-30 years – but of which potentially 1,700 could be built in the period up to 2043. Like the Tendring Colchester Borders Garden Community, this would be a comprehensively planned development underpinned by its own planning document and masterplan which alone could take a number of years to produce before much of the development is able to come forward.
- **Horsley Cross Garden Village:** A second new settlement of up to 6,000 homes with employment, infrastructure and community facilities on land predominantly north of the A120 at Horsley Cross which, like the Hare Green Garden Village, would likely take 20-30 years to develop in full – but for which potentially around 1,700 could foreseeably be built in the period up to 2043. Again, such a development will require comprehensive planning from the outset through a planning document and masterplan that could take a number of years to produce before planning applications are determined and delivery commences.
- **Weeley Green Garden Village:** A smaller Garden Village comprising a mixed-use development of 900 homes with employment, infrastructure and community facilities in the form of a tightly defined western expansion of the village. Officers anticipate that a development of this scale could be delivered in full in the period to 2043, guided by a Masterplan that could either be produced by the future unitary authority or which could be developer-led with community input.
- **Proportionate expansion of Smaller Urban Settlements:** Additional residential and mixed use developments in and around the urban settlements of Frinton, Walton & Kirby Cross; Manningtree, Lawford & Mistley; and Brightlingsea delivering 850 homes as follows, reflecting some notable changes and deletions from the earlier Preferred Options Draft:

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- o Frinton, Walton and Kirby Cross: 490 homes on greenfield land on the edge of the settlement, mostly (450, as revised) on land north of Thorpe Road, Kirby Cross – but with the continued protection and expansion of designated ‘Strategic Green Gap’ that maintains separation of the main settlement to the neighbouring village of Kirby le Soken – noting that an earlier proposal for 200 homes on land on the edge of Walton has been deleted from the Plan following objections from the Essex Wildlife Trust and a large number of residents;
 - o Manningtree, Lawford and Mistley: 170 homes across a number previously developed brownfield sites including the waterworks site off Mill Lane, the former Crisp Maltings site off School Lane and a mixed-use waterside development involving the redevelopment and reconfiguration of land and property off Riverside Avenue – a slight reduction from the 200 originally suggested in the Preferred Options Draft following a revision to the estimated dwelling numbers on the Crisp Maltings site in Mistley; and
 - o Brightlingsea: 150 homes spread across a number of medium sized sites, including some sites included in the Plan following the deletion of the contentious 300-home site off Church Road/Samson Road having agreed the suggestions of Brightlingsea Town Council and taken on board local concerns.
- **Proportionate expansion of Rural Service Centres with railway stations:** Residential developments totalling approximately 490 new homes on selective sites on the edge of the larger villages of Alresford and Great Bentley and on land in the Thorpe le Soken/Thorpe Station and Maltings area distributed as follows:
 - o Alresford: 140 homes on land north of the village off Cockaynes Lane, of which 100 are already the subject of a Planning Committee resolution to grant planning permission;
 - o Great Bentley: 280 homes on greenfield sites east of the village (of which 80 are already subject of a Planning Committee resolution to grant planning permission and the remaining 200 are the subject of current, but yet to be determined, planning applications); and
 - o Thorpe le Soken: 70 homes on land south of the village adjoining the recent developments of Lady Nelson Gardens and around the entrance to the Lifehouse Spa & Hotel – a significant reduction from the 260 originally proposed for the Thorpe area following consideration of objections from Essex County Council raising concerns about primary school capacity.

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- **Proportionate expansion of Rural Service Centres without railway stations:** Some limited further development totalling approximately 180 homes split equally between Little Clacton and St. Osyth as follows, and unchanged from the Preferred Options Draft:
 - o Little Clacton: 80 homes on land off Grove Road, Feverills Road and Amerells Road; and
 - o St. Osyth: 100 homes on land off Rochford Road and Clacton Road.
- **Proportionate small-scale expansion of Smaller Rural Settlements:** 461 homes mainly on smaller greenfield sites distributed throughout some of Tendring's smaller villages as follows:
 - o Beaumont cum Moze: 12 (reduced from the 20 originally proposed as part of the Preferred Options Draft)
 - o Bradfield: 75 (reduced from 100 as originally proposed, following suggestions from Bradfield Parish Council for development of smaller sites)
 - o Great Bromley: 25
 - o Great Holland: 20
 - o Great Oakley: 100
 - o Kirby le Soken: 10 (reduced from 30)
 - o Little Bentley: 12
 - o Little Bromley: 10 (reduced from 17)
 - o Tendring Heath: 10
 - o Thorrington: 60 (where planning permission has already been granted)
 - o Weeley Heath: 77
 - o Wix: 20 (reduced from 40 in the Preferred Options Draft)
 - o Wrabness: 30

The sites identified in the Submission Version Local Plan in total have the potential to deliver 18,334 homes between 2026 and 2043, which is just 161 above the 18,173 required under the Government's mandatory housebuilding targets, representing a much reduced level of headroom contingency from the earlier Preferred Options Draft.

The following table sets out the total distribution, between individual settlements and locations, of proposed housing growth across the district up to 2043 including both housing already in the pipeline and additional housing proposed through the Submission Version of the Local Plan. It should be noted that these figures do not include estimates for 'windfall' housing provision which, by definition, come forward through planning applications generally on unidentified small sites in locations all across the district (albeit with larger numbers tending to be in larger urban areas like Clacton).

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The table also sets out the percentage distribution of the planned housing provision across the district up to 2043 and the estimated percentage increase in housing stock up to 2043 for each specific settlement location from 2026 levels.

Settlement/Location	New homes in current pipeline	Additional homes proposed	Total 2026-2043	% of total planned provision (excluding windfall)
Strategic Urban Settlements				
Clacton	4,369	0	4,369	25.9%
Harwich	514	1,882	2,396	14.2%
Garden Community and Garden Village locations				
Tendring Colchester Borders Garden Community	1,964	0	1,964*	11.6%
New Hare Green Garden Village	0	1,700	1,700*	10.1%
New Horsley Cross Garden Village	0	1,700	1,700*	10.1%
Weeley Garden Village	301	900	1,201	7.1%
* It should be noted that the figures for Tendring Colchester Borders Garden Community, New Hare Green Garden Village and New Horsley Cross Garden village represent only a proportion of the total amount of housing envisaged for those locations which is considered realistically deliverable in the period up to 2043 and, for TCBGC, the 50% of such homes attributable to meeting Tendring's housing requirement.				
Smaller Urban Settlements				
Frinton, Walton and Kirby Cross	173	490	663	3.9%
Manningtree, Lawford and Mistley	665	170	835	4.9%
Brightlingsea	41	150	191	1.1%
Rural Service Centres				
Alresford	0	140	140	0.8%
Elmstead Market	154	0	154	0.9%
Great Bentley	36	280	316	1.9%
Little Clacton	148	80	228	1.4%
St. Osyth	227	100	327	1.9%
Thorpe le Soken	4	70	74	0.4%
Smaller Rural Settlements				
Ardleigh village	No housing growth proposed – as explained elsewhere in this report.			
Baumont Cum Moze	0	12	12	0.1%

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Bradfield	0	75	75	0.4%
Frating	See figures for the Hare Green Garden Village proposal.			
Great Bromley	67	25	92	0.5%
Great Holland	0	20	20	0.1%
Great Oakley	86	100	186	1.1%
Kirby-le-Soken	0	10	10	0.1%
Little Bentley	0	12	12	0.1%
Little Bromley	0	10	10	0.1%
Little Oakley	See figures for the Harwich area.			
Ramsey Village	0	0	0	0.00%
Tendring Village	0		0	0.00%
Tendring Heath	0	10	10	0.1%
Thorpe Station and Thorpe Maltings	See figures for Thorpe le Soken.			
Thorrington	0	60	60	0.4%
Weeley Heath	0	77	77	0.5%
Wix	0	20	20	0.1%
Wrabness	0	30	30	0.2%

Accepting that the Garden Village proposals for Hare Green, Horsley Cross and Weeley represent a very different kind of developments that are, by their very nature, disproportionate in scale to the existing communities to which they most closely relate to be of a scale that will accommodate and deliver new infrastructure, services and facilities; elsewhere the distribution of growth represents a more traditional settlement hierarchy approach, directing development to the most sustainable locations whilst ensuring that growth in smaller settlements remains proportionate to their scale and function.

Broadly speaking, of the 18,000 homes required between 2026 and 2043:

- Almost 40% of new homes are expected to be built in and around the larger urban settlements Clacton and Harwich, the areas with the largest economies and greatest range of jobs, shops, services and facilities.

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- Approximately 40% are to be delivered in the strategically important Garden Community and Garden Village locations on the Tendring Colchester Borders and at Hare Green, Horsley Cross and Weeley.
- Around 10% of all housing development is being directed towards the smaller urban settlements of Frinton, Walton and Kirby Cross; Manningtree, Lawford and Mistley; and Brightlingsea.
- 7% are going to the rural service centres, i.e. larger villages of Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth and Thorpe le Soken.
- Approximately 3% of planned housing provision is distributed amongst the district's smaller rural settlements, representing a modest level of growth intended to support the vitality and sustainability of village communities without fundamentally changing their rural character.

Taken as a whole, this distribution of growth reflects a sustainable and balanced spatial strategy that accords with the settlement hierarchy and directs the largest proportion of development towards the district's most sustainable locations. The majority of housing growth is concentrated within or adjoining the largest urban settlements, strategic growth locations and smaller towns where there is the greatest range of employment opportunities, services, facilities and public transport options, thereby reducing the need to travel and supporting the efficient use of existing and proposed infrastructure.

The strategy also recognises the important role that the Garden Community and Garden Village proposals can play in delivering significant numbers of new homes alongside new employment opportunities, schools, community facilities, green infrastructure and transport improvements in a coordinated and comprehensively planned manner. Whilst these developments represent substantial new settlements in their own right, they provide an opportunity to accommodate a significant proportion of the district's housing requirement in locations capable of supporting long-term sustainable growth.

At the same time, the strategy avoids an over-concentration of growth in any single settlement or geographic area and instead spreads a proportion of development across rural service centres and smaller villages. This helps sustain local services, schools, shops and community facilities, supports rural economies and enables people to remain within their local communities whilst ensuring that growth remains proportionate to the size, role and character of individual settlements.

The resulting pattern of development therefore seeks to strike an appropriate balance between meeting the Government's mandatory housing requirement in full, making efficient use of the district's most sustainable locations, supporting economic growth and infrastructure investment, and protecting the distinctive character of Tendring's towns, villages and countryside. Officers consider that this represents the most appropriate and sustainable strategy when assessed

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against the reasonable alternatives considered through the Local Plan process and having regard to the environmental, infrastructure and deliverability constraints that affect different parts of the district.

Letter from Little Bromley Parish Council

On 3 August 2026, Little Bromley Parish Council wrote to the Council's Corporate Director – Planning Community objecting, in the strongest possible terms to the decision taken by the Planning Policy & Local Plan Committee on 8 June 2026 to depart from the Officers' recommendation to delete Site MSA20 (Land south of Shop Road, Little Bromley) and instead retain it as a housing allocation, with a reduced indicative capacity of 10 dwellings. The Parish Council has suggested that the decision was procedurally flawed, contrary to the evidence, and inconsistent with the principles of sound plan-making required under national planning policy.

The Parish Council's letter and the response of the Corporate Director – Planning and Community have been provided separately to Members of the Committee, along with the Parish Council's representation on the Preferred Options Draft, or information.

Members should note that a representative of Little Bromley Parish Council may wish to address the Committee at the meeting in accordance with the public speaking scheme ahead of the Committee making its decision as to what to recommend to Full Council.

FINAL PLANNING POLICIES

Having considered the representations received in response to the Preferred Options Draft consultation and taken into account updates to the technical evidence base, Officers are recommending the majority of planning policies can be carried forward from the Preferred Options Draft into the Submission Version of the Local Plan with either no changes at all, or only minor amendments. However, as highlighted in the executive summary to this report, there are some policies where some significant or otherwise notable changes have been made.

For completeness and ease of reference, all of the Local Plan policies are listed below, identifying (in bold) where any significant or notable changes have been made, or otherwise indicating the nature of any minor revisions:

Chapter 3: Sustainable Places

- Strategic Policy SPL1a: Presumption in Favour of Sustainable Development – no changes.
- **Strategic Policy SPL1: Managing Growth** - the policy setting out the 'settlement hierarchy' categorising towns and villages and underpinning the spatial strategy and distribution of

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growth is 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 is also included in the hierarchy alongside the proposed Weeley Green Garden Village proposal, having been omitted in the Preferred Options Draft.

- Strategic Policy SPL2: Settlement Development Boundaries – no changes.
- Non-strategic Policy SPL3: Sustainable Design – minor amendment to wording in respect of flood risk and sustainable drainage systems to improve clarity and ensure consistency with national policy and other policies in the Local Plan.

Chapter 4: Healthy Places

- **Non-strategic 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 has 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. This is because the most appropriate means of addressing the healthcare requirements for each growth area has not been determined by the various health partners of the ICB and therefore flexibility needs 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.
- Non-strategic Policy HP1a: Managing the Location of Hot Food Takeaways – no changes.
- Non-strategic Policy HP2: Community Facilities – no changes.
- Non-strategic Policy HP4: Cemeteries, Crematoriums and Burial Sites – no changes.
- Non-Strategic Policy HP5: Open Space, Sports and Recreation Facilities – minor amendments only to include reference to the Council's Sport and Activity Strategy and replace references to 'playing fields' with 'outdoor playing facilities', on the advice of Essex County Council.

Chapter 5: Living Places

- **Strategic Policy LP1: Housing Supply** – this policy sets out the overall sources of housing supply to meet the government housebuilding requirement of 18,173 dwellings between 2026 and 2043. The policy along with the associated tables listing all of the relevant housing

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and mixed-use site allocations have been comprehensively updated in the Submission Version of the Plan to reflect the changes to site allocations set out above in this report and rolling forward the plan period, as agreed by the Committee in its June meeting. The revised policy shows that the Local Plan makes provision for 18,334 homes which incorporates 161 units of contingency headroom above the government requirement.

- **Strategic Policy LP2: Housing Choice** – 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 may have specific housing and support needs. The revised policy also refers to park homes, modular homes and other innovative forms of residential development being supported where they comply with other policies in the Local Plan.
- **Non-strategic Policy LP3: Housing Density and Standards** – minor amendments only to improve wording and to include specific reference to utilities infrastructure and associated easements, which could be a factor in determining the appropriate density of development.
- **Non-strategic Policy LP4: Development Layout & Design** – revised to include more detailed guidance around Biodiversity Net Gain, the incorporation of green infrastructure and vegetation within new developments and references other relevant guidance including that relating to inclusive design, age friendly environments and dementia-friendly design.
- **Strategic Policy LP5: Affordable Housing** – incorporates 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 justify an alternative approach. The revised policy also includes reference to specialist and supported housing to meet identified needs within the District.
- **Non-Strategic Policy LP6: Rural Exception Schemes** – minor amendment in response to comments from Essex County Council to include an expectation for rural exception sites for affordable housing to provide safe and suitable access for all users and for them to be reasonably related to local services and facilities, having regard to opportunities for active and sustainable travel – consistent with other policies in the Local Plan.
- **Non-strategic Policy LP7: Self-build and Custom-built Homes** – minor rewording of part of the policy to refer to and ensure consistency of approach with other relevant policies in the Local Plan – requiring proposals to be of a high-quality design response that is appropriate to its site and surroundings, uses durable and appropriate materials and accords with the requirements of Policies SPL3, LP3 and LP4.

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- Non-strategic Policy LP8: Backland Residential Development – no changes to the policy itself, but some additions to the supporting text are proposed to provide more detail and clarification about how the policy is intended to operate.
- **Strategic Policy LP9: Gypsy and Traveller Sites** - possibly the most significant policy revisions proposed in the Submission Version of the Local Plan. To comply with national planning policy set out in the Planning Policy for Traveller Sites (PPTS), there is an expectation that Local Plans will be specific about the sites or locations in which the projected need for gypsy and traveller sites will be met. The evidence on gypsy and traveller need has been updated, and the revised policy reflects the updated projected need for 45 pitches up to 2043. The underlying evidence recognises that accommodation needs can 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 expresses site capacity in terms of additional pitches or pitch equivalents.

The previous version of the policy in the Preferred Options Draft 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 were made but the Council is still required to identify specific locations, the updated study looked more widely at where existing accommodation needs arise and where additional capacity could reasonably be delivered through expansion, intensification or reconfiguration of existing sites.

The revised policy therefore reflects the latest study and identifies 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 arises from households already living on established sites who require 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 will 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 LP10: Care, Independent and Assisted Living. Secure Institutions – minor additional wording incorporated into the policy giving support to specialist housing

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accommodation within residential and mixed-used developments where the scale, design and operation of the proposal are compatible and where suitable access to services and facilities can be achieved. Policy also updated to refer to the Essex Design Guide, ECC Extra Care Design Guide and other relevant good practice relating to inclusive and dementia friendly design.

- **Non-strategic Policy LP11: HMO and Bedsits** – 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 also includes 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 will also have to demonstrate suitable management arrangements are in place for the maintenance of communal facilities, waste storage areas and external spaces.

Chapter 6: Prosperous Places

- Non-strategic Policy PP1: New Retail Development – no changes to the policy itself, but some additions to the supporting text to refer to the latest available evidence on retail and to recognise that retailing and town centres will evolve in response to changes in consumer behaviour, technology and market conditions – with the need to keep evidence under review to inform future decision-making.
- Strategic Policy PP2: Retail Hierarchy – no changes.
- Strategic Policy PP3: Village and Neighbourhood Centres – no changes.
- Non-strategic Policy PP4: Local Impact Threshold – no changes.
- Non-strategic Policy PP5: Town Centre Uses – no changes.
- Strategic Policy PP6: Employment Sites – no changes to the policy itself but revisions to the policy's supporting text have been made to reference the latest updated evidence on employment land.
- Non-strategic Policy PP6a: Extensions to Existing Employment Sites in the Countryside – no changes other than a reference to National Landscapes in the section of the policy concerned with protection of countryside character and sensitive areas.
- **Strategic Policy PP7: Employment Allocations** – this policy lists all of the sites specifically allocated for new employment development including B2 General Industry; B8 Storage and Distribution; Eg(ii) Research and Development; and Eg(iii) Light Industrial

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Processes. The only change proposed to this policy is the deletion of Land off Clacton Road/Dead Lane, Mistley as a 2ha employment site in the knowledge that development for that purpose has not come forward as part of the wider mixed-use development that is already under construction, and that a different parcel of the wider site is currently subject of a current, but yet to be determined, planning application (26/00645/FUL) which indicates 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.

- Strategic Policy PP8: Tourism – no changes.
- Non-strategic Policy PP9: Hotels and Guesthouses – no changes.
- **Non-strategic Policy PP10: Camping and Touring Caravan Sites** – 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 affective their setting conserves and enhances their natural beauty, landscape character and special qualities. The revisions specifically require that development is appropriately located, designed and landscaped to avoid adverse impacts on important views, tranquillity, dark skies and the wider landscape setting.
- **Non-Strategic Policy PP11: Holiday Parks** – similar revisions to those incorporated into Policy PP10 in respect of National Landscapes.
- **Strategic Policy PP12: Improving Education and Skills** – revisions 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.
- Strategic Policy PP13: The Rural Economy – no changes.
- Strategic Policy PP14: Priority Areas for Regeneration – no changes.
- **Non-strategic Policy PP15: Walton Mere** – this policy is carried forward into the Submission Version of the Plan with a simple addition requiring any Biodiversity Net Gain, new saltmarsh habitat or other ecological enhancement to support the objectives of the Essex Local Nature Recovery Strategy, including opportunities for coastal habitat creation, nature recovery and strengthened ecological connectivity.
- Non-strategic Policy PP16: St. Osyth Car Park – no changes.

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Chapter 7: Protected Places

- Strategic Policy PPL1: Development and Flood Risk – minor changes only to re-order the wording of the policy so that national policy requirements are towards the beginning of the policy rather than at the end.
- Strategic Policy PPL2: Coastal Protection Belt – no changes.
- **Strategic Policy PPL3: The Rural Landscape** – 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 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 includes strengthened requirements relating to the protection of internationally designated habitat sites and introduces specific policy provisions relating to Functionally Linked Land, recognising that land outside designated sites can nevertheless be important to qualifying bird species. The policy also introduces a framework for the provision of Suitable Alternative Natural Greenspace (SANG), which involves providing attractive places for walking, dog exercising and informal recreation away from the District's most sensitive wildlife habitats. The purpose is to help protect internationally important sites by encouraging some visitors to use alternative green spaces instead. Additional policy requirements clarify the relationship between SANG provision and the Essex Coast RAMS strategy and seek to ensure that recreational impacts on protected habitats are appropriately addressed. The policy also aligns development proposals with the Essex Local Nature Recovery Strategy and strengthens expectations around biodiversity net gain, green and blue infrastructure, ecological connectivity and habitat enhancement, ensuring that development contributes positively towards nature recovery and environmental improvement.
- Strategic Policy PPL4a: Biodiversity Net Gain in Tendring – minor changes only to improve wording to reference the statutory hierarchy of BNG and viability as a factor which might lead to the need to buy statutory biodiversity credits from the government as a last resort, if other onsite or off-site solutions cannot be found.
- Strategic Policy PPL5: Policy Water Conservation, Drainage and Sewerage – minor changes only to include a reference to the Essex Water Strategic and SuDS Design Guidance, and to state in respect of private sewerage treatment facilities, that they will only be permitted if there is existing capacity and where there would be no harm to the environment.

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- Strategic Policy PPL6: Strategic Green Gaps – no changes to the policy wording, but it should be noted as explained elsewhere in this report, that the Strategic Green Gap designation as shown on the revised Policies Maps includes extensions to those designations in and around Clacton and Little Clacton; Dovercourt, Ramsey and Little Oakley; Kirby Cross and Kirby-le-Soken; Elmstead Market and the Garden Community; and Little Clacton and Weeley Heath – having considered the findings of the new Strategic Green Gap Study.
- Non-strategic Policy PPL7: Archaeology – no changes.
- Non-strategic Policy PPL8: Conservation Areas and Registered Parks and Gardens – no changes.
- Non-strategic Policy PPL9: Listed Buildings – no changes.
- Non-strategic Policy PPL9a: Non-designated Heritage Assets – no changes.
- Strategic Policy PPL10a: Operational Energy and Carbon (Net Zero) in Homes and Buildings – no changes.
- Strategic Policy PPL10b: Embodied Carbon and Circular Economy in Homes and Buildings – no changes.
- Strategic Policy PPL10c: Renewable Energy Installations – no changes.
- Non-strategic Policy PPL11: The Avenues Area of Special Character, Frinton-on-Sea – no changes.
- Non-strategic Policy PPL12: The Gardens Area of Special Character, Clacton-on-Sea – no changes.
- Non-strategic Policy PPL12a: Thorpe Station and Maltings – no changes.
- **Non-strategic Policy PPL12b: St. Osyth Priory** - this policy in the earlier Preferred Options Draft included a statement that for any residential enabling development proposals in respect of the Priory, the Council will expect the development to have a reasonable geographical relationship and connection to St. Osyth, the Priory and the community to which it most relates. However, this requirement attracted objections both from St. Osyth Parish Council and the owners of the Priory and, in response, Officers are proposing deleting that requirement from the policy in the Submission Version. Officers accept that whilst it might have been the Council's preference to discourage residential enabling

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development schemes in or around settlements and communities unrelated to St. Osyth and the Priory, there is 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.

- Non-strategic Policy PPL12c: Protection of the Naze – minor addition only to strengthen the policy by including a reference to the Essex Local Nature Recovery Strategy.
- Non-strategic Policy PPL13: Ardleigh Reservoir Catchment Area – no changes.
- Non-strategic Policy PPL14: Safeguarding of Civil Technical Site, North East of Little Clacton/South of Thorpe-le-Soken – no changes.
- Non-strategic Policy PPL15: Safeguarding of Hazardous Substance Site, South East of Great Oakley/South West of Harwich – no changes.

Chapter 8: Connected Places

- **Strategic Policy CP1: Sustainable Transport and Active Travel** – revisions in response to advice from Essex County Council and include additional references to the Tendring District Cycling Action Plan, Essex Walking Strategy and Local Cycling and Walking Infrastructure Plan (LCWIP). The revised policy will also require all major developments to secure monitored Travel Plans with enforceable remedial mechanisms, demonstrating quantified mode share and emission reduction trajectories where appropriate. The revised policy also includes a statement that parking provision is to be assessed using EPOA 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 CP2: Improving and Maintaining the Transport Network – no changes.
- Strategic Policy CP3: Improving the Telecommunications Network – The proposed amendment expands the policy's digital connectivity requirements by requiring new development to provide reliable mobile connectivity (4G/5G where practicable), alongside the existing broadband requirements. It also introduces a requirement for the installation of appropriate internal cabling and a fully enabled connection to an open access fibre network, ensuring that future occupiers can access high-speed digital services immediately without the need for additional engineering works. These changes will help improve digital infrastructure provision and future-proof new development across the district.

Chapter 9: Delivering Places

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- Strategic Policy SAMU1: Development and delivery of Tendring Colchester Borders Garden Community – the proposed changes to Policy SAMU1 are primarily focused on improving clarity, consistency and alignment with the adopted Tendring Colchester Borders Garden Community DPD. Key amendments include updating references to education and health and wellbeing provision, improving the structure and readability of the policy, and making minor refinements to the supporting text and evidence base without altering the overall scale or delivery expectations of the Garden Community.
- Strategic Policy SAMU2: Development at Hartley Gardens, Clacton - the proposed changes to Policy SAMU2 are focused on improving flexibility and ensuring consistency with the adopted Hartley Gardens SPD and latest infrastructure evidence. Key amendments include minor updates to the education, health and community infrastructure requirements, strengthen references to ecological mitigation, and ensure that the detailed form and delivery of infrastructure can be determined through the appropriate statutory processes.
- Strategic Policy SAMU3: Development at Oakwood Park, Clacton – the proposed changes introduce greater flexibility in how education and healthcare infrastructure is delivered, ensuring provision can respond to evidenced needs and future requirements. The amendments also update references to current healthcare governance arrangements and strengthen links between development delivery and the timely provision of wastewater and utility infrastructure.
- Strategic Policy SAMU4: Development at Rouses Farm, Jaywick Lane, Clacton –changes were brought on to ensure the allocation wording is aligned with the extant planning permission and completed Section 106 Agreement, particularly in relation to education, healthcare and community infrastructure delivery. Amendments also provide greater flexibility for infrastructure provision, recognise the potential role of emergency services infrastructure, and reinforce the need to coordinate development with wastewater and utility capacity improvements.
- Strategic Policy SAMU5: Development off Dean's Lane and Oakley Road, Dovercourt – the policy has been updated to strengthen requirements relating to environmental mitigation, biodiversity, education provision, sustainable transport, clarity around utility infrastructure and landscape integration. The amendments reflect the latest evidence and stakeholder input, particularly from surrounding communities and statutory bodies such as Natural England and Essex County Council, and to ensure the allocation is supported by appropriate infrastructure, protects environmental assets and delivers a sustainable, well-connected development.
- **Strategic Policy SAMU6: Development of Weeley Green Garden Village** – the policy for this 900-home mixed use development has been strengthened with the addition of a requirement that development proposals be accompanied by an infrastructure phasing,

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delivery, funding and monitoring strategy demonstrating how infrastructure necessary to support each phase of development will be secured and delivered. Development shall deliver its own infrastructure requirements and contribute proportionately to any shared strategic infrastructure where required. Further, the policy has been updated to strengthen requirements for habitat mitigation, biodiversity net gain, sustainable transport, inclusive design, utility infrastructure and infrastructure delivery planning. These amendments respond to feedback from Weeley Parish council and nearby residents but also from statutory consultees, including Essex County Council and Natural England. These further changes will help ensure the Garden Village is supported by appropriate infrastructure, environmental safeguards and high-quality place-making from the outset.

- **Strategic Policy SAMU7: Redevelopment of Saltings Quarter, Riverside Avenue, Manningtree** – the policy for this riverside mixed-use development has 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 supported by a site-specific Flood Risk Assessment demonstrating that the development will be safe for its lifetime, taking account of climate change, safe access and egress, flood resilience measures and emergency planning arrangements. Further, the revised policy now includes stronger requirements relating to flood risk, tidal defence infrastructure, sustainable transport, wastewater management, biodiversity and environmental mitigation. The amendments respond to residents and consultee feedback and updated evidence, helping to ensure the redevelopment of this brownfield site is better supported by appropriate infrastructure, safeguards environmental assets and remains resilient to future flood risk.
- **Strategic Policy SAMU8: Development of Hare Green Garden Village** - The evidence in respect of transport and infrastructure implication has now been updated to inform the Submission Version which demonstrates the Hare Green Garden Village has a reasonable prospect of delivery, albeit longer-term towards the end of the plan period and beyond.
- **Strategic Policy SAMU9: Development of Horsley Cross Garden Village** – Following the Preferred Options consultation, the site promoter (Rose Builders) 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 are proposing 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 represents a robust and deliverable proposal in the Submission Version of the Local Plan. Further, the updated transport and infrastructure evidence indicates that the Horsley Cross Garden Village has a reasonable prospect of delivery in the longer term towards the end of the plan period and beyond.

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- Strategic Policy SAH1: Development at Vicarage Farm Off Main Road and South of A120, Harwich – revised policy includes stronger references to walking and cycling connectivity, Green and Blue Infrastructure, Suitable Alternative Natural Greenspace (SANGs) mitigation and infrastructure contributions including healthcare and emergency services contributions and connection to services and utilities.
- **Strategic Policy SAH2: Development 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 should be noted that revisions to corresponding Policy SAH2 have 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 has attracted a high level of public objection previously.
- **Strategic Policy SAH3 [DELETED]: Development of Land Off Arther 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 is deleted accordingly from the Submission Version of the Plan.
- **Strategic Policy SAH4 [DELETED]:** Development of 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 raised legitimate planning concerns.
- Strategic Policy SAH6: Development of Land East of Cockaynes Lane, Alresford - revised policy includes stronger references to walking and cycling connectivity, Green and Blue Infrastructure, Suitable Alternative Natural Greenspace (SANGs) mitigation and infrastructure contributions including healthcare and emergency services contributions and connection to services and utilities. It should be noted that this site is the subject of a current, but yet to be determined planning application for development. The supporting text to the policy is also updated to refer to the fact that the site is already the subject of a Planning Committee resolution to grant planning permission for development.
- Strategic Policy SAH7: Development of Land East of Admirals Green and North of Weeley Road, Great Bentley – revised policy includes stronger references to walking and cycling connectivity, Green and Blue Infrastructure, Suitable Alternative Natural Greenspace (SANGs) mitigation and infrastructure contributions including healthcare and emergency services contributions and connection to services and utilities. It should be noted that this site is the subject of a current, but yet to be determined planning application for development.

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- Strategic Policy SAH8: Development of Land East of Amerells Road, Little Clacton – revised policy includes stronger references to walking and cycling connectivity, Green and Blue Infrastructure, Suitable Alternative Natural Greenspace (SANGs) mitigation and infrastructure contributions including healthcare and emergency services contributions and connection to services and utilities.
- Strategic Policy SAH9: Development of Land South of Clacton Road, St. Osyth – revised policy includes stronger references to Green and Blue Infrastructure, Suitable Alternative Natural Greenspace (SANGs) mitigation and infrastructure contributions including healthcare and emergency services contributions and connection to services and utilities.
- **Strategic Policy SAH10 [DELETED]: Development of 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 raising concern about limited primary school capacity in the Thorpe area.
- Strategic Policy SAH11: Development of 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 should be noted that two parts of this site are the subject of current, but yet to be determined, planning applications for bungalow development.
- Strategic Policy SAE1: Carless Extension, Harwich – no changes.
- Strategic Policy SAE2: Freeport East, Bathside Bay and the A120 Corridor – no changes.
- **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 has 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 will have to demonstrate how required infrastructure will be funded, delivered, maintained and reviewed, ensuring that no phase of development proceeds unless the infrastructure necessary to support that phase has been secured.

Chapter 10: Delivering Infrastructure

- **Strategic Policy DI1: Infrastructure Delivery and Impact Mitigation** - although no notable changes are proposed to the wording of this policy itself, the associated table 10.1 is 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 from Essex Police, Essex County Fire & Rescue Services and the East of England Ambulance Service NHS Trust. Minor text amendments have been

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made to reflect the fact that Supplementary Planning Documents can no longer be used. The revised wording clarifies that design briefs, masterplans, supplementary guidance and, where appropriate, Supplementary Plans may be prepared during the Plan period to support the implementation of Local Plan policies, in accordance with national policy and statutory procedures.

APPENDICES

Appendix 1 – Tendring District Local Plan: Submission Version

Appendix 2 – Sustainability Appraisal (SA)

Appendix 3 – Habitat Regulations Assessment (HRA)

BACKGROUND PAPERS

Sustainability Appraisal (SA)

Habitats Regulations Assessment (HRA)

Strategic Housing Land Availability Assessment (SHLAA)

Strategic Housing Market Assessment (SHMA)

Essex Supported and Specialist Housing and Accommodation Need Assessment 2025 (SSHANA)

Employment Land Review (ELR)

Local Plan Viability Assessment

Community Infrastructure Levy Viability Study

Infrastructure Delivery Plan

Transport Assessment

Education Scenario Testing

Strategic Flood Risk Assessment

Integrated Water Cycle Study

Landscape Character Assessment

Strategic Green Gap Study

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Gypsy and Traveller Accommodation Assessment (GTAA)

Gypsy and Traveller Pitch Delivery Assessment

Leisure, Open Space and Outdoor Sports Evidence Base

Evidence to Support the Essex Energy and Carbon Policies

Consultation Statement and Report of Regulation 18 Representations and Responses

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