

PLANNING POLICY AND LOCAL PLAN COMMITTEE

16 SEPTEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

A.1 LOCAL PLAN REVIEW: IMPLICATIONS OF THE GOVERNMENT'S PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK AND INTRODUCTION OF MANDATORY HOUSEBUILDING TARGETS

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PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to the Planning Policy and Local Plan Committee the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the current review of the Tendring District Local Plan; and to agree with the Committee the postponement of public consultation on Issues & Options pending the outcome of the Government's current NPPF consultation.

EXECUTIVE SUMMARY

Up until now, the Council had been preparing to carry out the five-year review of its Local Plan following a work programme and a set of overarching guiding principles, vision, objectives and spatial strategy options that had been agreed by the Planning Policy and Local Plan Committee in its meetings from December 2023 through to July 2024 – with the intention of carrying out public consultation on an agreed Issues & Options document in September/October 2024.

However, the UK General Election on 4 July 2024 resulted in a change of government and on 30 July 2024 the new Deputy Prime Minister launched an eight-week consultation on reforms to the National Planning Policy Framework (NPPF) – the policies within which Councils are expected to follow both for the purposes of Local Plan preparation and planning decisions – and other changes to the planning system. The detail of the NPPF consultation and the Council's possible response are the subject of a separate report on the Committee's agenda.

The most significant of the Government's proposed changes is the introduction of mandatory (as opposed to advisory) housebuilding targets generated using a revised version of the 'standard method' for calculating local housing need. If the new Government pushes ahead with its proposed changes, Tendring's housebuilding target will increase from 550 homes a year from the current Local Plan to 1,043 homes a year from 2026. This will have significant implications for our district, the review of the Tendring Local Plan, and all the work that has been carried out by the Planning Policy and Local Plan Committee and your Officers to date.

The main implications are summarised as follows:

- **Housebuilding requirements:** An increase in the annual housing requirement from 550 to 1,043 homes a year is substantially above the increase to 770 that had been anticipated and reported previously. This increase would require the Council to plan for 7,000-8,000 additional homes up to 2041 over and above the 9,600 already in the pipeline (expected on sites allocated in the current Local Plan, sites already under construction, and sites with planning permission). This is double the amount of housing the Council had, up until now, been preparing to plan for through the Local Plan review.
- **Spatial strategy options:** The six spatial strategy options agreed by the Committee for the purposes of public consultation set out alternative ways of delivering 3,000-4,000 extra homes in Tendring up to 2041. With the requirement now potentially doubling to 7,000-8,000 homes, those spatial strategy options do not align with current government thinking and there is consequently no benefit in proceeding to public consultation with those options. Initial analysis by Officers suggests that the sheer scale of the proposed increase in housebuilding targets will limit the number of practical alternatives that are realistically capable of delivering the numbers entailed – with all sensible permutations affecting most communities in some way. It is highly likely that options going forward will entail significant growth in and around the Harwich area, potentially two or more new Garden Villages in strategically important locations and proportionate levels of additional housing for other existing towns and villages.
- **Vision and objectives:** The updated vision and objectives for the future of Tendring, agreed by the Committee for the purposes of public consultation, were based on an assumption that the general thrust of the approach taken in the current adopted Local Plan to 2033 would be broadly similar for an updated Local Plan covering the extended period to 2041 – save for focussed changes needed to reflect any change in the strategy for growth for the longer-term. The significant increase in housebuilding that may now be required under the Government's proposed changes will likely require a radically different approach to growth, so the vision and objectives for the Local Plan to 2041 will most likely need updating to reflect this.
- **Overarching guiding principles:** Most of the overarching guiding principles agreed by the Committee at the beginning of the Local Plan review process should be unaffected by the Government's proposed changes – including the intention to continue protecting Strategic Green Gaps and not expanding either Clacton or the Tendring Colchester Borders Garden Community beyond the significant levels of growth already planned through the current Local Plan. However, the principles relating to time frames and housebuilding targets will likely need revisiting once the Government has confirmed its approach following the close of the NPPF consultation.
- **Evidence base:** A number of the evidence-base studies required to inform the review of the Local Plan were, at the time of the Government's announcements on 30 July 2024, already commissioned and under way. These include a Strategic Housing Market Assessment (SHMA) and a Strategic Employment Land Study for which assumptions about the total

amount of housing planned are critical to the likely outputs. Officers are engaging with the relevant consultants of all studies under preparation to determine the implications of the Government's proposed changes and to pause, as necessary, any work pending the outcome of the government consultation.

- **Timetable and work programme:** Because the Council is only in the early stages of the Local Plan review, it will be expected to apply the Government's new requirements as and when they are confirmed – including any increased mandatory housebuilding targets. The overall Local Plan timetable and work programme already agreed by the Committee as part of the Local Development Scheme (LDS) will therefore need to be revisited and adjusted. Consultation on Issues & Options can only sensibly take place once any government changes to the NPPF have been finalised, the full implications have been taken on board and the documentation revised as necessary. Importantly, it is no longer considered likely that the Council will be in a position to fully adopt an updated Local Plan before January 2026 (five years from adoption of the current Section 1 Local Plan). However, it might be possible to reach the stage of submission to the Secretary of State by that time – enabling the Council to at least give some weight to the emerging Plan for the purposes of determining planning applications.
- **Five-year housing land supply:** The Government's proposed changes include the re-introduction of the requirement to identify, on an annual basis, a supply of deliverable housing sites sufficient to deliver five-years' worth of housing against the required target (incorporating a contingency buffer), or else run the risk of unplanned and unwanted speculative housing development proposals being granted, potentially on appeal, to address any shortfall. In recent years, the Council has been able to maintain and identify a supply in excess of six years against its current target of 550 home a year – giving the District protection against speculative development. However, if the Government's proposed mandatory housebuilding targets are brought in, the Council will find itself in a position in January 2026 where, overnight, a comfortable five-year supply under the 550 home target could become a significant shortfall against an increased target of 1,043 homes a year. The Council will therefore have to consider increasing the supply of smaller to medium sized developments that are capable of delivering homes to boost supply in the short-term, both through the Local Plan review and, potentially, through planning decisions on individual applications over the next couple of years.

With the above in mind, Officers seek the agreement of the Planning Policy and Local Plan Committee to postpone the consultation on Issues & Options that had been planned for September/October 2024, pending the final outcome of the Government's consultation on the proposed NPPF changes.

Members will need to be prepared that if the Government does push ahead with its proposals, particularly in relation to housebuilding targets, the content of any future Issues & Options document and subsequent drafts of the updated Local Plan will be considerably different to what had been discussed to date. This report identifies some of the challenges and risks, but also opportunities, presented by the changes proposed.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) notes the contents of this report which highlights the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the review of the Tendring Local Plan;
- b) notes that the Council's response to the Government's eight-week consultation on changes to the NPPF is the subject of a separate report on the Committee's agenda;
- c) agrees to postpone any public consultation on Issues & Options pending the outcome of the Government's NPPF consultation, following which a consultation document including revised spatial strategy options may need to be presented to the Committee for its consideration and approval before public consultation is resumed; and
- d) notes that the Local Development Scheme (LDS) will also need to be revisited again in due course following the outcome of the NPPF consultation, in order to set out a revised programme of work for the Local Plan review going forward.

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 and the review of the Local Plan is identified as a priority within the Corporate Plan (Our Vision) 2024-2028. 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.

There is a requirement to review and update Local Plans every five years which, for Tendring, means updating and adopting the Local Plan before January 2026 – the fifth anniversary of TDC adopting the shared Section 1 Local Plan for North Essex. In its meetings since 20 December 2023, the Planning Policy and Local Plan Committee has considered and agreed:

- a set of overarching guiding principles;
- the carrying out of a 'call for sites' exercise;
- a revised vision and objectives statement for consultation;
- six high-level spatial strategy options for consultation;
- an Issues & Options Consultation Document;
- revisions to the Local Development Scheme (LDS) setting out the overarching work programme and timetable; and

- the baseline housing position at April 2024 for the purposes of the Local Plan review.

As explained in this report, the change of Government in July 2024 and its proposed changes to the National Planning Policy Framework (NPPF) are likely to require all of the above work to be revisited – with an expectation that the number of new homes needing to be planned for could be double what the Committee and Officers had been preparing for. Despite this, the review of the Local Plan remains a statutory duty and a high priority for the Council, but the timescales for achieving it will need to be revised and resources and risks (set out below) re-evaluated.

RESOURCES AND RISK

The overall review and update of the Local Plan will, as it has been to date, be managed by the Council's Planning Team utilising funds from the agreed Local Plan budget. The work on the Local Plan considered by the Planning Policy and Local Plan Committee up until now has been carried out mainly by Officers in-house; however parts of the evidence base are to be carried out by external consultants and some of this work is already under way. With the Government proposing significant changes to housebuilding targets, the scope of certain studies will need to be revisited to ensure they reflect the up-to-date position once it is confirmed and Officers are already in discussions with relevant consultants in that regard. There is likely to be additional costs associated with the additional work required which have the potential to be met within existing budgets, but that will need to be re-evaluated and kept closely under review once the full implications of the government changes have been confirmed and understood.

The potential doubling of Tendring's housebuilding requirement will involve assessing more sites and locations for development and testing the impacts on infrastructure and the environment across more parts of the district. It is also highly likely that, with more sites identified for development across a wider range of locations across Tendring, there will be significantly more public interest and objections to development proposals within our communities than would have likely been the case before. Any objections however would ultimately need to demonstrate that the plan would fail the tests of soundness in the NPPF for them to convince a Planning Inspector that the Plan should not be adopted. The likelihood of more objections and/or petitions from concerned residents and communities has a resource implication as these objections need to be considered as part of the plan-making process and the associated examination – with the potential delay and lengthened timescales.

Objections made in good faith and with good intent may need to be rebutted by the Council due to the sheer scale of the growth likely to be required by the Government under its proposed changes and the need for the Council to comply with national policy. In turn, this will place a great deal of pressure on the Council in maintaining positive communications and relationships with residents, Town & Parish Councils and other residents' groups; gaining public support for the Local Plan; maintaining a positive public reputation; managing constructive political relationships across the Council; and maintaining positive relationships with partner organisations and neighbouring authorities.

Ultimately, it will be a decision for Full Council to agree the final version of the updated Local Plan to be submitted to the Secretary of State.

When it comes to consultation on either high-level options or site-specific proposals, Officers would anticipate that residents will raise a variety of concerns including (but not limited to):

- questioning the need for any additional housing or employment land growth;
- suggestions that the District is already accommodating too much development;
- risk of a mismatch between the growth in housing and growth in jobs;
- potential for homes to attract in-comers to the District rather than meeting the needs of local families;
- the likely significant loss of greenfield agricultural land to development and its impact on future food production;
- the possibility that numerous developments will erode the special character of the District and its unique appeal;
- impacts of development on the landscape, wildlife, the setting of historic buildings and the character of towns, villages and neighbourhoods;
- impacts of development on health, education and other community infrastructure;
- deficiencies in transport and utilities infrastructure with concerns about potential increases in traffic and surface water flooding;
- criticism of recent developments and their impacts; and
- accusations of singling out certain communities for development.

Through its approach to consultation and communications, the Council will need to do its best to provide a clear explanation to residents of its duties around planning, the (substantially increased) requirements of national planning policy, the need for a Local Plan and the consequences of either failing to properly consider alternative options or otherwise not proceeding with the Local Plan review (i.e. that the Council could be left without an up-to-date Local Plan, leaving the District vulnerable to speculative, unplanned and unwanted development proposals and an uncertain period of 'planning by appeal').

As it stands, the Government's proposed changes to the NPPF are expected to impact significantly on the work programme and timetable for the Local Plan review, to the extent that it is highly unlikely the Council will be in a position to fully adopt an updated Local Plan before January 2026, as had originally been intended. The longer the Government takes to finalise its position following the close of the current consultation, the greater the delay is likely to be – and this risks the Council not having the updated Local Plan sufficiently advanced by January 2026 to resist speculative development. Further to this, the Government is looking to re-introduce the requirement to identify, on an annual basis, a supply of housing land sufficient to deliver five years' worth of housing against the mandatory targets, which increases the risk of speculative applications being allowed on appeal.

If that policy is carried through, there is a possibility of Tendring District Council going from a position of having a healthy five-year supply against its current target of 550 homes a year to having a shortfall

against a requirement of 1,043 literally overnight in January 2026. Therefore, unless the Council identifies small to medium-sized sites through the Local Plan review with the potential to deliver homes in the shorter-term, it could struggle to meet the five-year requirement and could once again be vulnerable to speculative housing proposals where there would be a presumption in favour of sustainable development to address the shortfall and a risk of planning by appeal – with all of its associated costs and reputational risks.

The preparation of a Local Plan is guided by legislation and regulations, which inform various stages of work and consultation that must be undertaken before the Plan can be lawfully adopted. As part of the examination process carried out by a government-appointed Planning Inspector, the Council will need to demonstrate the Local Plan's legal compliance and 'soundness' which, amongst other things will include compliance with national planning policy and any government requirements around housebuilding.

Third parties can apply for a Judicial Review if they feel the Council has 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 (PAS).

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 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.

The review process requires Councils to take account of any changes in national planning policy which will include the Government's proposed mandatory housebuilding targets if they are confirmed by the Government following the current consultation. In a letter from the Deputy Prime Minister to Councils dated 30 July 2024, it makes it clear that Local Plans at an earlier stage of development

yet to reach publication or submission stage will be expected to prepare plans against the revised version of the NPPF and progress as quickly as possible. This expectation therefore applies to Tendering.

Section 19 of the 2004 Planning and Compulsory Purchase 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.

Paragraph 34 of the National Planning Policy Framework states: *“Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).”* All of this work will now need to consider options in the context of significantly higher housebuilding targets if they are confirmed by the Government following NPPF consultation.

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. When the Council does come to a final decision on the content of the updated Local Plan to be submitted to the Secretary of State in 2025, that decision will be one for Full Council.

OTHER IMPLICATIONS

Area or Ward affected: All wards – with a likelihood that most parts of the district may have to play a role in the delivery of new homes to meet the Government’s proposed mandatory housebuilding targets if they are confirmed.

Consultation/Public Engagement: The Local Plan Review will ultimately involve the same statutory stages of Consultation and Public Engagement as the original preparation of the Local Plan. The Government has helpfully pushed back the ‘cut-off’ date for Local Plans being prepared under current plan-making regulations from August 2025 to December 2026 which at least allows the Council time to continue with the approach of updating rather than completely re-writing its current Local Plan from scratch.

With the Government's proposed changes to the NPPF and proposed introduction of mandatory housing targets, there is no benefit in proceeding with the public consultation on Issues & Options that had been agreed by the Committee and anticipated for September/October 2024. The content of the agreed Issues & Options Document is significantly out of step with current government thinking – particularly in relation to housebuilding targets and spatial strategy options and therefore it is proposed that the consultation be postponed pending the outcome of the Government's NPPF consultation.

The Government's changes to the NPPF and approach to mandatory housebuilding targets its itself the subject of public consultation and this is the subject of a separate report on the Committee agenda. Once the consultation is complete and the Government issues its final version of the new NPPF, Officers will prepare a new Issues & Options documentation and will consider with the Committee the most appropriate approach to consultation and engagement – having regard to the content of the document and the communities most affected.

PART 3 – SUPPORTING INFORMATION

Housebuilding requirements

Housebuilding requirements had only been considered and discussed by the Planning Policy and Local Plan Committee at its most recent meeting on 23 July 2024, where a possible increase from 550 to 770 homes a year, in line with the current National Planning Policy and associated 'standard method' for calculating local housing need, was discussed. This would have required the Council to plan for between 3,000 and 4,000 additional new homes up to 2041, over and above the 9,600 homes already planned for through allocations in the current adopted Local Plan (including the Tendring Colchester Borders Garden Community and the Hartley Gardens, Rouses Farm and Oakwood Park developments around Clacton) and developments either already under construction or with planning permission.

On 30 July 2024, the new Labour Government, following an announcement from the Deputy Prime Minister, launched an eight-week consultation on proposed changes to the National Planning Policy Framework (NPPF) that, amongst other things, seeks to introduce mandatory housebuilding targets and significant revisions to the 'standard method' by which local housing need for local authorities is calculated. The revised method generates housebuilding targets aimed at achieving a national target of 370,000 homes a year with local apportionment based mainly on existing population size with uplifts relating to affordability – a move away from the current method that is based primarily on official household projections produced by the Office for National Statistics (ONS). Most significant for Tendring is the proposed removal of the 'cap' on housing target increases that, under current national policy and guidance, would have limited target increases to no more than 40% of existing Local Plan targets – thus limiting the increase from 550 to 770 homes a year.

The changes to national policy proposed by the new Government and the associated revisions to the standard method generate an uncapped mandatory housebuilding target of **1,043 homes a year**

from 2026. If confirmed following consultation, this would require the Council to identify land in the updated Local Plan to deliver an additional 7,000 to 8,000 homes up to 2041, over and above allocations in the current Local Plan and developments already with planning permission or under construction. This is **double** the amount of housing the Council had been preparing to plan for.

Whereas under previous government policy there was some scope to argue for a different figure in exceptional circumstances on the basis of unusual demographic factors, there is no such provision within the new Government's proposed changes. The only circumstances under which a Council could justify identifying land for a lower number is where there is physically insufficient land to meet the mandatory requirement; and even in those cases, there would be an expectation for neighbouring authorities to work together to deliver the unmet need across a wider area.

For Tendring, whilst such a substantial increase in housing targets will raise legitimate concern about environmental impacts, infrastructure provision and practical deliverability, we are a semi-rural district with plenty of undeveloped land which could physically accommodate the levels of housing proposed without having to rely on a neighbouring authority to assist. It is therefore very unlikely that the Council could avoid having to plan for the full 1,043 homes a year if the Government's current proposals go through.

For information, neighbouring Colchester City Council's housing requirements are expected to increase from 920 to 1,290 under the Government's proposals. Through the Tendring Colchester Borders Garden Community, some of Colchester's current housing requirement is planned to be met on land mainly within Tendring through the joint arrangements that are already in place.

Spatial Strategy Options

At its meeting of 2 April 2024, the Committee considered and agreed six high-level spatial strategy options for accommodating 3,000-4,000 additional homes and new employment sites in Tendring. With the housing requirement potentially doubling to around 7,000-8,000, these options are now out of step with government thinking and would fall substantially short of what is likely to be required under the proposed mandatory targets. The sheer scale in the proposed increase in housing for Tendring and the need for significantly more land to be identified in the Local Plan limits the number of permutations and options that can realistically be put forward to the public for consultation – with most parts of the District likely to be affected by some form of housing development in order to achieve the numbers.

From initial analysis, Officers believe there might realistically be as few as two alternative options for accommodating the scale of growth now being proposed – both of which would be variations on the 'hybrid' Option 4 involving development in most parts of the district but with a particular focus on the north of the district at Harwich and the A120 corridor with potential strategic scale housing and employment developments around the Harwich urban area, Frating/Great Bromley and Horsley Cross. To the south of the District, there might also need to be major housing developments either spread through the larger villages with railway stations on the Colchester to Walton on the Naze

branch line, or concentrated through strategic expansion at one of these villages - most likely Weeley. Elsewhere, it is highly likely that most towns and villages will need to accommodate a proportion of the additional growth requirements, with even some of the smaller villages accommodating some development. Small sites in these locations could help to achieve the requirement that 10% of housing need is met on sites of less than 1 hectare – a requirement that is expected to remain in the NPPF.

Once the Government's consultation is complete and any new housebuilding targets are confirmed, Officers will bring forward details of revised spatial strategy options for the Committee's consideration and agreement for the purposes of public consultation.

Vision and Objectives

At its meeting of 27 February 2024, the Committee agreed a revised version of the Local Plan's vision and objectives for the purpose of consultation at the Issues & Options stage. At that time, it was agreed that the vision and objectives would be carried forward, broadly unchanged, in the updated Local Plan; but that they would be amended selectively and as necessary to reflect changes in national policy, updated evidence, and the potential opportunities arising from Freeport status (particularly in relation to Harwich, Bathside Bay and the A120 corridor).

If a substantially different spatial strategy for the pattern of growth in Tendring is going to be required to meet a mandatory housebuilding target of 1,043 homes a year, with the possibility of new Garden Villages having to be established in at least two locations, it follows that the vision and objectives for the updated Local Plan are likely to require a more fundamental change than had originally been anticipated. This will need to be revisited before the Council proceeds with any consultation on Issues & Options.

Overarching Principles for the Local Plan Review

On 20 December 2023, the Committee launched the review of the Local Plan – starting with agreement to a series of overarching 'guiding principles' that would underpin the approach to be taken. Most of these principles will still be applicable to the Local Plan review, even if the Government's new mandatory housing targets are confirmed. However, some may need to be revisited and either amended or reconfirmed to reflect changes to the NPPF.

In particular, the principle around the timeframes for submission to the Secretary of State by June 2025 to enable the Local Plan to proceed in line with current plan-making arrangements and onto adoption before January 2026 is no longer achievable, in light of the Council having to reconsider its position on options to deliver the scale of housing development now being proposed. This is discussed in more detail below.

The principle of carrying forward the current 'settlement hierarchy' within the updated Local Plan may also need revisiting. The settlement hierarchy generally expects larger developments around

larger towns and at the Garden Community, and proportionately smaller developments for smaller towns and villages according to their level of shops, jobs, services and facilities. If the amount of housing land required as part of the Local Plan review doubles, it is highly unlikely that any option that simply carries forward the current settlement hierarchy will achieve the numbers required. The establishment of two or more Garden Villages in strategically important locations could be necessary, and this will need to be reflected in a substantially amended settlement hierarchy policy if the Government's proposed housebuilding targets are confirmed.

Otherwise, Officers consider most of the agreed guiding principles to be relevant, justified and achievable – even in the context of much higher housing numbers. For example, maintaining the general format, chapter headings and policy order from the current Local Plan is still Officers' intention; limiting additional housing growth around Clacton and the Garden Community given the significant levels of development already planned for in those areas through the current Local Plan up to 2041 remains justified; and carrying forward and protecting the existing Local Plan's 'Strategic Green Gaps' remains a priority.

Evidence Base

As well as all the work that has gone into scoping out the Local Plan review and preparing and agreeing principles, vision and objectives, spatial options, and content for the Issues & Options stage of the plan-making process, Officers have also been updating the evidence base for the Local Plan and commissioning expert consultants to carry out necessary studies that will inform the Plan. Notable commissions include a Strategic Housing Market Assessment (SHMA) to advise on the size, type and tenure of housing likely to be required; and a Strategic Employment Land Study to revisit the Council's Economic Growth Strategy and consider the need to allocate more land for employment use (particularly given the potential for job creation off the back of Freeport designation). Work is also underway on transport modelling, infrastructure requirements, landscape character, Community Infrastructure Levy, and the Sustainability Appraisal.

The potential for the Tendring housebuilding targets to increase to 1,043 homes a year from 2026 under the new Government's proposals will have significant implications for both the inputs and outputs on these pieces of evidence base work and Officers are therefore engaging with the various consultants to pause work where necessary pending the outcome of the government consultation and to start considering the potential implications of the proposed changes. Delays in the preparation of the evidence base will, in turn, impact upon the overall timetable for the Local Plan review.

Timetable for the Local Plan Review

With the outcome of the NPPF consultation pending and an expectation that the Government will want to push ahead with proposals to introduce increased mandatory housebuilding targets, Officers recommend that the Issues & Options consultation that had been scheduled for September/October 2024 is postponed until later this year or early 2025, to enable the full implications to be understood

and incorporated into the consultation material once the government position on the NPPF and housebuilding targets is confirmed.

This has knock-on implications for the overall timetable for the Local Plan review and will result in Preferred Options consultation moving to Spring 2025 at the earliest; and Submission stage consultation moving to Autumn 2025 with, at best, submission to the Secretary of State by January 2026.

The deadline imposed by the previous Government, that required the Council to submit the updated Local Plan for examination by the end of June 2025, will be extended as part of the current proposals – with the suggested deadline now the end of December 2026.

A consequence of these delays is that the Council will very unlikely be in a position to have fully adopted its updated Local Plan within the five-year review period; but it might be able to reach submission stage by then - a sufficiently advanced stage in the plan-making process to enable the Council to afford its policies and proposals some weight in the determination of planning applications.

Five-Year Supply

One of the most challenging aspects of the Government's proposed changes to the NPPF is the re-introduction of the requirement for Councils to *"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old"* – irrespective of whether they have an up to date Local Plan or not. In 2023, the previous Government had amended the NPPF so that authorities with an up-to-date Local Plan (i.e. less than five years old) did not have to identify and update a five-year housing land supply on an ongoing annual basis – the new Government's proposals seek to reverse this amendment.

Between 2015 and the adoption of our Section 1 Local Plan in 2021, the Council was presented with numerous unplanned, unwanted and speculative planning applications for housing development in many parts of the District. Because the Council's previous Local Plan from 2007 was out of date at that time and we were unable to demonstrate a five-year supply of housing land in line with NPPF requirements, many planning permissions were granted on appeal, against the wishes of the Council and local residents, to help make up the shortfall. This is because the NPPF includes a 'presumption in favour of sustainable development' that supports the grant of planning permission, without delay, for development that accords with an up to date Local Plan – but which, for authorities where local plan policies are out of date or where a five-year housing land supply cannot be identified, applies to all housing development proposals (even those that would normally be considered contrary to the Local Plan). In those circumstances, Councils are required to balance economic, social and environmental factors in coming to a decision.

The adoption of the Section 1 Local Plan in 2021 and confirmation of the Tendring housing target of 550 homes a year put the Council in a position where it could demonstrate a five-year housing supply and robustly resist speculative planning applications for housing that ran contrary to the Local Plan. Since then, the Council has consistently been able to demonstrate in excess of six-years housing supply, and the number of speculative applications have reduced dramatically with very few planning applications for housing have been granted on appeal.

A consequence of the new Government's proposed changes is that on 27 January 2026 (the day after the fifth anniversary of adopting the current Section 1 Local Plan), the housebuilding target for Tendring could jump from 550 homes a year to 1,043 homes a year. Therefore, whilst the Council should be able to demonstrate a comfortable five-year housing supply against its adopted Local Plan housing requirement of 550 a year up to 26 January 2026, we would be required on the very next day to identify a five-year housing supply against the increased target of 1,043 homes a year – which is likely to be very difficult to achieve.

Through the review of the Local Plan the Council will need to identify sufficient additional land capable of meeting the enlarged five-year requirement over the period 2026-2031 – however, as explained above, it now seems unlikely that the new Local Plan will be formally adopted before 27 January 2026 (although it may have at least reached the stage of submission to the Secretary of State and could be given some weight in decision making).

For a site to be considered 'deliverable' and for it to feature within the Council's five-year supply figures, the NPPF states:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."

In very simple terms, there is a general expectation from government that sites included in a Council's five-year supply figures should already have obtained detailed planning permission or else there is a burden on the Council to demonstrate, with clear evidence, that housing completions will begin on site within five years. The challenge for this Council is that come 27 January 2026, it could

struggle to demonstrate a five-year supply of truly deliverable sites unless it starts granting planning permission for housing development early, i.e. in advance of January 2026 and while the Local Plan review is still progressing through the different stages of consultation in draft form.

The consequence of not being able to demonstrate a truly deliverable five-year supply against a target of 1,043 a year from 27 January 2026 could be a return to speculative planning applications for housing, the need for the Council to apply the presumption in favour of sustainable development in their determination, and the risk of having to fight, resource and potentially lose appeals.

Furthermore, whilst the Council can identify land and grant planning permission for development, it cannot control whether or not developers actually build, or the rate of delivery – these are matters dictated by the economy, market forces and the commercial decisions of individual housebuilding companies. In other words, the Council can do what it can through its planning powers to create the conditions for housing delivery, but cannot force developers to build. Therefore, the ability for the Council to comply with the requirements of the NPPF and maintain a five-year supply of deliverable housing sites is, to a large extent, at the mercy of the housebuilding industry.

These are serious concerns that Officers would recommend highlighting in the Council's response to the NPPF consultation. These risks would have been much smaller had the housebuilding target only increased to 770 homes a year as had been anticipated previously.

Wider implications for the Council and the District

This report has focussed mainly on the implications of the Government's proposed changes on the review of the Tendring Local Plan and the Council's duties in respect of planning – however the short, medium and long-term implications of increasing housebuilding from 550 homes a year to 1,043 homes a year from 2026 are much wider both for our District and for the Council; and these will need further consideration going forward.

From an economic perspective, boosting the delivery of housing has the potential for supporting growth in the economy, improving the conditions for inward investment and job creation by providing homes for working age people, generating demand for goods and services, providing employment in construction and associated trades and supply-chains, and generating increased revenue for public services.

From a social perspective, an increase in overall housing provision could help deliver higher levels of social housing to meet the needs of people on lower incomes and those on the Council's housing waiting list, and address some of the difficulties younger people face in accessing the housing market. However, housing growth would put increased pressure on public services, schools, medical provision and the transport network unless planned and timed in a way that minimises and mitigates those impacts or delivers new schools, new health facilities and improvements to transport infrastructure.

Environmentally, such a significant increase in housing development in a district with very limited previously developed 'brownfield' land will mean the permanent loss of significant amounts of greenfield and agricultural land which will permanently alter the character and appearance of many of our towns, villages and rural areas. Under current legislation, there is a requirement for developments to deliver a 'biodiversity net gain' (BNG) which will mitigate and improve the situation overall for wildlife, but there will undoubtedly be unavoidable damage to certain habitats, trees and hedges to make way for new development. Whilst there will be policies put in place to ensure new homes are as energy efficient and environmentally friendly as possible and to encourage more people to walk, cycle and use public transport or electric vehicles, there will undoubtedly be increased carbon emissions during construction resulting from increased traffic in certain locations, which will need to be very carefully considered and addressed.