

PLANNING POLICY AND LOCAL PLAN COMMITTEE

10 FEBRUARY 2025

REPORT OF THE DIRECTOR OF PLANNING & COMMUNITY

A.2 LOCAL DEVELOPMENT SCHEME AND EVIDENCE BASE UPDATE

(Report prepared by Anthony Brindley and Paul Woods)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- To seek the Planning Policy & Local Plan Committee's agreement to publish a new 'Local Development Scheme' (LDS), updating the proposed timetable for preparing Planning documents including the Local Plan Review and the Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community (TCBGC).
- To provide the Planning Policy and Local Plan Committee with an update on current progress in respect of the evidence base that will inform the review of the Local Plan.

EXECUTIVE SUMMARY

The purpose of the Local Development Scheme (LDS) is to set out an indicative timetable for preparing key Planning documents. It is particularly useful for members of the public, partner organisations and third parties to understand the broad programme of work and how the Council proposes to resource and manage it.

The LDS covers the review of the Local Plan, the preparation and adoption of Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD), and the production of other key planning documents. It includes the anticipated timetable of consultation periods, examinations and expected dates of adoption. Publishing the LDS ensures that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate are kept aware of the timetable the Council is working to, and can therefore forward plan and organise their time and resources accordingly.

The Planning Policy & Local Plan Committee agreed to commence the mandatory five-year review of the Local Plan at its meeting of 20th December 2023. Following the Government's consultation in the summer of 2024 about proposed changes to the NPPF, work on the Local Plan review was paused while the Council awaited certainty regarding the housing requirement the Local Plan would need to accommodate. The new version of the NPPF and associated standard method for calculation housing need was published in December 2024, and work can now resume. The timetable for reviewing the Local Plan has been updated to reflect the anticipated timeline over the coming year.

The indicative timetable for the Garden Community DPD has also been updated to reflect the most recent stages of work that have been completed and the anticipated timeframes for receiving the Inspector's final report – with adoption of the DPD anticipated early in 2025.

The Community Infrastructure Levy (CIL) is an alternative means of securing developer contributions towards vital infrastructure based on a tariff system rather than individually negotiated S106 agreements. The introduction of CIL is optional for local authorities and within the wording of its Local Plan policies this Council has always kept the option open. In the past there has not been strong enough justification for introducing CIL in Tendring, but with the need to bring forward additional land for development through the Local Plan review in response to the new government housebuilding targets, the case for CIL may be stronger going forward.

To inform future decisions about the introduction of CIL, a viability assessment has been commissioned, to establish whether CIL might be a suitable means of collecting development contributions in the Tendring District, and the process towards formally adopting a CIL Charging Schedule has been set out in the LDS. Once the initial evidence has been prepared, the findings will be reported to the Planning Policy and Local Plan Committee who will decide whether the draft Charging Schedule should proceed to public consultation.

It is important that policies and proposals in Local Plans are informed and underpinned by proportionate but robust technical evidence, and the LDS contains an overview of the documents that are likely to be required as part of the Local Plan Review. Various elements of the 'evidence base' to inform the current review of the Local Plan are under way, and an update on the status of these reports and studies are included as part of this report.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) approves the updated Local Development Scheme (LDS) 2025-2028 (attached as Appendix 1) for publication on the Council's website and for submission Ministry of Housing, Communities and Local Government; and**
- b) notes the report and the progress of the supporting evidence base.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Priorities within the Corporate Plan 2024-2028 (Our Vision) include promoting pride in our area and services to residents, raising aspirations and creating opportunities, championing our local environment, working with partners to improve quality of life, promoting our heritage offer, and financial sustainability and openness. Having an up-to-date framework of Planning policies, other

Planning documents and supplementary guidance in place is critical to achieving such priorities and the LDS is a requirement of Local Authorities to set out the timescales and resources required to achieve that. Establishing a robust and up-to-date evidence base is essential when preparing a Local Plan. Once the Local Plan is submitted for examination, the Planning Inspector will look to the evidence that was used to develop the policies within the Plan to ensure that they are sound and justified.

RESOURCES AND RISK

The Local Development Scheme (LDS) has been prepared by the Council's Officers in the Planning Policy Team within the agreed Local Plan Budget. The LDS itself identifies the resources required to progress the Local Plan Review and the Garden Community DPD. Without an up-to-date LDS containing a realistic timetable for reviewing the Local Plan and preparing other Planning documents, it will be difficult to ensure the Council makes the most efficient use of its resources.

The LDS contains an assessment that identifies the possible risks to delivering the Local Plan Review and other Planning documents on time and the likelihood and potential impact of these risks which include public opposition, the loss or turnover of Planning staff, a financial shortfall, changing political priorities and legal challenges.

The Local Plan's preparation follows legislation and regulations, guiding various stages of work and consultation necessary for lawful adoption. During the examination by a government-appointed Planning Inspector, the Council must demonstrate the Plan's legal compliance and soundness, including an appropriate evidence base and adherence to national planning policy and housebuilding requirements.

To mitigate the risk of Judicial Review, where third parties can challenge the Council's legal compliance, Planning Officers will collaborate closely with Legal Services and follow advice from the Local Government Association's Planning Advisory Service (PAS) to ensure all processes are correctly followed.

LEGAL

Every Local Planning Authority must prepare and maintain a Local Development Scheme (LDS) in accordance with section 15 of Planning and Compulsory Purchase Act 2004 (as amended). The LDS is the Council's rolling project plan (often covering a period of three years) for producing its Local Development Documents and sets out a timetable for their delivery.

The LDS must specify (among other matters) the development plan documents (such as Local Plans) which, when prepared, will comprise part of the Development Plan for the area. Local Planning Authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans. The Local Development Scheme must be made available publicly and kept up to date. It is important that local communities

and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.

Planning legislation and the National Planning Policy Framework (NPPF) emphasise the importance of Local Plans, which must be kept up to date. Local Plans should outline a vision for future development, addressing housing, economy, community facilities, infrastructure, and environmental protection.

According to the National Planning Policy Framework (NPPF paragraph 32), Local Plans must be "underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."

A Sustainability Appraisal is required for each proposal in a Local Plan to ensure environmental, social, and economic impacts are considered. The NPPF mandates that Local Plans be informed by sustainability appraisals, addressing economic, social, and environmental objectives, and mitigating significant adverse impacts.

These requirements ensure that the plans are based on accurate information. Additionally, Section 19 of the Planning and Compulsory Purchase Act 2004 mandates that local planning authorities must consider specific matters, including the evidence base, when preparing a Local Plan

The Planning Policy and Local Plan Committee oversees the preparation of the Local Plan, ensuring it meets the NPPF's "tests of soundness."

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The Local Development Scheme (LDS) sets out the anticipated timetable for public consultation on the Local Plan Update and other planning documents. The Local Plan Review will follow the same stages of consultation and public engagement as the original plan, and technical studies will be published at the appropriate times to accompany these consultations. In particular, the Sustainability Appraisal must be published for consultation alongside the draft Plan.

Devolution and Local Government Reorganisation: Following the publication of the Government's white paper on Devolution in England in December 2024 and subsequent decisions by Essex County Council, Thurrock Council and Southend Council, there is an increasing likelihood of a Mayoral combined authority being established for the greater Essex area and the reorganisation of the current two-tier system of local government.

Irrespective of these potential changes, the preparation and review of the Local Plan remains a statutory responsibility of Tendring District Council, and the timetable set out within the proposed

LDS aims to advance the Local Plan review through as many stages of the process as possible within the five-year period following adoption of the current Section 1 Local Plan in January 2021. Progressing the review is essential to ensure Tendring minimises the risk of being without an up-to-date Local Plan come 2026 and, as a consequence being left vulnerable to uncontrolled and speculative development proposals.

Whilst the Government is expected to introduce new legislation and guidance in 2025 around strategic planning and the respective responsibilities around plan-making for strategic combined authorities and unitary authorities in the future, the advice is to push ahead with current Local Plan reviews for existing authorities under existing arrangements in line with the current National Planning Policy Framework which will both ensure policy coverage and will inform the content of future strategic plans for the combined authority and new Local Plans for any future Unitary authority.

PART 3 – SUPPORTING INFORMATION

The Local Development Scheme (LDS) is designed to set out the process for preparing key Planning documents. It includes the anticipated timetable of consultation periods, examinations and expected dates of adoption for the updated Local Plan and the Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD). Publishing the LDS ensures that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate are kept aware of the timetable the Council is working to and can organise their time and resources accordingly. The LDS is usually updated to cover three-year cycles of Plan preparation.

Local Plan Review

Following the adoption of Section 1 of the Local Plan in January 2021 and Section 2 in January 2022, the main focus of the LDS is now the mandatory five-year review of the Local Plan as well as the TCBGC DPD.

The review of the Local Plan will follow the same statutory process as the preparation of the Local Plan itself. A previous version of the LDS set out a timetable for reviewing the Local Plan that anticipated submission to the Secretary of State for Examination in July 2025. However, due to delays caused by the General Election and the Government's proposed changes to the planning system (in particular affecting the number of new homes the Local Plan will have to accommodate), public consultation was paused until the Council had certainty around the housing requirement for the new Local Plan. The new version of the NPPF, along with an updated standard method for calculating housing need, was published on 12 December 2024 bringing clarity and certainty, and the Local Plan consultation process can now resume.

An updated timetable is now proposed, which covers the period 2025-2026 and enables the updated Local Plan to be submitted to the Secretary of State early in 2026.

Following the publication of the updated National Planning Policy Framework in December, the Deputy Prime Minister has asked that all local planning authorities produce an updated Local Development Scheme by no later than 6 March 2025. The LDS must be submitted to the Ministry by this date.

Tendring Colchester Borders Garden Community

The timetable for the Garden Community DPD has also been updated, reflecting the stages that have now been completed to date and the revised timescale for the next steps. Adoption of the DPD is anticipated early in 2025.

Community Infrastructure Levy

In order to mitigate the impact of new developments, developers are usually asked to pay a contribution towards the cost of funding new infrastructure or improving existing infrastructure. Currently, the Council secures this funding through 'Section 106' agreements, which are negotiated with developers during the Planning Application process. Funding is secured for TDC's responsibilities (such as Open Space, and the delivery of affordable housing) and on behalf of third parties (such as education and highways contributions for ECC, and health contributions for the NHS). S106 agreements vary from development to development, and contributions towards most forms of infrastructure is only required on major developments (i.e. 10 or more dwellings).

The Planning Act 2008 introduced a new mechanism for securing funding for infrastructure - the Community Infrastructure Levy, or CIL. CIL contributions are collected on a much wider range of developments (including smaller scale residential schemes) according to an adopted tariff schedule – which not only secures funding from more developers but also provides certainty (to developers and the Council) about how much will be collected as the schedule is based on £ per sqm of floorspace. Certain contributions (such as the provision of affordable housing) would still be arranged via the usual S106 agreements where appropriate.

Tendring District Council did not introduce CIL charges to apply to developments in the current Local Plan – partly because the majority of developments had either already obtained planning permission or would be of a scale by which a s106 legal agreement would be the most appropriate means of securing new infrastructure on-site or otherwise financial contributions towards infrastructure. With the review of the Local Plan under way, the Council wish to consider the introduction of CIL to apply to new developments coming forward in the future.

The introduction of CIL has to be informed by evidence. In 2024, the Council commissioned consultants to undertake a viability assessment, to determine whether CIL would be a viable means of collecting developer contributions in the Tendring District. This work is ongoing, and any draft charging schedule will need to be the subject of public consultation and examination by a Planning

Inspector (much like a Local Plan). The Local Development Scheme sets out a broad timeline for each of the key stages and Member approvals, with a potential adoption of CIL in the Spring of 2026.

Other Documents

The LDS also includes broad timescales for the preparation of the Hartley Gardens Supplementary Planning Document, which is being produced alongside a masterplan for the site with support from Homes England. Subject to Committee approval at the appropriate time, it is expected that the SPD might be ready for public consultation in the first half of 2025, with possible adoption by Cabinet in the summer.

There is now only one Neighbourhood Plan being prepared in Tendring, following the adoption of the Ardleigh Neighbourhood Plan and the Elmstead Neighbourhood Plan in October 2024. Brightlingsea Town Council are in the process of preparing a Neighbourhood Plan to cover the Town Council area, and it is expected that the Regulation 14 consultation could take place during 2025.

Status of the Local Plan Evidence Base

The evidence base includes the following studies and on-going work, which is underway to support the planning policies:

Strategic Housing Market Assessment

The Strategic Housing Market Assessment (SHMA), being carried out by specialist consultants HDH Planning & Development, will provide a comprehensive analysis of housing needs across the District and in a number of sub-areas. It will inform the mix of new housing in terms of size, type and tenure within the 1,034 homes a year required by government that could best meet needs and demands of the growing population over the period of the Local Plan. This comprehensive analysis covers market, affordable, and specialist housing, addressing a wide range of housing issues, including affordability.

The study evaluates the need for various types of housing, categorised by tenure, type, and size. Key aspects include:

- A thorough examination of the existing housing stock,
- Analysis of dwelling completions,
- Identification of under/over-supply issues in housing sizes, types, and tenures,
- Assessment of the needs of homeless households, concealed households, overcrowded households, and those living in unsuitable housing.

The initial draft of the report highlights the latest requirement for annual planned growth in the District, which stands at **1,034 dwellings per year**. Additionally, it identifies an annual affordable housing

need of **275 dwellings**, representing **26.6%** of the annual planned growth – which aligns with the Council’s current Local Plan policy to seek 30% affordable housing from larger development sites.

As well as informing policies in the Local Plan, the SHMA will be a useful piece of evidence to inform future updates to the Council’s Housing Strategy. The final report, aligning with the new December 2024 NPPF and accompanying Planning Practice Guidance, is expected in February 2025.

Strategic Employment Land Review

The Strategic Employment Land Review (SELR), being carried out by specialist economic consultants Ekosgen, is updating assumptions and forecasts around the potential for economic growth in Tendring across different sectors – taking into account Freeport status, expected housing and population growth and other factors. The study aims to determine the need for allocating additional land for business and industrial purposes in strategic locations within Tendring. The focus areas include the A12, A120, and A133 transport corridors. This study will also aid in developing strategies to attract inward investment and funding, supporting employment and infrastructure across North Essex and the Freeport East area.

The consultants have reviewed the current supply and completion rates. With the confirmation of Tendring’s housing requirement following the publication of the NPPF, the study is set to progress and is due for completion by Spring 2025.

Gypsy and Traveller Accommodation Assessment

The Gypsy and Traveller Accommodation Assessment (GTAA), conducted by specialists ORS on behalf of most Councils in Essex, aims to provide a robust assessment of the current and future needs for Gypsy, Traveller, and Travelling Showpeople accommodation in the Tendring District Council area – for which Councils have a duty, through planning policy, to provide for.

This updated GTAA offers a credible evidence base to support the implementation of Local Plan Policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2023 to 2042. This will cover the Council’s Local Plan period, and the 15-year requirements set out in the Planning Policy for Traveller Sites (PPTS). The outcomes of this study will supersede those of the previous GTAA for Tendring District Council. The final report is expected by Spring 2025.

Infrastructure Delivery Plan

The Infrastructure Delivery Plan (IDP) is a blueprint outlining the District’s infrastructure needs, covering social, physical, and green infrastructure. It details what is required, where it is needed, and the timeline for implementation.

The IDP includes projects related to:

- Education
- Health and social wellbeing
- Utilities
- Transport
- Flooding
- Emergency services
- Waste management
- Social and community facilities
- Leisure and recreation
- Green infrastructure and open spaces

As an evolving document, the IDP's first stage report has already assessed the infrastructure needs for each strategic development option. In the coming months, consultants will analyse the infrastructure constraints of specific sites identified for potential residential or employment use. The stage 1 (Regulation 18) report is being carried out by specialist consultants LUC and is expected to be finalised before Summer 2025.

Sustainability Appraisal Scoping Report

The Sustainability Appraisal Scoping Report commences the Sustainability Appraisal (SA) process. It sets the technical scope and objectives, covering environmental, economic, and social aspects, against which the Local Plan's impacts will be evaluated. Following consultation with statutory stakeholders, the scoping report will be amended accordingly.

The subsequent SA for the Local Plan ensures that sustainability considerations are embedded in the plan-making process, promoting sustainable development. The SA evaluates how the emerging plan, compared to reasonable alternatives, will achieve relevant sustainability objectives, including identifying and mitigating potential adverse effects. This iterative process informs and evolves alongside the plan's development.

The sustainability appraisal is a legal requirement and incorporates the Strategic Environmental Assessment (SEA) Regulations, ensuring the plan contributes to sustainable development. The initial scoping report is due to be finalised by February 2025.

Landscape Character Assessment

The Landscape Character Assessment (LCA), conducted by Place Services, is a process that identifies and describes the unique features and characteristics of our landscapes. By analysing elements like landform, land cover, and settlement patterns, the LCA provides a detailed picture of our environment.

The LCA is crucial for the Local Plan, offering valuable insights into the landscape's characteristics and sensitivities. It supports the planning process by:

- **Evidence Base:** Providing a solid foundation that helps planners understand the unique qualities of different landscapes, essential for making informed decisions about development locations and designs.
- **Guiding Development:** Highlighting areas of high landscape value and sensitivity to ensure new developments harmonise with the existing landscape and avoid causing harm.
- **Policy Formulation:** Informing policies that protect and enhance the landscape, including guidelines for the design, scale, and siting of new developments.
- **Community Engagement:** Engaging local communities to help them appreciate the landscape's value and understand planning decisions, fostering public support for the Local Plan.
- **Sustainability:** Promoting sustainable development by integrating landscape considerations into planning decisions, supporting long-term conservation and enhancement.

Work on the base mapping has begun, and the final report is expected in Spring 2025.

Health

In collaboration with Colchester City Council, the Council is compiling a comprehensive and up-to-date evidence base for health policies, reflecting the positive role of planning in improving health outcomes. While some indicators may vary between the authorities, the planning and policy approaches are likely to be equally relevant to both Colchester and Tendring.

Since June 2024, this ongoing work aims to identify key health issues and indicators, linking them to relevant evidence. This enables planning to influence outcomes that improve community health and wellbeing, informing potential policy principles for the Local Plan.

Three in-person engagement events have been held with a wide range of health colleagues, helping to form the evidence base and shape meaningful policy. The recent NPPF update underscores the positive role planning plays in improving health outcomes for all communities. The collaborative approach between Tendring District Council and Colchester City Council reflects this commitment.

Transport Modelling

Transport modelling, led by Jacobs/Essex County Council Highways, is a process that creates detailed simulations of our transport systems – identifying areas of capacity and constraint and enabling projections of future transport impacts to be assessed. These models assess the impact of proposed developments and infrastructure changes, using data on traffic flows, public transport usage, and pedestrian movements. By simulating different scenarios, we can predict future transport patterns, identify potential issues, plan necessary infrastructure improvements, and promote sustainable transport options, ensuring that plans are sustainable and meet the needs of the community. This ongoing work is integral to the plan-making process, particularly given the challenging housebuilding targets the Council is now expected to plan for.

Water Cycle Study

AECOM has been commissioned to conduct a Water Cycle Study (WCS) for Colchester City Council and Tendring District Council. This study includes an initial wastewater capacity assessment to inform the councils' emerging spatial strategies for growth and site allocation. The early assessment aims to identify where wastewater treatment capacity might constrain higher levels of growth. Key findings so far include:

- **Dwelling Capacity Assessment:** Estimating the number of dwellings that existing Water Recycling Centres (WRCs) can support without significant upgrades or new discharge permits.
- **Environmental Capacity Risk:** Identifying areas where water quality or environmental capacity could be at risk if growth exceeds the WRCs' support capacity.

The final report is expected by the Summer of 2025.

APPENDICES

Appendix 1 – Local Development Scheme 2025-2028

Background Documents

None