

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
Section 1					
SP1 – Presumption in Favour of Sustainable Development	Reflects the presumption in favour of sustainable development established in the NPPF and sets out the positive and proactive approach the Council will take to determining planning applications, approving development that complies with the Plan without delay unless material considerations indicate otherwise.	No specific issues identified.	NPPF Para 11 differentiates between strategic and non-strategic policies and prescribes that sustainable development should align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas). The Policy should also take account of any needs that cannot be met within neighbouring areas.	No specific updates to the evidence base are required.	Consideration to be given to deleting Policy SP1 and incorporating the approach to determining Planning applications into the updated version of Policy SPL2, which also echoes the NPPF's presumption in favour of sustainable development.
SP2 – Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	This policy sets out that the Council will secure developer contributions towards the mitigating the impact of recreational disturbance on protected sites, in line with the RAMS Strategy.	Contributions are secured in line with Policies SP2 and PPL4. No concerns.	The RAMS SPD remains up-to-date. Further requirements around biodiversity net gain and local nature recovery are discussed below under Policy PPL4.	No specific updates required. Further evidence requirements around ecology are discussed below under Policy PPL4.	Consideration to be given to deleting Policy SP2, as the requirement to secure contributions towards mitigation measures identified in RAMS is already echoed in Policy PPL4.
SP3 – Spatial Strategy for North Essex	This policy sets out a spatial strategy for development within Tendring, Colchester and Braintree, including the broad location for the Tendring Colchester Borders Garden Community.	No specific issues identified.	No specific changes that affect this strategy. Detailed requirements of the NPPF are discussed below.	No specific updates required. Further evidence requirements around growth and housing delivery are discussed below.	Consideration to be given to deleting Policy SP3 and incorporating the Spatial Strategy into Policy SPL1, which contains the Settlement Hierarchy for Tendring.
SP4 – Meeting Housing Needs	This policy identifies the housing requirement for each District, confirming Tendring's annual requirement of 550 dwellings per annum across the Plan period.	No specific issues identified.	The NPPF now requires Local Planning Authorities to use the 'Standard Method' set out in national policy as a starting point when determining housing need.	The Strategic Housing Market Assessment and Household Projects will need to be updated to establish the housing requirement for the new Local Plan period.	Consideration to be given to deleting Policy SP4 and incorporating the rolled-forward housing requirement into an updated version of Policy LP1.
SP5 – Employment	This policy identifies the amount of employment land required for each District.	No specific issues identified.	No specific changes to national policy in determining the amount of employment land required. Further discussion against Policies PP6 and PP7.	An Employment Land Review will be required to understand whether additional employment allocations should be made. The Council's Economic Development Strategy may need updating, to reflect the benefits and opportunities created by Freeport East around the A120 corridor.	Consideration to be given to deleting Policy SP5 incorporating the rolled-forward employment land requirement into an updated version of Policy PP7.
SP6 – Infrastructure & Connectivity	This policy details the infrastructure requirements for both the garden community and the District as a whole. This includes transport, social, education and health infrastructure among others.	No specific issues identified.	Paragraphs 34 and 58 of the NPPF require that Local plans set out what contributions will be required from new development and expectations the such contributions will not make new development unviable. Paragraph 98 requires the LPA to work proactively and positively with promoters, delivery partners and	The Infrastructure Delivery Plan (IDP) will need to be updated for the purposes of the Local Plan review along with the Council's evidence on viability. These pieces of evidence might be updated as part of, or to coincide with background work to support the possible introduction of Community Infrastructure Levy (CIL).	Consideration to be given to deleting Policy SP6 and incorporating the District's infrastructure requirements into an updated version of Policy DI1, or other policies in the Local Plan as appropriate. Infrastructure requirements of the Garden Community are set out in its own DPD.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
			statutory bodies to plan for public service infrastructure.		
SP7 – Place Shaping Principles	This policy sets out the broad design principles for all new development within the District.	No specific issues identified.	Paragraph 131 of the NPPF requires Local Plans to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.	No specific new evidence is required to inform a review of this policy, although there have been developments in the thinking around design and quality – including the introduction of the National Model Design Code (NMDC), the ‘Building for a Healthy Life’ toolkit, and continued updates to the Essex Design Guide.	Consideration to be given to deleting Policy SP7 and incorporating the requirements into an updated version of Policy SPL3, or other policies in the updated Local Plan as appropriate.
SP8 – Development & Delivery of a New Garden Community in North Essex	This policy requires that a Development Plan Document (DPD) is prepared ahead of the delivery of the garden community. Fourteen broad principles are also highlighted which are to be incorporated within the DPD.	Developers have contested the principle that no new development consent will be granted until the DPD has been adopted. The DPD has now been submitted for examination, and is likely to be adopted in 2024.	No specific changes that affect this policy.	Additional evidence produced and updated during the preparation of the DPD. Further evidence will be produced by the developers to support any future Planning Application.	Consideration to be given to replacing Policies SP8 and SP9 with a new policy within the updated Local Plan, dealing specifically with the Garden Community.
SP9 – Tendring/Colchester Borders Garden Community	This policy considers the split of land uses between the two Councils and identifies broad areas of separation between the garden community and Elmstead, Wivenhoe and Colchester.	No specific issues identified.	No specific changes that affect this policy.	Additional evidence produced and updated during the preparation of the DPD. Further evidence will be produced by the developers to support any future Planning Application.	Consideration to be given to replacing Policies SP8 and SP9 with a new policy within the updated Local Plan, dealing specifically with the Garden Community.

Section 2

Sustainable Places

SPL1 – Managing Growth	Sets out the ‘Settlement Hierarchy’ which categorises the district’s settlements under four tiers according to their size, function and accessibility to jobs, shops, services and facilities. This hierarchy guides the overall pattern of growth (the ‘spatial strategy’) across the district - prioritising settlements in the higher tiers for generally the larger amounts of development, with lesser levels of growth proposed and allowed in and around settlements in the lower tiers.	This policy has generally worked well in the determination of planning applications, but there have been appeal decisions allowing small-scale (infill) development in Point Clear – a settlement not listed within any tier of the Settlement Hierarchy.	The NPPF at para 78 requires planning policies affecting rural areas to be responsive to local circumstances and support development that reflects local housing needs.	The categorisation of settlements was informed by the ‘Establishing a Settlement Hierarchy’ technical paper, last updated in 2016. This paper could benefit from being updated to better reflect the current size of settlements and any changes in their accessibility to shops, jobs, services and facilities.	Officers consider the settlement hierarchy (and the categorisation of settlements within it) to be broadly up-to-date and appropriate in its current form and could potentially be carried forward unchanged into the updated Local Plan. This position may need to be reviewed once longer-term requirements for housing and employment have been determined; as it may or may not require the Council to consider different spatial strategy options for accommodating that future growth. Notwithstanding the above, there may, in light of recent appeal decisions alone, be a case for the reconsideration of Point Clear for inclusion in the hierarchy as a defined settlement – which is currently a notable omission, particularly given its size. This could be looked at when updating the ‘Establishing a Settlement Hierarchy’ technical paper.
SPL2 – Settlement Development Boundaries	This policy gives effect to the overarching spatial strategy and hierarchy set out in Policy SPL1 by drawing settlements within defined development boundaries on the relevant policies and local maps. This	Whilst the supporting text preceding the policy states “ <i>in general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect the character and</i>	No specific changes that affect this policy.	An in-house review of Settlement Development Boundaries will need to be undertaken as part of the Local Plan review to ensure they continue to properly define the extent of settlements and the	Aside from the need to review the definition of the Settlement Development Boundaries themselves as part of the Local Plan review, recent appeal decisions suggest that the Council may wish to revisit and strengthen the wording of Policy SPL2 to ensure it properly reflects the intention (as set out in the supporting text) that land beyond the boundaries will, in general terms, be the subject of strict control to protect and enhance the character of the countryside, recognising that

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	<p>approach seeks to encourage sustainable patterns of growth and control urban sprawl by being generally permissive of development on land within the defined boundaries and stricter in the control of development on land beyond them.</p>	<p><i>openness of the countryside</i>”; the wording of the policy itself is not so explicit. There have been some appeal decisions where Planning Inspectors have interpreted the policy as being more permissive of development on land beyond the defined boundaries than intended.</p>		<p>countryside beyond. This review will naturally have regard to any actual changes on the ground and any relevant planning permissions granted since the adoption of the last Local Plan. The need to identify any additional land to accommodate longer-term housing or employment development as part of the overarching spatial strategy will also likely result in changes to the settlement development boundaries once those requirements are determined and options have been considered.</p>	<p>there will be exceptions – some of which will be addressed through other Local Plan policies.</p>
<p>SPL3 – Sustainable Design</p>	<p>This policy applies to all new development (including changes of use) and sets out the Council’s requirements aimed at achieving good design, general practical requirements and compatibility with surrounding uses whilst minimising adverse environmental impacts.</p>	<p>This is the most commonly used policy in planning decisions as it sets out expectations and criteria that will apply in the determination of the majority of planning applications. The policy is broadly reflective of national requirements and lists the general planning considerations against which judgements are made.</p>	<p>Paragraph 131 of the NPPF requires Local Plans to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.</p> <p>Local Plans should set out a clear design vision and provide maximum clarity about design expectations. These design codes or guides can either form part of the Local Plan or be supplementary planning documents.</p>	<p>No specific new evidence is required to inform a review of this policy, although there have been developments in the thinking around design and quality – including the introduction of the National Model Design Code (NMDC), the ‘Building for a Healthy Life’ toolkit, and continued updates to the Essex Design Guide.</p>	<p>Officers consider that Policy SPL3 remains broadly relevant and appropriate and could potentially be carried forward relatively unchanged into the updated Local Plan.</p> <p>Consideration could however be given to focussed amendments to incorporate the expectations around tree-lined streets and the creation of beautiful and sustainable places as set out in the latest version of the National Planning Policy Framework (NPPF).</p> <p>The policy might also benefit from being updated to refer to other relevant planning guidance and initiatives aimed at achieving good quality development; and a general check to ensure that policy requirements are not repeated, unnecessarily, here or elsewhere in the Local Plan. The National Model Design Code (NMDC), local design codes, Building for a Healthy Life, the Essex Design Code and use of the Essex Design Review Panel could be referenced in the policy or supporting text, and/or in relation to an updated Policy LP4 ‘Housing Layout’.</p>
Healthy Places					
<p>HP1 – Improving Health and Wellbeing</p>	<p>This policy sets out how the Council will work with partners to improve the Health and Wellbeing of residents in Tendring. One of the policy’s specific requirements is for Health Impact Assessments (HIA) to be submitted with planning applications for 50 or more dwellings, residential institutions and non-residential developments of 1,000 sqm of more gross internal floor space. It also provides the policy basis for seeking mitigation towards new or enhanced health facilities from housing developments.</p>	<p>There is often significant public interest in ensuring infrastructure around health provision is provided alongside and/or as part of new development. It will be important to ensure, going forward, that the policy wording is strong enough to secure both the quality of development needed to promote healthy lifestyles and the infrastructure for health provision that will be required to meet the needs of a growing and changing population.</p> <p>The right level of flexibility will also be required to ensure that any developer contributions towards health provision can be</p>	<p>Paragraph 94 of the NPPF now requires Local Plans to consider the social, economic and environmental benefits of estate regeneration. This requirement could be met with reference to the Jaywick Sands Place Plan and Design Guide SPD, and is already addressed through Policy PP14.</p>	<p>The Council is expected to produce a Health and Wellbeing Strategy in partnership with other bodies responsible for delivering health provision and promoting healthy lifestyles. The updated Local Plan ought to reflect the aims and objectives of that strategy as best as possible, as it emerges.</p> <p>An updated Infrastructure Delivery Plan (IDP) will also be necessary as part of the evidence base to consider the infrastructure needs arising from any additional development proposed to meet longer-term requirements, particularly housing. Public health partners</p>	<p>Officers consider that Policy HP1 remains generally fit for purpose and could be carried into the updated Local Plan with only minor changes and relevant updates.</p> <p>The supporting text preceding the policy might warrant a fuller update to reflect both the latest statistical evidence around health and wellbeing along with any more up-to-date strategies and initiatives – including the Council’s own future Health and Wellbeing Strategy, Sport England and Active Travel England’s ‘Active Design’ checklist and Essex County Council’s ‘Livewell Accreditation’ requirements</p> <p>Consideration could also be given to the inclusion of more guidance on specific requirements of Health Impact Assessment (HIA), either within the policy, its supporting text or the Local Plan’s appendices.</p>

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
		<p>directed toward delivering the right infrastructure in line with the most up-to-date strategies from the NHS and other health partners.</p> <p>Planning Officers have suggested that the Local Plan might benefit from some additional guidance on the requirements of a Health Impact Assessment (HIA).</p>		<p>will be involved in this update with regards to health provision. Health statistics in the supporting text of the Local Plan could benefit from being updated with the latest available information.</p>	
HP2 – Community Facilities	<p>This policy sets out how the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. It specifically requires new development to provide or contribute towards new or enhanced community facilities; and guards against the loss of existing facilities unless replacement provision is made or it is proven the facility is no longer needed.</p>	<p>Supporting text to Policy HP2 lists the type of community facilities to which the policy will apply. The list includes community halls, libraries, museums, arts venues, post offices, public houses, places of worship, sports halls, health and fitness facilities, swimming pools and other facilities of community value. This differs from that set out in the National Planning Policy Framework (NPPF) which refers to the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.</p>	<p>Paragraph 84 of the NPPF requires Local Plans to enable the retention and development of local services and community facilities.</p>	<p>No specific evidence is required to inform a review of this policy; however, an Infrastructure Delivery Plan (IDP) will be required to identify specific infrastructure, services and facilities needed to support longer-term housing growth – having regard to the latest strategies of different service providers.</p>	<p>Officers consider that Policy HP2 remains broadly fit for purpose and could potentially be carried forward unchanged, or with very minor amendments, into the updated Local Plan.</p> <p>There is however some suggestion that the list of community facilities to which the policy applies could be promoted from the supporting text and into the wording of the policy and/or amended to better reflect the wording of the National Planning Policy Framework (NPPF) .</p> <p>Consideration could also be given to the inclusion of guidance, potentially as an appendix to the Local Plan on the kind of evidence that would be expected with a planning application to justify the loss of an existing community or cultural facility. This increased clarity could enable greater retention of local services and community facilities.</p>
HP3 – Green Infrastructure	<p>This policy explains the important role of ‘green infrastructure’ in tackling climate change, providing flood mitigation and habitat creation. It requires all new development to include new green infrastructure and seeks to protect and enhance existing areas as appropriate.</p>	<p>No specific issues identified.</p>	<p>Paragraph 179 of the NPPF has been strengthened. Local Plans must now identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <p>The introduction of mandatory 10% biodiversity net gain may also impact this policy.</p>	<p>The Council is likely to develop a strategy for the provision, maintenance and use of open space which will itself be informed by studies already carried out on behalf of the Council looking at both the quality and quantity of open space. Any updated version of Policy HP3 (and associated policies HP4 and HP5) ought to reflect and give effect to this work.</p> <p>The <u>Essex Green Infrastructure Standards</u> should be referenced in the Policy text.</p>	<p>Officers consider that the suite of Policies HP3, HP4 and HP5 that relate to green infrastructure, open space, sports and recreation might warrant a full review. This is to ensure that together the policies reflect the latest evidence on open space quantity and quality, the latest requirements, and opportunities around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG) and any emerging strategies from the Council or its partners on open space, sports and recreational provision.</p>
HP4 – Safeguarded Open Space	<p>This policy seeks to protect against the loss of ‘Safeguarded Open Space’ unless certain criteria are met. It also identifies land for the future expansion of existing cemeteries and the crematorium and gives support</p>	<p>The policy gives protection to a wide range of safeguarded open spaces – some of which are potentially unusable provide little public or environmental benefit.</p>	<p>No specific changes that affect this policy.</p>	<p>The Council is likely to develop a strategy for the provision, maintenance and use of open space which will itself be informed by studies already carried out on behalf of the Council looking at both the</p>	<p>Officers consider that the suite of Policies HP3, HP4 and HP5 that relate to green infrastructure, open space, sports and recreation might warrant a full review. This is to ensure that together the policies reflect the latest evidence on open space quantity and quality, the latest requirements and opportunities around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG) and any emerging strategies from the</p>

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	for new cemeteries and burial places, subject to meeting other Local Plan requirements.	This may need to be reviewed going forward.		quality and quantity of open space. Any updated version of Policy HP3 (and associated policies HP4 and HP5) ought to reflect and give effect to this work.	Council or its partners on health and wellbeing; and open space, sports and recreational provision. The element of Policy HP4 relating to the expansion of crematorium and cemetery space might need further consideration both to reflect longer-term demands over an extended Local Plan period, but also to reflect the emergence of other forms of burial, such as woodland burial, which are becoming increasingly popular and which may play a role in local nature recovery in the future.
HP5 – Open Space Sports and Recreation Facilities	This policy sets out how the Council will work with partners and sports providers to maintain, expand and improve the quality and accessibility of public open spaces, sports and recreational facilities. The policy specifies the requirement for larger residential developments of 11 or more dwellings on sites of 1.5 hectares and above to provide a minimum 10% open space.	<p>The Supplementary Planning Document (SPD) to which the policy refers is old and would benefit from being updated.</p> <p>The policy could be improved by being explicit that open spaces should be publicly accessible and being clearer as to how the dwelling number and site-size threshold are supposed to apply.</p> <p>Some concern that too low a threshold can result in a proliferation of smaller open spaces on medium-sized developments across the district that are not always usable and straight-forward to maintain as larger more strategically-located spaces.</p>	Paragraph 98 of the NPPF now requires open space, sports and recreational facilities to meet the needs of the local area and also to consider how they can deliver wider benefits for nature and support efforts to address climate change.	The Council is likely to develop a strategy for the provision, maintenance and use of open space which will itself be informed by studies already carried out on behalf of the Council looking at both the quality and quantity of open space. Any updated version of Policy HP3 (and associated policies HP4 and HP5) ought to reflect and give effect to this work.	Officers consider that the suite of Policies HP3, HP4 and HP5 that relate to green infrastructure, open space, sports, and recreation might warrant a full review. This is to ensure that together the policies reflect the latest evidence on open space quantity and quality, the latest requirements and opportunities around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG) and any emerging strategies from the Council or its partners on health and wellbeing; and open space, sports and recreational provision.
Living Places					
LP1 – Housing Supply	This policy sets out how new housing development will be delivered across the district to meet projected needs. It identifies the different sources of housing land supply i.e., the number of homes expected to be delivered from sites specifically allocated for development in the Local Plan, sites already under construction or with planning permission in place and other non-allocated 'windfall' sites.	This policy provides the basis for the 'housing land trajectory' which is kept under annual review through updates to the Council's 'Strategic Housing Land Availability Assessment' (SHLAA). The trajectory enables the Council to monitor and maintain a five-year supply of deliverable housing sites, as required by the National Planning Policy Framework (NPPF). If the Council is unable to demonstrate a five-year supply of deliverable housing sites at any time, it can lead to speculative development proposals having to be considered favourably, contrary to the Local Plan.	<p>NPPF para 69 requires 10% of housing requirement to be delivered on sites smaller than 1ha.</p> <p>NPPF para 66 requires strategic policies to set out the housing requirement for designated neighbourhood areas.</p>	<p>The longer-term requirement for housing over a rolled-forward Local Plan period will be informed by population and household projections, making adjustments to reflect economic growth, housing affordability and other factors. The evidence that underpins the current Local Plan housing requirement of 550 homes a year will need to be revisited in line with the requirements of national planning policy – as relevant at the time of review.</p> <p>Annual updates to the Council's Strategic Housing Land Availability Assessment (SHLAA) are already carried out. These will inform the updated housing supply figures to be included in this policy.</p>	Because the review of the Local Plan will extend its timeframe, the Council will need to determine and address longer-term requirements for housing – which is likely to require the allocation of additional land for that purpose. Policy LP1 will need to be updated, in full, to reflect this.
LP2 – Housing Choice	This policy requires larger residential developments to	Suggestion that the policy wording could be strengthened	Paragraph 61 of the NPPF now requires Local Plans to be informed by	An update to the Strategic Housing Market Assessment will	Officers consider the format and wording Policy LP2 to be broadly appropriate and up-to-date to be carried forward, mainly unchanged,

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	include a mix of dwelling sizes, types and tenures, and states that the Council will support the delivery of specific housing types such as bungalows, self-build, and retirement complexes.	so that developments must deliver a mix of dwelling, size, type and tenure – making it a requirement rather than an expectation.	<p>a local housing need assessment, conducted using the standard method in national planning guidance as a starting point. Any housing needs which cannot be met within neighbouring areas should also be taken into account when establishing the amount of housing to be planned for within the plan.</p> <p>Paragraph 62 requires the plan to identify the size, type and tenure of housing needed for different groups.</p> <p>The NPPF requires at least 10% of the total number of new homes to be available for affordable home ownership, which would account for 1/3 of the affordable housing requirement of the adopted Local Plan.</p> <p>In addition, 25% of all affordable homes should be 'First Homes' - in line with the national definition.</p>	be required to inform the size, type and tenure of new housing likely to be required in the district going forward. This will also inform the requirements for affordable housing and any specialist forms of housing to meet the needs of particular groups.	<p>into the updated Local Plan – however the evidence referred to in the supporting text will need to be updated to reflect latest available information and findings of an updated Strategic Housing Market Assessment (SHMA).</p> <p>Some consideration could however be given to strengthening the wording of the policy to ensure developments do genuinely deliver a mix of dwelling size, type and tenure whilst maintaining a necessary degree of flexibility to reflect changes in market demand and the circumstances under which it might not be appropriate to insist on such a mix.</p>
LP3 – Housing Density and Standards	This policy ensures new residential and mixed-use development achieves the appropriate housing density in regards to infrastructure, accessibility to local services, character of development and technical housing standards. The last part of the policy requires a certain percentage of dwellings on larger developments to meet higher standards of adaptability, accessibility and wheelchair access from the Building Regulations.	The final part of the policy relates more to accessibility, adaptability and wheelchair standards as set out in the Building Regulations. This element of the policy might be better placed elsewhere in the Local Plan and these standards may well change in the future.	No specific changes in the NPPF that affect this policy. However, new guidance such as Sport England 'Active Design Checklist' and 'Active Design Principles', the Essex Design Guide 'Health Places' checklist, and Homes England's 'Building for a Healthy Life' toolkit will need to be reflected in this policy.	The viability assessment of the Local Plan will need to be updated, which may have implications for the level of adaptable, accessible and wheelchair-user standard homes required on new developments.	Officers consider that there is scope to improve this policy and bring it in line with current guidance and best practice. Examples of topics that may be added to this policy include designing for healthy, inclusive, and active lifestyles, and building homes that meet minimum standards with regards to carbon emissions and climate resilience. The supporting text could be updated to include reference to relevant guidance documents, such as the Sport England 'Active Design Checklist' and 'Active Design Principles', the Essex Design Guide 'Health Places' checklist, and Homes England's 'Building for a Healthy Life' toolkit.
LP4 – Housing Layout	This policy is to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District.	The policy could benefit from clarity around whether SUDS should be a requirement of small sites (including single dwellings). Additionally, the relationship between this policy and policy HP5 (Open Space) should be made clearer.	<p>The NPPF requires Local Plans to set out a clear design vision and provide maximum clarity about design expectations. These design codes or guides can either form part of the Local Plan, or be supplementary planning documents.</p> <p>Paragraph 131 of the NPPF requires Local Plans to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.</p>	No specific evidence required, although the viability assessment will need to consider the implications of any improved standards required by an updated policy.	<p>The Council may wish to consider updating this policy to reflect the most recent guidance provided nationally and in the Essex Design Guide. Reference may need to be made to biodiversity net gain and green infrastructure interconnectivity, taking the Local Nature Recovery Strategy into consideration. Consideration may also need to be given to how more detailed design requirements can be set out here and elsewhere within the Local Plan.</p> <p>The supporting text could be updated to include reference to relevant guidance documents, such as the Sport England 'Active Design Checklist' and 'Active Design Principles', the Essex Design Guide 'Health Places' checklist, and Homes England's 'Building for a Healthy Life' toolkit.</p>

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
LP5 – Affordable Housing	This policy sets out how the Council will work with the development industry to provide new affordable housing. It requires developments of 11 or more dwellings to provide 30% of dwellings in the form of affordable housing.	<p>There have been cases where financial contributions toward off-site affordable housing provision have been agreed as an appropriate alternative to on-site provision; but where the contribution has had to be negotiated in the absence of any specific published guidance (such as a Supplementary Planning Document (SPD)) on how the contribution is calculated.</p> <p>There have also been cases where developments falling below the site size threshold in the policy have come forward on land immediately adjoining development, where cumulatively they could be considered a larger development to which on-site affordable housing requirements would apply – and for which, in some cases, the Council has sought financial contributions towards off-site provision</p>	<p>The NPPF requires at least 10% of the total number of new homes to be available for affordable home ownership, which would account for 1/3 of the affordable housing requirement of the adopted Local Plan.</p> <p>In addition, 25% of all affordable homes should be ‘First Homes’ - in line with the national definition.</p>	<p>An update to the Council’s Strategic Housing Market Assessment (SHMA) or equivalent evidence will help determine the scale of affordable housing need which, in turn will inform the percentage of affordable housing that can be sought.</p> <p>There will also need to be an update to the Council’s evidence on economic viability which will help determine how affordable housing can realistically be delivered on sites having regard to relevant costs and values.</p>	<p>Officers consider that the wording of Policy LP5 might warrant some amendments to bring it more closely in line with national policy and to ensure, given the likely scale of affordable housing needed in the future, that as much affordable provision can be secured on-site as is reasonably and viably possible. The Policy will need to reflect up-to-date requirements within national policy with regards to the tenure split of affordable housing.</p> <p>The site size threshold of ‘11 dwellings or more’ could be amended to reflect policy in the National Planning Policy Framework (NPPF) which refers to affordable housing being sought from ‘major developments’, defined as development of 10 or more dwellings..</p> <p>More detailed guidance on how affordable housing is secured, either on site or through off-site financial contributions, might be considered – either for inclusion in the supporting text or appendices of the Local Plan itself, or through a separate Supplementary Planning Document (SPD).</p>
LP6 – Rural Exception Sites	This policy sets out the requirements for affordable housing if outside the settlement development boundaries of a rural service centre or smaller rural settlement.	No comment	The NPPF emphasises that Local Plans should be responsive to local circumstances and support rural housing developments that reflect local need.	None. Rural exception schemes are judged on the basis of bespoke housing needs evidence submitted with individual planning applications.	Officers consider that Policy LP6 could be carried forward, unchanged, into the updated Local Plan.
LP7 – Self-Build and Custom-Built Homes	This policy sets out the requirements for developments comprising self-build and custom-built homes.	There have been no specific problems with the application of this policy in determining planning applications, although there has been some confusion as to the interpretation of the policy wording. Consideration could be given to providing definitions for the policy requirements, such as ‘safely accessible on foot’.	Requirements under the self build and custom housebuilding legislation have not changed since the adoption of the Local Plan. However, there is growing emphasis by Government on the importance of providing opportunities for this kind of development, which may suggest an update to this policy is appropriate.	The Council’s self-build register is updated as and when new applications to be entered onto the register are received, and the demand demonstrated by the register is reviewed annually.	<p>The Council may wish to consider amending the policy to require a specific percentage of homes on larger residential development being provided in the form of self-build or custom-built housing – in the same manner that a percentage of affordable housing is required through Policy LP5. Any percentage might require evidenced justification.</p> <p>Given that the strategic urban settlements and smaller urban settlements are generally the focus for large-scale planned development, within which an element of self-build and custom-built housing could be provided, the element of the policy that allows for development beyond settlement development boundaries may be better focussed on rural locations – in a similar way in which Policy LP6 on rural exception schemes applies.</p> <p>The Council may wish to consider whether or not self-build and custom –built housing could also be permitted on land outside the settlement development boundaries of the ‘smaller rural settlements’ to enable sensible levels of development to take place in and around more of the district’s rural areas – and to contribute towards the requirement in the NPPF for 10% of new housing to be on smaller sites of less than 1ha.</p> <p>Officers consider that some additional clarification around the criteria of this policy, to provide clear definitions for terms such as ‘small developments’ and ‘safely accessible on foot’, could improve the policy’s effectiveness.</p>

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
LP8 – Backland Residential Development	This policy sets out the requirements for residential development of “backland” sites.	There has been some confusion around the definition of long and narrow driveways. Greater clarity could be provided to assist decision makers.	No relevant changes in national policy.	No additional evidence required.	Officers consider that Policy LP8 could be carried forward, unchanged, into the updated Local Plan. There could however be some consideration within the supporting text of providing some guidance around what might be classed as a ‘long or narrow’ driveway.
LP9 – Gypsy and Traveller Sites	This policy sets out the criteria for any future Gypsy and Traveller sites.	No specific issues have arisen as a result of this policy, although applicants have questioned whether the evidence behind it is update. A review of the evidence around Gypsy and Traveller Sites is already underway.	No changes to national policy since the adoption of the Local Plan.	An update to the Gypsy and Traveller Needs Assessment (GTAA) is currently being undertaken for all the authorities in Essex.	Because the review of the Local Plan will extend its time-frame, it will need to determine and address longer-term requirements for gypsy and traveller pitch provision. Depending on the findings of the latest Gypsy Traveller Accommodation Assessment (GTAA), there might be a need to allocate specific sites for that purpose. The criteria-based element of the policy that applies in the determination of planning applications is considered to be up-to-date and appropriate and could be carried forward, unchanged, into the updated Local Plan.
LP10 – Care, Independent Assisted Living	This policy is to ensure the Council meets the care needs of future generations and generates growth in the care, independent and assisted living sector.	The policy give clear criteria for the provision of new care homes, but is silent on the extension of care homes already located outside Settlement Development Boundaries.	No specific changes affect this policy.	An update to the Council’s Strategic Housing Market Assessment (SHMA) or equivalent evidence will help determine the future demand for this type of accommodation.	The Council may wish to consider amending the text of the policy to make it clear that extensions to care homes will be supported.
LP11 – HMO and Bedsits	This policy sets out the requirements for creation of HMO’s or bedsits within defined town centres.	There is uncertainty over the interpretation of the opening paragraph, and in which circumstances new Houses in Multiple Occupation will be supported.	No specific changes affect this policy.	None required.	Officers consider there is scope to update this policy in light of any updated vehicle and bicycle parking standards prevailing at the time of the review. Amendments to the opening paragraph to increase clarity may also be considered.
Prosperous Places					
PP1 – New Retail Development	This policy seeks to focus new retail development to town centres.	No specific issues identified.	NPPF Paragraph 20 states that meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.	A review of the District’s retail and town centres study may be required.	Officers consider that Policy PP1 remains up-to-date and relevant and could be carried forward, unchanged, into the updated Local Plan.
PP2 – Retail Hierarchy	This policy identifies the town and district centres that should be the focus for ‘town centre uses’.	The definition of ‘town centre uses’ is not entirely consistent with the NPPF, and should be amended to ensure uniformity.	There are no significant changes which affect this Policy.	A review of the District’s retail and town centres study may be required.	Officers consider it unlikely that the local economy will have changed so significantly in the years since the Local Plan was adopted that the approach to new retail development will be out-of-date. This policy could be carried forward largely unchanged into the updated Local Plan. Consider reviewing the list of ‘town centre uses’ to ensure conformity with national policy.
PP3 – Village and Neighbourhood Centres	This policy seeks to protect village and neighbourhood centres by preventing the loss of retail uses in these locations.	No issues identified..	There are no significant changes which affect this Policy.	A review of the District’s retail and town centres study may be required.	Officers consider that this policy remains broadly up to date, and could be carried forward into the updated Local Plan with only minor changes. Any update will need to reflect the recent commercial development in Jaywick Sands, Tendring Colchester Garden Community neighbourhood centres and other major developments within Tendring.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
PP4 – Local Impact Threshold	This policy sets thresholds to identify which retail, leisure and office developments will require impact assessments if they are to be located outside of the town, district, village or neighbourhood centres.	No issues identified..	There are no significant changes which affect this Policy	A review of the District's retail and town centres study may be required.	Officers consider that Policy PP4 remains up-to-date and relevant and could be carried forward, unchanged, into the updated Local Plan. It may be necessary to review the list of uses the locally set thresholds applies to, to ensure consistency with the list of 'town centre uses' is consistent with the NPPF. It may also be beneficial to include a reference in the supporting text to the national Planning Practice Guidance on Town Centres and Retail to provide greater clarity regarding the application of this policy.
PP5 – Town Centre Uses	This policy seeks to prevent the loss of town centre uses within Town Centre boundaries, and to retain group floor shop units within Primary Shopping Areas.	No issues identified..	There are no significant changes which affect this Policy	A review of the District's retail and town centres study may be required.	Officers consider that Policy PP5 remains broadly up-to-date and relevant and could be carried forward, unchanged, into the updated Local Plan. A review of the Town Centre boundaries and Primary Shopping Areas may be necessary following the review of the retail study.
PP6 – Employment Sites	This policy seeks to protect existing employment sites from redevelopment to non-employment uses.	The Policy supports the retention of existing employment sites, but is silent on whether the Plan supports the extension of such sites.	There are no significant changes which affect this Policy	An Employment Land Review will be required to understand whether additional employment allocations should be made. The Council's Economic Development Strategy may need updating, to reflect the benefits and opportunities created by Freeport East around the A120 corridor.	The Council may wish to consider updating this policy to establish a set of criteria for determining applications to extend existing employment sites.
PP7 – Employment Allocations	This policy sets out the land allocated for new employment uses within the District.	The allocations in this policy are being brought forward for development through Planning	Paragraph 83 of the NPPF promotes the provision of clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.	An Employment Land Review will be required to understand whether additional employment allocations should be made. The Council's Economic Development Strategy may need updating, to reflect the benefits and opportunities created by Freeport East around the A120 corridor.	It is expected that the District has sufficient employment sites to meet demand until 2041 without taking into account the allocations within the TCBGC. However, this will be reconsidered in the Employment Land Review. The economic strategy outlined within the text does not fully take account of the effects of the Freeport East in Harwich and the A120 corridor. This will be subject of a further study, the findings of which will be incorporated into the text with the possibility of additional planning policies and allocations.
PP8 – Tourism	This policy seeks to support economic growth in tourism and attract visitors to the Tendring District.	The policy gives general support to appropriate proposals for a range of leisure and tourism attractions and facilities – but it is unclear whether tourist accommodation is to be supported.	There are no significant changes which affect this Policy.	The Council's Tourism Strategy may be updated to coincide with the review of the Local Plan.	This Policy may need to be updated to ensure it reflect the emerging Tourism Strategy, and to provide greater clarity around when new tourist accommodation will be supported.
PP9 – Hotels and Guesthouses	This policy encourages the provision of new hotels and guesthouses, and seeks to retain existing accommodation within defined centres and along the seafront within the District's coastal towns.	No issues identified.	There are no significant changes which affect this Policy.	None required.	Officers consider that this Policy is still relevant and up-to-date, and can therefore be carried forward into the updated Local Plan with no significant changes.
PP10 – Camping and Touring Caravan Sites	This policy sets out the requirements for new camping or touring caravan/motorhome sites and extensions to existing sites.	No issues identified.	There are no significant changes which affect this Policy.	The Council's Tourism Strategy may be updated to coincide with the review of the Local Plan.	Officers consider that this Policy is still relevant and up-to-date, and can therefore be carried forward into the updated Local Plan with no significant changes, subject to reviewing the Council's Tourism Strategy.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
PP11 – Holiday Parks	This policy seeks to safeguard the District's holiday parks, to protect them from redevelopment for alternative uses.	There is uncertainty as to whether chalets with residential C3 use, but with occupancy restrictions, are also protected by the policy. It is proposed that review of which parks should continue to be safeguarded is undertaken as part of the Local Plan review.	There are no significant changes which affect this Policy.	A Holiday and Residential Park Impact Assessment was undertaken in 2020. A review of this study may be considered, to determine which parks should continue to be safeguarded.	Whilst the wording of Policy PP11 is considered up-to-date and relevant, the Council may wish to take the opportunity to review which of the holiday and caravan parks in the district should continue to be safeguarded for the longer-term and thus protected under the policy.
PP12 – Improving Education and Skills	This policy seeks to improve education and employment prospects within the District, and to ensure residential development addresses the impacts on education provision.	There is uncertainty as to whether the requirements for new residential development apply to all proposals, or just that on larger sites of 10 dwellings or more.	There are no significant changes which affect this Policy.	The policy should reflect the very latest version of Essex County Council's Guide to Developer Contributions.	Officers consider that this Policy is still relevant and up-to-date, and can therefore be carried forward into the updated Local Plan with no significant changes. Clarification as to the scope of the requirements for new residential development may be incorporated into the supporting text.
PP13 – The Rural Economy	This policy sets out the kinds of new development that will be supported outside Settlement Development Boundaries, and the criteria for assessing reuse of rural buildings linked to farm diversification schemes.	No significant issues identified.	NPPF Para 85 now states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Policy PP13 already addresses this.	None	The Council may wish to consider what other kinds of development are suitable outside development boundaries, to meet the needs of local businesses and community facilities. Furthermore, the policy could be used to enhance the sustainability of certain locations, in line with the most recent NPPF guidelines.
PP14 – Priority Areas for Regeneration	This policy identifies priority areas for regeneration.	No comments.	Paragraph 94 of the NPPF now requires Local Plans to consider the social, economic and environmental benefits of estate regeneration.	None.	Officers consider that this policy remains up-to-date, and can be carried forward with no significant changes. However, the explanatory text may need to be updated to reflect and explain the significant work currently underway in these areas.
Protected Places					
PPL1 – Development and Flood Risk	This policy sets out the requirements for development within a flood zone (which includes flood zones 2 and 3 as defined by the Environment Agency).	There is a degree of uncertainty surrounding the definitions of blue and green infrastructure.	No significant changes that affect this policy.	The Strategic Flood Risk Assessment for Tendring would benefit from being updated.	Officers would recommend updating the Glossary to include clear definitions of green and blue infrastructure.
PPL2 – Coastal Protection Belt	This policy sets out how the Council will protect the open character on the undeveloped coastline.	No specific concerns.	None	No specific evidence updates required.	Officers consider that the Coastal Protection Belt policy is effective and could be carried forward into the updated Local Plan relatively unchanged. However, the boundary of the designation may need to be amended to reflect any new land allocations proposed as part of the review process.
PPL3 – The Rural Landscape	This policy sets out how the Council will protect the rural landscape from any proposed development that will cause overriding harm to its character or appearance.	No specific concerns.	Local Plans must demonstrate how they will contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services	A full review of the Landscape Character Appraisals is likely to be required.	Officers consider that this policy is effective, and could be carried forward into the updated Local Plan with only minor changes. However, a review of the Landscape Character Appraisals is proposed, to inform the assessment of any future land allocations.
PPL4 – Biodiversity and Geodiversity	This policy sets out the requirements for development proposals in sites designated for their international, European	There are new requirements under planning law and national planning policy around Biodiversity Net Gain (BNG) that are expected to come into force	Local Plans should: distinguish between the hierarchy of international, national, and locally designated sites, take a strategic approach to maintaining and enhancing networks of	A full review of the evidence base around ecology and nature recovery may be required.	Officers would recommend a full and thorough review of this policy to ensure alignment with current national requirements around Local Nature Recovery (LNR) and Biodiversity Net Gain (BNG). The Council may wish to consider the feasibility of a target of 20% biodiversity net gain as being promoted by Essex Local Nature Partnership.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	and national importance to nature conservation.	in 2024. The current policy does not fully reflect these requirements but may need to going forward.	habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.	Consider endorsing the GeoEssex Local Geological Sites (LoGS) report November 2019.	In addition, the updated policy will need to reflect the findings of the GeoEssex Local Geological Sites report.
PPL5 – Water Conservation, Drainage and Sewerage	This policy ensures that all new development must make adequate provision for drainage and sewerage and should include sustainable drainage systems.	Greater clarity would be welcomed around how the water conservation techniques can be quantified to ensure compliance.	No changes to national planning guidance.	None.	Officers suggest that consideration is given to incorporating some of the requirements of this policy into a new policy on biodiversity net gain which has been developed by Essex County Council in partnership with individual local planning authorities in Essex, with evidence to demonstrate that it is feasible and viable.
PPL6 – Strategic Green Gaps	This policy is to protect the strategic green gaps as shown on the policy maps in order to retain the separate identity of settlements.	Strategic Green Gap designation has been the subject of a planning application for a solar farm between Kirby Cross and Kirby le Soken which was refused on grounds of its impact on the green gap. That proposal is, at the time of writing, subject of an appeal for which the Inspector’s decision is awaited.	No changes	The current evidence on Strategic Green Gaps that supported the Local Plan examination is relatively up-to-date. Unless the Council has to consider releasing land for development in the designated areas to meet longer-term development needs, further evidence is not, at this time, considered necessary.	Because the Strategic Green Gap designation is designed to endure for the purpose of long-term separation of settlements and is based on relatively up-to-date evidence, Officers would recommend carrying forward all of the protected areas unchanged into the updated Local Plan. The outcome of the solar farm appeal at Kirby Cross/Kirby le Soken might or might not require a review of specific policy wording. Consideration could however be given to extending the Strategic Green Gap east of the Tendring Colchester Borders Garden Community (as shown in the emerging Development Plan Document) to the western edge of Elmstead Market village to reinforce the need for separation to be retained between the new and existing settlements.
PPL7 – Archaeology	This policy sets out the requirements of any new development which would or might affect designated or non-designated archaeological remains.	This policy reflects the requirements of national planning policy and the expectations	No changes to national policy.	None.	The suite of Policies PPL7, PPL8 and PPL9 that all relate to the historic environment are all considered to remain appropriate and up-to-date and Officers suggest that could all be carried forward, unchanged, into the updated Local Plan.
PPL8 – Conservation Areas	This policy sets out the requirements for new development within a designated Conservation Area.	No concerns.	No changes to national policy.	None.	The suite of Policies PPL7, PPL8 and PPL9 that all relate to the historic environment are all considered to remain appropriate and up-to-date and Officers suggest that could all be carried forward, unchanged, into the updated Local Plan.
PPL9 – Listed Buildings	This policy sets out the requirements for proposals for new development affecting a listed building or its setting.	No concerns.	No change to national policy.	None.	The suite of Policies PPL7, PPL8 and PPL9 that all relate to the historic environment are all considered to remain appropriate and up-to-date and Officers suggest that could all be carried forward, unchanged, into the updated Local Plan.
PPL10 – Renewable Energy Generation and Energy Efficiency Measures	This Policy sets out the requirements for new renewable energy generation schemes, and the energy efficiency measures required in other kinds of development.	The policy is unclear as to whether the renewable energy requirements should apply to all development proposals, or just to new residential and employment development.	National policy places an increasing emphasis on responding to climate change and promoting energy efficiency. and Local Plans will need to respond to this.	None required.	There have been significant advancements in thinking around policies on renewable energy and energy efficiency measures – including a suite of model Local Plan policies developed at a county level. Officers consider that there is scope of this policy to include more elements around energy efficiency and renewable energy generation, or for new policies to be incorporated into the plan that cover this issues in greater depth.
PPL11 – The Avenues Area of Special Character, Frinton-on-Sea	This Policy covers new development within The Avenues area of Frinton-on-Sea.	No concerns.	None.	None.	Officers consider that Policy PPL11 could be carried forward, unchanged, into the updated Local Plan.
PPL12 – The Gardens Area of Special Character, Clacton-on-Sea	This Policy sets out specific requirements for new development within The Gardens area of east Clacton	No concerns.	None.	None.	Officers consider that Policy PPL12 could be carried forward, unchanged, into the updated Local Plan.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
	aimed at ensuring its special character is respected.				
PPL13 – Ardleigh Reservoir Catchment Area	This policy support proposals which involve the role, function and operation of Ardleigh Reservoir, its Treatment Works and associated networks.	No concerns.	No change to national policy.	None.	Officers consider that Policy PPL13 could be carried forward, unchanged, into the updated Local Plan – but will consult Affinity Water and Anglian Water to confirm.
PPL14 – Safeguarding of Civil Technical Site, North East of Little Clacton/South of Thorpe-Le-Soken	This Policy is the safeguarding of the civil technical site, North East of Little Clacton/South of Thorpe-Le-Soken.	No concerns.	No change to national policy.	None.	Officers consider that Policy PPL14 could be carried forward, unchanged, into the updated Local Plan – but will consult the Civil Aviation Authority (CAA) to confirm. A minor update to the supporting text may be required
PPL15 – Safeguarding of Hazardous Substance Site, South East of Great Oakley/South West of Harwich	This Policy is for the hazardous substance site located at Bramble Island.	No concerns.	No changes to national policy.	None.	Officers consider that Policy PPL15 could be carried forward, unchanged, into the updated Local Plan – but will consult EPC UK to confirm.
Connected Places					
CP1 – Sustainable Transport and Accessibility	This policy ensures new development includes sustainable modes of transport, including walking, cycling, public transport.	No concerns.	Paragraph 110 of the NPPF requires Local Plans to ensure that: <ul style="list-style-type: none"> - appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; - safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance including the National Design Guide and the National Model Design Code; and - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. 	None required.	Officers consider that this policy could be reviewed to ensure it reflects the most recent guidance and best practice surrounding sustainable transport in new developments. Reference could be made to provision of secure cycle parking both on private residential development and within the public realm, and also to Active Design guidance published by Sport England and Active Travel England. The supporting text could be updated to include reference to relevant guidance documents, such as the Sport England ‘Active Design Checklist’ and ‘Active Design Principles’, the Essex Design Guide ‘Health Places’ checklist, and Homes England’s ‘Building for a Healthy Life’ toolkit.
CP2 – Improving the Transport Network	This purpose of this policy is to ensure proposals for new development will contribute to the provision of a safe and efficient transport network.	No concerns.	Paragraph 106 of the NPPF requires Local Plans to: <ul style="list-style-type: none"> - provide for any large-scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy; and - provide adequate overnight lorry parking facilities, taking into account any local shortages. 	None required.	Officers suggest this policy could be updated to ensure references to the Tendring Colchester Borders Garden Community do not duplicate requirements in the site specific DPD. The Council may need to consider the requirement for any large-scale transport facilities that may arise from development connected to Freeport East.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
CP3 – Improving the Telecommunications Network	This policy seeks to ensure all new dwellings have access to suitable broadband connection and that new telecommunications infrastructure are, where possible, located on existing masts or buildings.	The policy doesn't stipulate whether a financial contribution towards the cost of installing broadband connectivity can be secured where a developer fails to provide the requirements themselves.	No changes.	None.	Officers consider that Policy CP3 remains generally fit for purpose and could be carried into the updated Local Plan with only minor changes and relevant updates, for example to reflect the most up-to-date broadband technologies.
Delivering Places					
SAMU1 – Development at EDME Maltings, Mistley	This policy identifies EDME Maltings in Mistley for a residential-led mixed-use development including employment, recreation and leisure. . The policy sets out specific requirements for the development.	EDME had been looking to relocate its operations from the Maltings Site in Mistley to Horsley Cross. Since the current Local Plan was adopted, the Council understands that EDME may now stay in Mistley and work to modernise its current premises.	n/a	Up-to-date communication with EDME to clarify its intentions with regard to the future of the Maltings site in Mistley.	The Council will need to consult EDME to determine whether or not it remains its intention to redevelop the site – particularly if it is no longer proposing to relocate to Horsley Cross. The Council will then be able to determine whether or not Policy SAMU1 is carried forward into the updated Local Plan. If the policy is deleted, it could be replaced with a new policy specifically relating to the Tendring Colchester Borders Garden Community and the associated Development Plan Document (DPD).
SAMU2 – Development at Hartley Gardens, Clacton	This policy relates to the second largest mixed-use development proposal in the Local Plan (behind the Garden Community) on land to the north west of Clacton. The policy allocates the site for a mixed-use development of around 1,700 homes, up to 7ha of employment land, and associated community facilities and infrastructure. The policy sets out specific requirements for the development, including the need for it be guided by a Supplementary Planning Document (SPD) or Masterplan.	Homes England, in collaboration with Greenwich Hospital Trust and other landowners are bringing the development forward and developing a masterplan to inform and be incorporated into an SPD – developed through public engagement. Preparation and adoption of SPD to carry on into 2024 with first outline planning applications potentially submitted by the end of 2024.	n/a	The Supplementary Planning Document (SPD), emerging Masterplan and all the evidence sitting behind them will be relevant to, and might inform any amendments to Policy SAMU2, if any are required. The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development.	This policy requires a comprehensive masterplan and SPD be prepared and approved by the Council before development comes forward. Work is now advancing on those documents, and they are likely to be completed before the Local Plan is fully reviewed. The policy should therefore be carried forward into the next Local Plan but might need to be updated to explicitly reference and reflect any adopted SPD and masterplan in place at the time of review.
SAMU3 – Development at Oakwood Park, Clacton	This policy allocates land east of current Finches Park development to the north of Clacton for a mixed use development including a further 900 homes and associated community facilities and infrastructure – with specific criteria that development is expected to meet.	An outline planning application 22/00537/OUT for this development has been submitted but is still in the process of being determined but which is expected to be amended before a decision is made, likely in 2024.	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development. The planning application and the evidence and studies sitting behind it will be relevant to, and might inform any amendments to Policy SAMU3, if any are required.	While it is likely that this allocated site will have received outline planning consent by the time the Local Plan review is under way, it will still need to secure detailed consent and discharge certain conditions before development commences. Policy SAMU3 may need to be carried forward, relatively unchanged, into the updated Local Plan so it applies in the determination of future detailed applications or variations to the development.
SAMU4 – Development at Rouses Farm, Jaywick Lane, Clacton	This policy allocates land to the West of Clacton for up to 950 homes and associated community facilities and infrastructure with specific criteria that development is expected to meet..	–The development is subject of outline planning application 17/01229/OUT which has a Planning Committee resolution to grant permission subject to the completion of a s106 legal agreement. At the time of writing, the completion of that	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development and whether this policy needs to be retained in the Local Plan.	While it is likely that this allocated site will have received outline planning consent by the time the Local Plan review is under way, it will still need to secure detailed consent and discharge certain conditions before development commences. Policy SAMU4 may need to be carried forward, relatively unchanged, into the updated Local Plan so it applies in the determination of future detailed applications or variations to the development.

A.1 APPENDIX 2

Policy	Summary	Issues arising in the determination of planning applications	Changes in National Policy or Legislation	Additional Evidence Required	Options for Review
		agreement and the grant of permission was imminent.			
SAMU5 – Development South of Thorpe Road, Weeley	This policy allocates land in Weeley for a mixed-use development comprising 280 homes, 1ha of employment land, and community facilities and infrastructure – with specific criteria that development is expected to meet.	Detailed planning consent has been granted through applications 19/00524/OUT and 22/00979/DETAIL.	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development and whether this policy needs to be retained in the Local Plan.	With detailed planning permission already in place, construction is likely to be underway before the Local Plan is updated. There may be a case for deleting Policy SAMU5 from the Local Plan if it is considered no longer necessary. However, if to meet the longer-term need for housing over an extended Plan Period, further large scale housing developments are required – the Local Plan may need new site-specific policies setting out specific expectations for those developments.
SAH2 – Development Low Road, Dovercourt	This policy allocates land off Low Road, Dovercourt for a development of at least 300 dwellings and associated open space – with specific criteria that development is expected to meet.	Full planning permission has been granted and development is already under way.	n/a	The most up-to-date Strategic Housing Land Availability Assessment (SHLAA) will demonstrate progress on the development and whether this policy needs to be retained in the Local Plan.	This development is already under construction and likely to be well advanced before the Local Plan is updated. There may be a case for deleting Policy SAH2 from the Local Plan if it is considered no longer necessary. However, if to meet the longer-term need for housing over an extended Plan Period, further large scale housing developments are required – the Local Plan may need new site-specific policies setting out specific expectations for those developments.
SAE1 – Carless Extension, Harwich	This policy allocates land for the potential expansion of the Carless Refinery, and sets out the need for any development to minimise and mitigate impacts on the natural environment and landscape.	No planning applications have come for the expansion of Carless Refinery to date.	n/a	Up-to-date communication with Carless Refinery.	The Council will need to consult the operators of Carless Refinery to determine whether or not it remains its intention to expand – particularly given the national ambition to reduce carbon emissions and move towards green energy; and the specific environmental issues associated with the site’s location on the Stour and Orwell Estuaries SPA and Ramsar site, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the requirements of the Habitat Regulations.
Delivering Places					
DI1 – Infrastructure Delivery and Impact Mitigation	This policy is to ensure all new development has good access to all necessary infrastructure. It provides the policy basis for securing both on-site and off-site contributions through s106 agreements but makes provision for the future introduction of Community Infrastructure Levy (CIL). .	No specific issues.	Paragraphs 34 and 58 of the NPPF require that Local plans set out what contributions will be required from new development and expectations the such contributions will not make new development unviable. Paragraph 98 requires the LPA to work proactively and positively with promoters, delivery partners and statutory bodies to plan for public service infrastructure	The Infrastructure Delivery Plan (IDP) will need to be updated for the purposes of the Local Plan review along with the Council’s evidence on viability. These pieces of evidence might be updated as part of, or to coincide with background work to support the possible introduction of Community Infrastructure Levy (CIL).	The Council will need to consider whether it will actively seek to introduce Community Infrastructure Levy (CIL) as a means of securing developer contributions. However, overall the format and wording of Policy DI1 is broadly appropriate and could be carried forward, relatively unchanged, into the updated Local Plan.