



Little Bromley Parish Council

Cllr. Neil Stock OBE (Chair)

Cllr. Christine Barrett

Cllr. Kate Hodgkiss

Cllr. Tony Monger

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Please ask for : Gary Guiver

Sent via email to Clerk: Elizabeth Ridout CiLCA

13 August 2026

Our Ref : GG/LP2026/MSA20

Your Ref :

Dear Councillors,

Re: Procedural and Substantive Objection to the Reinstatement of Site MSA20 (Little Bromley) at the Planning Policy & Local Plan Committee – 8 June 2026

I write in response to your letter of 3 August 2026 in which you lodge a formal objection to the resolution of the Planning Policy and Local Plan Committee of 8 June 2026 to retain Site MSA20 (Land south of Shop Road, Little Oakley) as a housing site in the Draft Local Plan with a reduced indicative capacity of 10 dwellings, notwithstanding Officers' recommendation to the Committee to delete the site from the Plan. Your suggestion is that the Committee's resolution was procedurally flawed, contrary to the evidence, and inconsistent with the principles of sound plan-making required under national planning policy, with reasoning for each of your assertions. I respond to these points in turn.

Procedural failure

In respect of procedural failure (Point 1 of your letter), your assertion is that the Parish Council was not notified of the 8 June 2026 meeting and subject matter to be discussed at that meeting until one working day before the meeting – and thus the Parish Council was prevented from attending, speaking and responding to statements made by others at the meeting. You suggest that this is a serious matter due to the ownership of the site (that being the husband of the Ward Councillor for Little Bromley) and the inability (due to a declared interest) for the Ward Councillor to represent the Parish at the meeting; as well as the fact that a developer's representative was able to make representations at the meeting with no one present from the Parish Council to respond. Your assertion is that this constitutes an imbalance of participation and undermines the fairness and transparency of the decision-making process.

On the lateness with which the Parish Council was notified of the meeting, and how this may have led to a representative from the Parish Council not having time to arrange attendance, whilst my usual email to all Town and Parish Councils went out later than I had intended (for which I can only apologise) there is no specific legal requirement to notify them of specific forthcoming meetings and their content, and so there has been no procedural failure.

Looking ahead however, the next scheduled meeting of the Planning Policy and Local Plan Committee is at 6.00pm on Tuesday 25 August 2026 at which Councillors will be discussing the Submission Version of the Local Plan and making a final decision on what to recommend to Full Council, for its decision on 1 September 2026, on proceeding to the next final round of public consultation. The agenda should be published on the Council's website next week.

It is important to note that the decision taken by the Committee on 8 July 2026 was not the final decision on the content of the Local Plan and therefore it is still possible for a representative of Little Bromley Parish Council to register to speak and to make representations at that meeting and to request, if they wish, that the Committee reconsiders the status of Site MSA20. To assist and ensure this matter is brought to the Committee's attention, I will explicitly refer to your letter and my response in the Committee report and provide Members of the Committee with copies.

Naturally, irrespective of what Committee agrees to recommend to Full Council, the Parish Council will have the right to make representations on the Local Plan as part of the formal consultation, which will ultimately be considered by the Planning Inspector as part of the examination process. The Parish Council will receive a formal notification on commencement of the consultation.

Evidence-based decision-making

I note the assertion in Points 2 and 3 of your letter that the Officers' recommendation to delete Site MSA20 from the Local Plan had an evidence-based rationale aligned with points made by the Parish Council itself on the Preferred Options Draft and that, to the contrary, the Committee's resolution to retain the site in the Local Plan was without new evidence and therefore lacked justification, contradicted the professional advice of Officers, and is vulnerable to challenge at examination.

Whilst the point being made is understood, it is important to be clear that it is the Committee's prerogative to agree or disagree with Officer recommendations; but where Councillors do seek amendments and resolve to depart from the Officer recommendation, it is important that they are appraised of the risks and consequences. This did happen at the Committee meeting where my advice was sought and given before the Committee moved to its resolution.

Although it was Officers' recommendation to delete the site from the Local Plan, that recommendation was based solely on my, and my colleagues' interpretation of Anglian Water's representation which stated, in respect of 'smaller rural settlements' as listed in the settlement hierarchy of Policy SLP1 (which includes Little Bromley):

"Most of these are within existing water recycling centre (WRC) catchments, but locations such as Tendring Heath are not served by the public sewer system

and therefore any new homes would need alternative wastewater treatment facilities such as package treatment plants. We previously identified that Little Bromley and Tendring Village, are not served by a public sewer network, and settlements such as Little Bentley is served by a small WRC with a descriptive permit, meaning that it is not designed to accommodate incremental growth. We would consider that these should be treated as 'open countryside' with no additional growth directed to these locations if it is dependent on connecting to the public sewer network as there is a risk that incremental housing growth within or close to the WRC catchment could exceed the capacity of these small WRCs and potentially cause environmental harm. It is therefore important that policies in the Local Plan have suitable wastewater treatment requirements, whether connecting to existing public sewer networks or for alternative provision."

Off the back of this advice, Officers had recommended that the site allocations for Little Bromley, Tendring Heath and Little Bentley be deleted from the Local Plan on the basis that the public network is not designed to accommodate incremental growth. However, as pointed out by the developer present at the Committee meeting and noted by Councillors, when the passage underlined above is read in full, it is clear that Anglian Water's advice is that no additional development should directed to locations like Little Bromley, Tendring Heath and Little Bentley' applies if it is dependent on connecting to the public sewer.

In advising the Committee on the proposed amendment to retain the site (and others at Little Bromley and Tendring Heath) in the Plan, I reviewed the wording of the Anglian Water representation with reference to the Council's own emerging policy PPL5 which states:

"Proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works). Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour."

With this in mind I had to agree that it is possible for development to come forward in an acceptable manner without being dependent on a connection to the public sewer network, that alternative means of sewage disposal can be considered on their merits and that, in my professional view, there is reasonable likelihood that a suitable alternative means of sewage disposal could be achieved at the site in question if a planning application were to be forthcoming – although that would have to be assessed on its merits at the time of an application.

Whilst I note the Parish Council's representation and understand the point raised in your letter about Little Bromley's remoteness from jobs, shops, services and facilities and local impacts on village character – these were not the points upon which the Officers' recommendation to delete the site from the Local Plan relied. Indeed many of Tendring's smaller rural settlements are being expected to accommodate a small proportion of housing relative to the 18,173 homes the Government expects to be

planned for in accordance with its centrally imposed mandatory targets; and whilst it is accepted that these villages offer less sustainable and less accessible locations for development than other larger settlements (and in previous Local Plans the Council has sought to keep development in these locations to a minimum), these limitations are reflected in the much lower levels of growth proposed in those areas – noting that there are some social and economic positives for residential development in rural locations, as were discussed at the Committee meeting.

Sound plan-making

I note your concern that the inclusion of Site MSA20 in the Local Plan represents a failure to meet the three tests of soundness in the National Planning Policy Framework i.e. to be positively prepared, justified, effective and consistent with national policy.

It was however my advice to the Committee in response to the proposed amendment that retaining Site MSA20 in the Local Plan would not, in my professional opinion, represent a fundamental soundness issue that might lead a Planning Inspector to find the overall Plan unsound. Naturally, this is something that can be challenged and tested through the examination process and if the Council does decide to continue with the allocation of Site MSA20, the Parish Council and others will have the ability to object to the Submission Version and for those objections to be considered by the Planning Inspector as part of the examination process.

Immediate action

In response to your formal request for immediate action:

1. **Reconsider the decision** to reinstate MSA20 in light of the highlighted procedural and evidential concerns, your letter and my response will be reported to the Planning Policy and Local Plan Committee meeting scheduled for 25 August 2026 where the Parish Council can register to speak and suggest the Committee revisits the position in respect of Site MSA20 before taking a final decision on the content of the Submission Version of the Local Plan.
2. **Provide a written explanation** for why the Parish Council was given just one day's notice of the meeting and not invited to speak – the explanation is given above, and whilst I offer a personal apology for the late correspondence, I do not consider there to have been any procedural failure.
3. **Confirm** that a full reconsideration, with the parish council afforded equal, fair and reasonable opportunity to present evidence, will be facilitated in respect of MSA20 – something that can be addressed at the forthcoming meeting of the Committee on 25 August 2026 if the Parish Council wishes to attend and speak.
4. **Ensure** that any future discussions of Little Bromley allocations include direct notification to the Parish Council – agreed, and I trust the early notification contained in this letter in respect of the meeting scheduled for 25 August 2026 is of assistance.

If the Parish Council wishes to register to speak at the 25 August meeting, please do contact my colleague Ian Ford on 01255 686584 or iford@tendringdc.gov.uk to make the necessary arrangements.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Guiver', followed by a vertical line.

Gary Guiver
**Corporate Director –
Planning and Community**

Cc: Cllr. Carlo Gugliemi – Chairman of the Planning Policy and Local Plan Committee
Cllr. Andy Baker – Portfolio Holder responsible for Housing and Planning
Lisa Hastings – Corporate Director – Law and Governance, Monitoring Officer