

# *Tendring* District Council



## **Local Development Scheme (LDS) 2021-2024**

June 2021

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# 1 Introduction

**1.1** The Local Development Scheme (LDS) sets out the Council's process and timetable for producing planning documents. This includes the final stages for adoption of the new Tendring District Local Plan, the process for preparing the Development Plan Document (DPD) for Tendring Colchester Borders Garden Community as well as the future review of the Local Plan and the production of other key planning documents. It sets out the anticipated timetable for consultation periods, examination (where applicable) and adoption of the various documents. Publication of the LDS ensures that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate are kept aware of the indicative timetable the Council is working to help them to organise their time and resources accordingly.

**1.2** Section 38(6) of the Planning and Compulsory Purchase Act requires local planning authorities such as Tendring District Council to make decisions on planning applications in accordance with the 'development plan', generally referred to as the 'Local Plan'. Councils have a duty to ensure their Local Plan is kept up to date, is prepared in accordance with the government's National Planning Policy Framework (NPPF) and positively promotes 'sustainable development' by identifying sufficient land for new homes and employment opportunities.

**1.3** The new Local Plan has been through a series of consultation exercises and an Examination in Public. The proposed modifications have been agreed with the Planning Inspector and are due to be consulted upon in mid-2021. Subject to the Planning Inspector finding the new Local Plan to be sound, it is anticipated it will be adopted in 2021, potentially as early as the Autumn.

## 2 Background

### **Progress to date and future programme stages**

**2.1** Section 1 of the new Local Plan was adopted by the Council on 26th January 2021. The Examination in Public of Section 2 took place in February/March 2021 and has now reached 'modifications stage' where the Inspector has recommended modifications that need to be published for consultation. Consultation is expected in mid-2021 with the Inspector's final report to be potentially received late summer/ Autumn of 2021. The Council hopes to be in a position to adopt the Section 2 Local Plan in Autumn 2021 or before the end of the year.

**2.2** The Council will implement the Local Plan and monitor its effectiveness. If required, the Local Plan will be reviewed within a 5 year time frame, depending on any changes to national planning policy or the national planning system. The Council is also working with Colchester Borough Council and Essex County Council to prepare a Community Development Plan Document (DPD) for the Tendring Colchester Borders Garden and is likely to progress other key planning documents for which a programme of work is outlined below.

## 3 Documents to be Prepared

3.1 For the period 2021 to 2024, the following planning documents will be prepared or initiated:

- **Tendring District Local Plan**

The Local Plan will be the main planning document for Tendring setting out the strategy for growth for the period to 2033 and beyond, identifying specific sites for development and including the policies that will be used in the determination of planning applications. The new document will supersede the 2007 'saved' policies.

The Plan consist of two parts, the strategic elements and the development management elements.

- 1) The strategic elements in Section 1 of the Local Plan have already been adopted following a collaboration with Braintree, Colchester, and Essex Councils. This strategic element of the individual Local Plans will enable a collective vision for sustainable implementation of the development plans in north east Essex and set out the housing and employment requirements for each district along with specific policies for the Tendring Colchester Borders Garden Community.
- 2) The development management policies in the plans may share commonality in the districts but others will be bespoke to the individual Local Planning Authority Areas. The bespoke policies for Tendring form Section 2 of the Local Plan which has now reached the modifications stage of the process and is due to be adopted in late 2021.

- **Review of the Tendring District Local Plan**

The NPPF (2019) states that 'Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary . Reviews should be completed no later than 5 years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.' As such, a review of the Local Plan will need to be considered within the next few years, particularly if circumstances change, which may involve updating a targeted set of policies following the same procedural process as the production of the Local Plan.

The Council is aware that the government is looking to introduce some changes to national planning system which may or may not impact on these timescales and the format and procedures that a new Local Plan might need to follow./

- **Tendring Colchester Borders Development Plan Document for the Garden Community in west Tendring**

A Development Plan Document (DPD) follows the same process for preparation as a Local Plan. It builds on policy or policies in the Local Plan and provides significantly more implementation detail. Any DPD for west Tendring will require the co-operation and collaboration with Colchester Borough Council. This DPD in Colchester's LDS is described as a 'Strategic Growth Development Plan Document'.

In Section 1 of the Publication Draft of the Local Plan, Policy SP8 states: “The Strategic Growth DPD will set out the nature, form and boundary of the new community. The document will be produced in consultation with stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure, to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured. The DPD will provide the framework for the subsequent development of more detailed masterplans and other design and planning guidance for the Tendring / Colchester Borders Garden Community.”

- **CIL Charging Schedule**

The proposals for development in the new Local Plan will need to be supported by investment in the necessary infrastructure. An Infrastructure Delivery Plan has already been prepared alongside the new Local Plan and one will be required for the Garden Community DPD. Infrastructure Delivery Plans identify each piece of infrastructure that is needed and set out the mechanism for delivering these items.

One source of funding could be the Community Infrastructure Levy (CIL) which requires a ‘charging schedule’ setting out how much money developers will be expected to contribute toward infrastructure provision from developments in certain parts of the district using a formula based on £ per sqm of floorspace.

CIL is optional and not currently utilised by the Council in favour of bespoke Section 106 agreements with developers. CIL could however be an alternative option which the Council may consider. As such, it is included in the LDS programme with indicative timescales.

- **Authorities Monitoring Report (AMR)**

The Authorities Monitoring Report (AMR) will be published annually to demonstrate how the Council’s planning policies have performed over a 12 month period against a range of established indicators. The AMR will also include general information about the district including the population and local economy. The new Local Plan will contain a new set of indicators that will be used for monitoring purposes going forward.

## 4 Programme for Preparing Documents

<b>Tendring District Local Plan</b>	
<b>Subject and scope</b>	This document will supersede the Council's 2007 'saved policies' and cover the period to 2033 and beyond. It will include the strategic and development management policies, site specific and broad allocations and Local Plan Policies Maps.
<b>Geographical area</b>	<p>The strategic policies for growth across North Essex and the Tendring Colchester Borders Garden Community contained within Section 1 of the Local Plan have been prepared in partnership with Braintree, Colchester and Essex Councils and were adopted by the Council in January 2021.</p> <p>Development Management policies and local site allocations which are relevant to specific parts or all of Tendring are contained within Section 2 of the Local Plan which, following examination hearings in February/March 2021, has reached modifications stage.</p>
<b>Chain of conformity</b>	<p>The relevant Planning Acts and Regulations</p> <p>Essex Minerals and Waste Plans</p> <p>National Planning Policy Framework (NPPF)</p>
<b>Indicative timetable for production</b>	
<b>Consultation on 'Main Modifications' to Section 2</b>	Summer 2021
<b>Receipt of Inspector's final report on legal compliance and soundness for Section 2</b>	Autumn 2021
<b>Adoption of Section 2 Local Plan by Full Council</b>	Autumn/Winter 2021
<b>Timetable for review</b>	The Local Plan will need to be reviewed within 5 years of adoption (subject to any changes to the national planning system) to maintain an ongoing supply of land for development and address any other planning issues that arise.

<b>Review of the Tendring District Local Plan</b>	
<b>Subject and scope</b>	This document will update the Council's new Local Plan to cover an extended period of time beyond 2033, enabling the strategy for growth, planning policies and site allocations to be reviewed as necessary and desirable.
<b>Geographical area</b>	All of the Tendring District.  The strategic policies for Tendring Colchester Garden Community will be prepared in collaboration with Colchester and Essex Councils and will be a separate DPD to accompany the Local Plan.
<b>Chain of conformity</b>	The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF)
<b>Indicative timetable for production</b>	
<b>Issues and Options Consultation</b>	Summer 2023
<b>Consultation on draft Local Plan</b>	Spring 2024
<b>Publication of Submission draft Local Plan</b>	Winter 2024
<b>Submission</b>	Spring 2025
<b>Examination and main modifications</b>	Autumn 2025
<b>Adoption</b>	Winter 2025/26

<b>Tendring Colchester Garden Community Development Plan Document (DPD)</b>	
<b>Subject and scope</b>	This document will contain policies and allocations to guide the new Garden Community proposed at the Tendring/Colchester border. This DPD will be produced jointly with Colchester Borough Council and Essex County Council.
<b>Geographical area</b>	The broad location for the Garden Community is identified in the Section 1 Local Plan. The precise boundaries will be designated in this DPD
<b>Chain of conformity</b>	Tendring and Colchester Local Plans The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF).
<b>Indicative timetable for production</b>	
<b>Document Preparation</b>	Winter 2020/21 – Winter 2021/22
<b>Member approval of draft DPD</b>	Winter 2021/22
<b>Draft DPD Consultation</b>	Winter 2021/22
<b>Document Preparation</b>	Spring 2022 – Autumn 2022
<b>Member approval of submission DPD</b>	Autumn 2022
<b>Submission DPD Consultation</b>	Autumn 2022
<b>Submission to Secretary of State</b>	Winter 2022
<b>Examination</b>	Winter 2022
<b>Inspector's report</b>	Spring 2023



<b>Adoption (Full Council)</b>	Summer/ Autumn 2023
<b>Timetable for review</b>	This will be reviewed and updated as necessary.

<b>Infrastructure Delivery Plan and CIL Charging Schedule (Optional)</b>	
<b>Subject and Scope</b>	If needed this document would set out the Council's approach to using legal agreements and securing development contributions to deliver infrastructure, affordable housing and other local benefits from development. The document could include the Council's Community Infrastructure Levy (CIL) charging schedule.
<b>Geographical Area</b>	All of the Tendring District. Some areas of Tendring may be established as CIL exempt
<b>Chain of Conformity</b>	Relevant Planning Acts and CIL Regulations Emerging Local Plan National Planning Policy Framework (NPPF)
<b>Indicative timetable for production</b>	
<b>Preparation of document</b>	Spring 2022
<b>Member approval for initial consultation</b>	Summer 2022
<b>Publication of document for consultation</b>	Autumn 2022
<b>Member approval for final consultation and submit the document for examination</b>	Winter 2022
<b>Submit documents and information to Secretary of State</b>	Spring 2023
<b>Independent examination</b>	Summer 2023
<b>Inspector's report</b>	Autumn 2023
<b>Adoption (Council)</b>	Winter 2023
<b>Timetable for review</b>	The document will be reviewed on an annual basis to determine whether or not any changes to the CIL timetable are necessary

<b>Authorities Monitoring Report (AMR)</b>	
<b>Subject and Scope</b>	This document will provides a high level analysis of how the Council's planning policies are performing against a range of indicators.
<b>Geographical Area</b>	All of the Tendring District.

<b>Chain of Conformity</b>	The content of the document should correspond with policies in the Local Plan.
<b>Timetable for production – same process followed each year</b>	
<b>Preparation of document</b>	January - March
<b>Publication of the AMR</b>	April - June
<b>Timetable for review</b>	The Authorities Monitoring Report is produced annually.

<b>Supplementary Planning Documents (SPD)</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Hartley Gardens SPD</b>	To produce a comprehensive Development Framework and delivery strategy for the development of 1,700 homes and associated development north of Clacton.	Potential adoption Summer 2022
<b>Jaywick Sands Design SPD</b>	To provide design guide for replacement and new dwellings within the existing built up area of Jaywick Sands.	Potential adoption Autumn 2022 (This can only be adopted once the new Local Plan has been adopted)
<b>Open Space SPD</b>	To provide guidance for the provision, adoption and future maintenance of outdoor recreational facilities directly needed as result of new development.	Potential adoption Winter 2022
<b>Climate Change SPD</b>	To provide more detailed guidance on Local Plan policies to ensure new development is sustainable, makes efficient use of natural resources, mitigates against the effects of climate change and is designed to reduce their carbon emissions and incorporate sustainable energy systems.	Potential adoption Winter 2022/23

## 5 Evidence Base

**5.1** To comply with the relevant Planning Acts, Regulations and national policy contained within the NPPF, it is essential that the policies and proposals in Local Plans and the charging schedule in CIL are based on objective evidence. This can include surveys, technical studies and consultants' reports. The Council has already compiled and prepared a significant amount of evidence and the majority of this evidence will remain sufficiently relevant and robust to inform the Local Plan and other planning documents. There are, however, some areas where either additional evidence is needed or existing evidence needs updating. The following table identifies each element of the evidence base, its purpose, current relevance and any timetables for future work.

<b>Subject Area: Housing</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Demographic and Household Projections</b>	To inform the preparation of a Strategic Housing Market Assessment and inform decisions on the 'objectively assessed need for housing'.	Undertaken for all Essex Authorities through the Essex Planning Officers Association. Last projections were produced in September 2016. Review may be required ahead of the next Local Plan review depending on government changes to the planning system.
<b>Strategic Housing Market Assessment (SHMA)/ Local Housing Needs Assessment</b>	To calculate the 'objectively assessed need' for housing and inform the approach to the size, type and tenure of housing needed.	This was undertaken in two parts: the objectively assessed housing needs study by Peter Brett Associates (November 2016) and the SHMA undertaken by HDH Planning and Development (December 2015). A further update alongside the review of the Local Plan will be required.
<b>Strategic Housing and Land Availability Assessment (SHLAA)</b>	To assess the suitability, availability and deliverability of potential housing sites and inform the allocation of land for housing.	Undertaken by Council Officers. The Issues and Options consultation included a "call for sites", these have been incorporated into the SHLAA. The SHLAA was last updated in April 2018. A further update alongside the review of the Local Plan will be required.
<b>Gypsy and Traveller Accommodation Assessment (GTAA)</b>	To calculate the 'objectively assessed need' for sites and pitches for Travellers – as required by the government's Planning Policy for Traveller Sites (March 2012).	Undertaken by consultants ORS for all Essex authorities and completed in May 2017. An update was completed in 2018.
<b>Housing Sizes in the Urban Areas of the Tendring District</b>	A survey of house sizes in different parts of the district to inform the Council's policies in minimum space standards.	Undertaken by Council Officers and completed in August 2013. Could be reviewed ahead of next Local Plan review.
<b>Jaywick Sands Place Plan</b>	To establish a framework for development aimed at regenerating Jaywick Sands	Work currently being undertaken by Council Officers and HAT Projects Limited with the emphasis on deliverability. Consultation might be undertaken in 2022 with the Place Plan being completed by 2023.

<b>Subject Area: Business</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Economic Development Strategy</b>	To inform the overarching approach to economic development and job creation in the district.	Updated and approved by Cabinet July 2020.
<b>Employment Land Review</b>	To inform the allocation and protection of land for business and industrial use in terms of amount and location.	Completed 2019.
<b>Retail &amp; Town Centre Study</b>	To identify the need for additional retail units to meet residents' demands for goods and services and thus inform the allocation and protection of town centres and potential development sites.	Reviewed and updated in 2020 by Lambert Smith Hampton.
<b>Hotel and Guesthouse Retention Study</b>	To inform the policies on protecting hotels and guesthouses in the district and advise on how they might need to develop in the future to reflect changing trends and demands	A further update alongside the review of the Local Plan may be required.
<b>Holiday Park Sector Review</b>	To inform the allocation and protection of holiday parks in the district and advise on how they might need to develop in the future to reflect changing trends and demands.	The study was completed by Frontline Consultants in 2020.
<b>Walton-on-the-Naze Regeneration Framework</b>	To advise the Council on ways to regenerate the economy of Walton-on-the-Naze and inform relevant policies in the Local Plan.	Undertaken by consultants BNP Paribas and completed in January 2010. No imminent need for review.
<b>Dovercourt Rediscovered</b>	To advise the Council on ways to regenerate the economy of Dovercourt Town Centre and inform relevant policies in the Local Plan.	Reviewed and updated in 2019.

<b>Subject Area: Infrastructure</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Infrastructure Study</b>	To assess the capacity of Tendring's infrastructure, including transport, health, education and utilities to inform decisions on where to locate future growth and provide the baseline evidence for use in seeking funding for improvements, including through Community Infrastructure Levy (CIL).	Reviewed and updated 2021.
<b>Haven Gateway Watercycle Study</b>	To provide evidence to Haven Gateway authorities and utility companies about sewage treatment capacity to support plans for growth in the area.	Stage 1 report completed May 2008 and Stage 2 report completed November 2009. These reports will inform the Infrastructure Study. No imminent need for review.

**Subject Area: Minerals**

Essex County Council is the planning authority for minerals and it prepares the evidence needed to inform the content of the Minerals Local Plan. Tendring District Council is a key consultee in the preparation of that plan.

**Subject Area: Defence, security, counter-terrorism & resilience**

There is no need for any specific evidence to be prepared, but the Council will consult relevant bodies to ensure that plans for development do not impact upon the operations of any defence or security installations.

<b>Subject Area: Environment</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Flood Risk Assessment (SFRA)</b>	To identify areas at risk of flooding, measure the potential risks within different parts of the flood zone and inform the 'sequential approach' to locating development away from flood risk areas.	Completed March 2009. Local Plan allocations will generally avoid sites in Flood Zones 2 and 3 and therefore there is no imminent need for review. Review definitely required ahead of next Local Plan review.
<b>Essex and South Suffolk Shoreline Management Plan</b>	To set out a strategy for protecting different sections of the Essex and South Suffolk coast from flooding and coastal erosion to be implemented by the Environment Agency, working with its partners.	Completed in 2012. Any review would be undertaken by the Environment Agency working with its partners. No imminent need for review.
<b>Jaywick Strategic Flood Risk Study</b>	SFRA carried out specifically for Jaywick Sands in support of the Council's policies to promote regeneration in that area.	Completed May 2008. The SFRA specifically for Jaywick Sands was updated in April 2015.
<b>Harwich Strategic Flood Risk Assessment (SFRA)</b>	SFRA carried out specifically for Harwich in support of the Council's policies to promote regeneration in that area.	Level 1 report completed April 2008. Level 2 report completed August 2008. No imminent need for review.
<b>Landscape Character Assessment</b>	To define the different characteristics of the district's landscape and help inform Planning decisions.	Completed 2001. Review within 15-20 years. Consider review.
<b>Landscape Impact Assessment</b>	To test the potential landscape impact of development on a range of urban-edge greenfield sites and thus inform the allocation of sites for housing and other forms of development.	Stage 1 report completed April 2009. Stage 2 report completed March 2010. NPPF now attaches less weight to landscape impact issues and therefore no review is needed.
<b>Strategic Green Gap Study</b>	To review the Green Gap designations within the Local Plan.	Completed by LUC in 2020. May require review ahead of next Local Plan review.
<b>Local Wildlife Site Review</b>	To assess the wildlife value of all parts of the district and inform the identification of 'Local Wildlife Sites' (LoWS) deemed worthy of protection through the Local Plan.	Undertaken by Essex Ecological Services (EECOS) and completed in September 2009. Specific survey of land off Crestwood Meadow, Alresford undertaken in 2013 in response to requests from residents. Consider review ahead of new Local Plan review.
<b>Habitat Regulation Assessment</b>	To assess the impact of proposals and policies in the Local Plan on habitats of international importance and advise the Council on how to avoid, minimise or mitigate any impacts.	Two reports were completed by consultants LUC in May 2017 for Shared Strategic Section 1 and in October 2018 for Publication Draft Section 2 of the Plan. Currently being updated for modifications stage.

<b>Subject Area: Historic Environment</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Historic Environment Characterisation Project</b>	To define the different characteristics of the district's historic character and help inform decisions on local plan designations and planning applications.	Completed December 2008 by Essex County Council. Review within 15-20 years. No imminent need for review.
<b>Heritage Impact Assessment</b>	To assess in a structured process that the significance of historic assets are taken into account when developing and designing proposals for change.	Currently being undertaken.
<b>Geodiversity Characterisation Report</b>	To assess the geo-diversity of the Tendring District – i.e. the composition of minerals below the ground.	Completed May 2009 by Essex County Council. Review within 15-20 years. No imminent need for review.
<b>Conservation Area Appraisals</b>	To help inform decisions relating to development in Conservation Areas and to review their boundaries.	Undertaken as and when required. Conservation Area Appraisals for all areas in the process of being reviewed by Essex Place Services.

<b>Subject Area: Health and well-being</b>		
<b>Evidence</b>	<b>Purpose</b>	<b>Relevance/Timescales</b>
<b>Open Space, Sport and Recreation Strategy</b>	To establish quantitative and qualitative standards for open space, sport and recreation provision to inform policies in the Local Plan and the use of s106 or CIL money.	Reports were completed by consultants KKP in April 2017. Full review required ahead on next Local Plan and could inform Garden Community DPD.

<b>Subject Area: Public safety from major accidents</b>
There is no need for any specific evidence to be prepared, but the Council will consult relevant bodies, including the Highways Authority and Highways Agency, to ensure that plans for development do not create

new or exacerbate existing accident black-spots, seeking, wherever possible, to address them.

**Subject Area: Ensuring viability and deliverability**

<b>Viability Testing</b>	To assess the economic viability of Local Plan policies to ensure that development is viable and therefore realistically achievable. Also to inform decisions on setting CIL tariffs.	Reviewed and updated in 2019.
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**Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment**

**5.2** As well as having to be based on robust but proportional technical evidence, Local Plans and some other planning documents must also be accompanied by a 'Sustainability Appraisal' incorporating a 'Strategic Environmental Assessment' and, where they are likely to affect sites of international importance for nature conservation, a 'Habitats Regulation Assessment'.

**5.3** Sustainability Appraisal is a requirement under Section 19 of the Planning and Compulsory Purchase Act 2004 and must be undertaken for each stage of the plan-making process to ensure that the plan does everything it can to achieve sustainable development. It is a requirement of both UK and European Law to appraise the sustainability and environmental effects of proposals in the Local Plan and other planning documents. Therefore, at key stages of the plan making process i.e. draft plan consultation and submission stages, the Council will also publish a Sustainability Appraisal incorporating the Strategic Environmental Assessment.

**5.4** A Habitat Regulation Assessment, or 'Appropriate Assessment' as it is often called, is a requirement from the European Habitat Directive (92/43/EEC) and, for Tendring, will be necessary to assess the impact of the Local Plan's policies and proposals on three sites of international importance for nature conservation – Hamford Water, the Colne Estuary and the Stour Estuary.



## 6 Resources and Risk Assessment

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

### Professional Officer Input

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

### Financial Resources

**6.3** The Council has allocated a budget for the review of the Local Plan, the production of SPD's and the Tendring Colchester Borders DPD in recognition of how important these documents are to the future of the district. The most significant costs are expected to be the commissioning and updating of technical studies in relation to the above projects and the cost of the Examinations in Public. The latter requires the Council to pay fees to the Planning Inspectorate, employ a 'Programme Officer' to administrate the examination process and employ, where necessary, specialist planning consultants or lawyers to deal with issues of technical or legal complexity.

**6.4** Any strategic elements across authorities will be paid for jointly by the relevant authorities.

### Risk Assessment

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

	fill any vacancies. Additionally any strategic work with other authorities will enable shared resources and funding on mutually beneficial outputs.
Financial shortfall Low Risk/High Impact	The Council has allocated a budget to the preparation and review of planning documents in recognition of how important both the Local Plan, the Garden Community DPD and supplementary planning documents will be to the future of the district. There is a risk that, due to general pressures on public finances, the funds available could be reduced or withdrawn, but the Council's commitment and its corporate objectives around the Local Plan and the Garden Community should ensure that the programme is properly resourced. Maintaining an up to date planning framework enables opportunities to attract external funding, generate economic growth and increase the revenue base of the district.
Changing political priorities High Risk/High Impact	The setting up of the Local Plan Committee (now the Planning Policy and Local Plan Committee) to oversee the preparation of the Local Plan and other relevant documents, with Councillors from all political groups, has enabled the plan to proceed smoothly to the advanced stages of the process. Consideration will be given in due course to the arrangements for oversight and approval for the Garden Community DPD which involves more than one Council.
Legal challenge Medium Risk/High Impact	There is a possibility of legal challenge to any planning document once a Council has reached a decision to adopt. By ensuring that all of the correct legal procedures are followed, including the duty to cooperate, the need for a Sustainability Appraisal and the need to undertake consultation in line with the planning regulations, the Council will aim to minimise the grounds upon which a legal challenge could be based.

## 7 Decision Making

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

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