

PLANNING POLICY AND LOCAL PLAN COMMITTEE

28 MAY 2024

REPORT OF THE DIRECTOR OF PLANNING

A.2 LOCAL PLAN REVIEW – ISSUES AND OPTIONS CONSULTATION DOCUMENT

(Report prepared by Paul Woods and Hayley Sargent)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the agreement of the Planning Policy and Local Plan Committee to undertake a public consultation on the key Issues and Options underpinning the review of the Local Plan.

EXECUTIVE SUMMARY

The Government requires councils to review and update Local Plans every five years to ensure they remain up-to-date and effective, comply with latest national policy and are adjusted accordingly to respond to changing circumstances. At its meeting on 20th December 2023, the Planning Policy and Local Plan Committee agreed to commence the mandatory review of the Council's Local Plan, and on 27th February 2024 it agreed the broad timetable for the review – the next step of which is the Issues and Options Consultation.

The Issues and Options Consultation seeks the views of local people and other interested parties on the key issues to be addressed through the review of the Local Plan and the options available for to address them. In particular, this will include the issue of new housing growth and what options might be appropriate to meet that need.

Importantly, the Issues and Options Document incorporates the updated Vision and Objectives for the Local Plan and the High-Level Spatial Options for Long-Term Housing and Employment Growth that were discussed and agreed by the Committee on 27th February and 2nd April 2024 respectively.

The Issues and Options Consultation Document is not, in itself, a policy document and does not commit the Council to any particular course of action or policy decision. Instead, it asks a range of questions to stimulate discussion and to invite feedback that will inform decisions the Council will need to take as the updated Local Plan is developed.

The document broadly follows the chapter headings of the adopted Local Plan, in order to retain the sense continuity and familiarity. These chapters are summarised in the main body of this report, and the full document is available as an appendix.

Consultation Arrangements

Officers proposed to publish the Issues and Options Consultation documents on the Planning Policy online consultation portal, which will allow the document to be viewed online and responses submitted electronically. This will be principal way of accessing the document and submitting representations, enabling greater efficiency for officers when analysing the responses. The consultation will be promoted through the Council's own online and social-medial channels and Members and town/parish councils will be encouraged to assist in widening the circulation as much as possible through their own channels as well.

For those who are unable to access the online portal, hard copies of the document will be made available at the Town Hall and at libraries across the district, along with a batch of paper response forms. The hard copies will also include details of how to request extra copies of the response forms. Responses submitted on paper will be entered into the online consultation system by officers, which will enable all representations to be assessed and analysed in the same way.

As part of this consultation officers propose to hold public exhibitions in the community in order that members of the public or other interested parties can ask questions and discuss the issues directly with council officers. Exhibitions would usually take place in the communities most affected by proposals in the Local Plan but at this stage, where high level options are being considered, broad questions are being asked and no firm proposals are confirmed, it is proposed to hold a limited number of events in key locations across the district focussing on the northwest (Manningtree), northeast (Harwich), southeast (Frinton/Walton) and southwest (Brightlingsea) of the District. More focussed consultation events are likely to be necessary and more useful in the subsequent stages of consultation (i.e. Preferred Options and Submission Stage), when the consultations will feature specific development proposals affecting particular areas of the district.

For those who are unable to attend the exhibitions, officers will also be available by phone and email to answer any questions or provide clarification for those who wish to respond to the consultation – and these contact details will be included in the online and paper versions of the consultation document.

RECOMMENDATION

That the Planning Policy and Local Plan Committee approves that the *Tendring District Local Plan Review: Issues and Options Consultation Document*, as set out at Appendix A, be published for public consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and in accordance with the consultation arrangements set out in this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Ensuring the District has an up-to-date Local Plan is a high priority for the Council. It is also the goal of government for local planning authorities to deliver sustainable development and coordinated

provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment. Since the adoption of the Local Plan, the Council has had greater power to resist speculative development, exercise greater control over the way development is delivered within the district and push towards achieving higher standards of quality.

The review of the Local Plan will be guided by the priorities established in the Council's new Corporate Plan 2024-2028. The updated Local Plan will promote pride in our area by seeking to deliver decent housing and well-designed communities. The process of the review will take advantage of digital tools to ensure residents are able to effectively engage with the process.

The Local Plan will seek to improve access to skills, learning and training, and boost employment opportunities – particularly associated with Freeport East and the Garden Community. It will promote a high-quality environment that creates spaces for leisure, wellbeing and healthy lifestyles as well as securing open spaces and community resources. Policies in the Local Plan will promote safe, healthy, well-connected and inclusive communities, and will champion the District's tourism offer and heritage assets.

Officers propose a proportionate and cost-effective approach to producing evidence to support the Local Plan, which will contribute to the financial sustainability of the Council.

RESOURCES AND RISK

The review and update of the Local Plan will be managed by the Council's Planning Policy Team utilising funds from the agreed Local Plan budget. This budget will be used to cover the cost of procuring expert evidence to inform and support the updated policies, as well as the cost of the independent examination of the Local Plan where Officers and, where necessary, expert consultants will defend the plan's policies and proposals in front of a government-appointed Planning Inspector.

As part of public consultations, events will be held at various venues across the district. The cost of booking these venues will utilise funds from the existing Local Plan budget.

All of the growth options proposed in the consultation document are likely to lead to objections from residents, particularly in the areas most affected. However, any objection to the Local Plan will ultimately need to demonstrate that the plan would fail the tests of soundness in the National Planning Policy Framework (NPPF) for them to convince a Planning Inspector that the plan should not be adopted.

The deadline currently proposed by the Government to submit a Local Plan under the existing system is the end of June 2025. This will place considerable time pressure on the Council to completing the review and updating the Local Plan, and any delay in agreeing a strategy could put the timetable at risk.

The risk of not agreeing a strategy that will deliver sufficient housing to meet the District's housing need is that the Local Plan would be rejected by the Planning Inspector as being unsound, thus leaving the district vulnerable to unwanted development.

Third parties can apply for a Judicial Review if they feel the Council have acted unlawfully or have not followed the correct legal process. In order to mitigate the risk of Judicial Review, officers in the Planning team will work closely with colleagues in Legal Services to ensure all relevant processes are adhered to throughout the programme of works, as well as following up-to-date advice from the Local Government Association's Planning Advisory Service.

LEGAL

Planning legislation and the NPPF place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The statutory 'development plan' for Tendring includes the Tendring District Local Plan 2013-2033 and Beyond Sections 1 and 2, as well as adopted Neighbourhood Plans and the Essex Minerals and Waste Local Plans. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore important to ensure the Local Plan is reviewed, and updated where necessary, to ensure the development plan does not become out of date.

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended ("2004 Act") places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation, this is known as the 'Duty to Cooperate' on strategic matters of cross-boundary significance, which includes housing supply. Before a Planning Inspector can begin the process of examining a Local Plan, they need to be satisfied that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues. Early and ongoing engagement with these stakeholders will be important throughout the process of reviewing the Local Plan.

Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so "with

the objective of contributing to the achievement of sustainable development”. The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council’s functions, powers and duties in relation to the preparation of the District Council’s Local Plan, including ensuring that it meets the “tests of soundness” set out in the NPPF. This report does not require any recommendations to Full Council.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The Local Plan Review involves several statutory stages of Consultation and Public Engagement. An initial ‘call for sites’ exercise was undertaken at the start of this year, and the next stage is the **Issues and Options consultation**. Later in 2024, Officers expect to undertake the Preferred Options consultation (regulation 18), followed by the Publication Draft consultation (regulation 19) in 2025. Once submitted, if the Local Plan Inspector considers that main modifications are required to make the Plan sound, a further consultation on these modifications would be required.

PART 3 – SUPPORTING INFORMATION

Background

The Local Plan Review

Tendring’s Local Plan was adopted by Full Council in two sections - Section 1 on 26th January 2021, and Section 2 on 25th January 2022. To be effective plans need to be kept up-to-date. The National Planning Policy Framework (NPPF) states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

The timetable for reviewing the Local Plan was set out broadly in the December 2023, with a more detail provided to the committee in February 2024 as part of the Local Development Scheme. The

next step is to conduct an Issues and Options Consultation – which is scheduled to be held in the Spring of this year.

The updated Local Plan should take into account the views of local people and their communities, as well as complying with government planning policies. The purpose of the Issues and Options consultation is to present the key issues that need to be addressed in the review of the Local Plan and the options the Council considers are available to address them, in order that the views of members of the public, landowners, developers and other stakeholders can be considered in formulating the first draft of the updated Local Plan. It is not a policy document, and does not commit the Council to any particular strategy.

The Issues and Options Consultation Document

The Issues and Options document (appendix 1) comprises similar chapters as the adopted Local Plan to retain a sense of familiarity and continuity with the existing Plan. An overview of these chapters, and which issues are discussed within them, follows below – and the full Issues & Options document can be found at Appendix 1.

1. Introduction

Introduces the Local Plan review, explains the purpose of the Issues and Options Consultation, and gives details about submitting comments.

2. Overarching Principles

Sets out the proposed approach to the Section 1 Local Plan, and also the guiding principles that the Planning Policy and Local Plan Committee endorsed at the end of last year.

3. Vision and Objectives

Presents the Vision and Objectives that were considered and agreed by the Committee on 27th December and subsequently endorsed by the Cabinet.

4. Sustainable Places

Looks at the Local Plan's existing policies about where new development will be allowed, and then presents the 6 options for future growth considered and agreed by the Committee on 2nd April 2024.

5. Healthy Places

Discusses the Local Plan's policies relating to health and wellbeing; Open Spaces, Sports and Recreation; community facilities; and cemeteries.

6. Living Places

Explains the Local Plan policies relating to the layout and density of new housing developments, affordable housing, self-build housing, and other kinds of accommodation.

7. Prosperous Places

Asks questions about retail, employment, tourism, and rural economy policies.

8. Protected Places

Looks at policies relating to the natural environment, biodiversity, climate change, strategic green gaps, and the historic environment (heritage).

9. Connected Places/Delivering Infrastructure

Discusses sustainable transport and other infrastructure requirements.

10. Other Matters

Concludes the document by asking for any other comments.

Consultation Arrangements

Subject to the agreement of the Committee, the six-week consultation for the Issues and Options document is intended to be held in June and July 2024, with the precise dates to be agreed with the Planning Portfolio Holder, and will be carried out in conformity with the Council's Statement of Community Involvement.

The Issues and Options document will be published online on the Planning Policy consultation portal, which can be accessed through the Council's website. Interested parties will be encouraged to submit comments directly through this portal, although alternative methods of submission such as emails or letters will also be accepted. Hard copies of the document will be deposited at a number of locations around the District for those that do not have access to the internet – specifically at Clacton Town Hall, and at each of the District's libraries.

Various methods will be used to advertise the consultation and encourage members of the public and other interested parties to respond. These methods include:

- a. use of the Council's website and social media;
- b. letter/email to residents, businesses and interested parties that have registered on the Local Plan Consultee Database to advise that the consultation period has started;
- c. email to statutory consultees and other key stakeholders including town and parish councils; including where possible adding a News item to websites of town and parish councils with a link to TDC and the Planning Policy consultation portal and,
- d. a press release to local newspapers.

In addition to the online consultation portal and hard copies of the Issues & Options Consultation Document, officers also propose to hold a limited number of public events in locations across the District. Although these kinds of events have become less well attended in recent years, particularly since the pandemic, they are still an important method of engaging with people – and they provide an opportunity for discussions and questions of clarification before a formal submission is made. In future consultations, when the draft Local Plan will include proposals and allocations that affect specific areas or communities, there will be a need to hold more events in those particular settlements or areas of the District. At this stage, however, it is proposed to hold events in a proportionate way – focussing on the northwest (**Manningtree**), northeast (**Harwich**), southeast (**Frinton/Walton**) and southwest (**Brightlingsea**) of the District. Events will be timed to cover afternoons and evenings, ensuring the greatest number of people are able to attend if they choose to.

Not being able to attend an event will not put people at a disadvantage, as all of the consultation materials will be available online and in locations around the District, and officers will be available by phone and email should members of the public or other stakeholders have further questions. We will publicise the availability of the consultation documents widely across the District via posters/leaflets in locations, for example GP surgeries, Post Offices and Sports Centres, that will aim to impress upon the hard-to-reach groups.

Next Steps

Following the close of the consultation, the Planning Policy team will collate and summarise the representations received, and these will be reported back to the Planning Policy and Local Plan Committee before any decisions are made on what should be included in the updated Local Plan. The comments will be used alongside the evidence we will be gathering to produce the 'Preferred Options' version of the Local Plan that will be brought back to the committee in the autumn for consideration, before being published for further public consultation.

APPENDICES

Appendix 1 – Tendring District Local Plan Review: Issues and Options Consultation Document

BACKGROUND PAPERS

None.