



# *Tendring* District Council



## Tendring District Local Plan Local Development Scheme (LDS) 2019-2021



January 2019

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# 1 Introduction

**1.1** Section 38(6) of the Planning and Compulsory Purchase Act requires local planning authorities such as Tendring District Council to make decisions on planning applications in accordance with the 'development plan', generally referred to as the 'Local Plan'. Councils have a duty to ensure their Local Plan is kept up to date, is prepared in accordance with the government's National Planning Policy Framework (NPPF) and positively promotes 'sustainable development' by identifying sufficient land for new homes and employment opportunities.

**1.2** The Council's current Local Plan was adopted in 2007 and was only designed to last up until 2011. The government's policy in the NPPF states that where Local Plans are out of date a 'presumption in favour of sustainable development' should apply with an expectation that all planning applications for development be approved unless the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Because of this, when the Council does refuse planning permission for new development, the absence of an up to date Local Plan makes it increasingly difficult to defend such decisions if or when developers choose to appeal to the Secretary of State. When government Planning Inspectors come to consider such appeals, the lack of an up to date Local Plan places the Council at a disadvantage and the risk of planning decisions being overturned is high.

**1.3** Between 2007 and 2018, the Council has sought to put a new Local Plan in place including undertaking a considerable amount of research, technical studies and consultation with residents and other interested parties on various policies and proposals.

**1.4** Councils have a legal duty to cooperate with neighbouring authorities such as: Colchester; Babergh; Essex Councils; and other statutory bodies including: Natural England; Highways England; and the Environment Agency. They also have a duty to ensure that Local Plans meet the requirements of the government as set out in legislation and the NPPF in order for a Plan to be found 'sound' and therefore compliant with planning law.

**1.5** The Local Development Scheme (LDS) is designed to set out the process for producing the Local Plan, Community Infrastructure Levy (CIL) and other planning documents. It includes the anticipated timetable of consultation periods, examinations and expected dates of adoption. Publishing the LDS also 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 organise their time and resources accordingly.

**1.6** In November 2017, the Council agreed its last Local Development Scheme (LDS) covering the period 2017-2020. The LDS is a three year programme and is best updated annually. Therefore, this new LDS updates the 2017 version and extends the timetable to 2021. The updated LDS provides a revised timetable for the Local Plan and the Community Infrastructure Levy and introduces the preparation of a Development Plan Document (DPD) for the proposed Garden Community in the west of Tendring District.

## 2 Background

### Progress to date and future programme stages

**2.1** The Council has already undertaken a significant amount of work to put a new plan in place having prepared and gathered substantial technical evidence, working in partnership with other bodies and organisations and having undertaken extensive public consultation. The initial preparation of a plan between 2007 and 2011 was undertaken in line with the relevant planning regulations and national planning policies that were in place at that time. These required Councils to prepare a 'Local Development Framework' (LDF) containing a series of planning documents that, together, would make a core part of the development plan for the area. However, when the government introduced the new National Planning Policy Framework (NPPF) and revisions to the planning regulations in 2012, the Council started work on a single 'Local Plan' in line with the new requirements. To date, the preparation of a new Local Plan has followed these stages:

- Stage 1: Evidence Gathering  
In December 2007, the Council adopted its last Local Plan with planning policies and proposals to cover a temporary period of four years – in which time it was intended that a new LDF would be prepared. The first stage of this process involved gathering evidence that would inform the content of the LDF by preparing and commissioning technical studies and liaising with partner organisations to understand some of the district's physical, environmental and infrastructure limitations and to formulate some sensible options for future growth.
- Stage 2: Consultation on LDF Issues and Possible Options (23 March to 30 May 2009)  
Having undertaken considerable research as part of the evidence gathering stage, the Council produced a 'discussion document' for public consultation in March 2009 and held a series of exhibitions and workshops throughout the district to gauge the views of local residents, businesses and other interested parties on a number of planning issues and different suggestions for distributing future growth around the district. The Council received over 4,000 individual comments and suggestions in response to that consultation exercise.
- Stage 3: Consultation on LDF Core Strategy and Development Policies (21 October to 6 December 2010)  
Following careful consideration of the comments received in response to the stage 2 issues and options consultation, the Council prepared a 'Core Strategy and Development Policies Document' containing 'broad-brush' proposals for the distribution of new development for the period up to 2031 along with a set of new planning policies. The intention at that time was that a Core Strategy would form the first part of an LDF with more detailed policies and site-specific proposals to follow at a later stage.

The Core Strategy document was published in October 2010 and a further round of public consultation, including exhibitions and workshops where undertaken. At this stage, interested parties were invited to object to policies and proposals in the document and explain why, in their view, the plan would fail to pass the government's 'tests of soundness'. The Council received just over 1,500 individual comments in objection to this document.

- Stage 4: Consultation on Housing Issues (29 September to 31 October 2011)

From the 2010 public consultation, the majority of objections from local residents related to the number, location and type of new homes being proposed. Many residents called for a further round of public consultation before the Council made any final decisions on the content of the plan.

The election of a new government in 2010 was followed with proposals in the new Localism Bill (which has now become the 'Localism Act') aimed at making major changes to the national planning system including the abolition of regional plans and simplification of national planning guidance. These changes were initially aimed at giving communities more say over planning issues in their area, giving Councils more incentives to support new development, simplifying national planning rules, making it easier for developers to get planning permission and encouraging Councils to prepare a single 'Local Plan' as opposed to an LDF made up of several parts.

In 2011, the Council therefore decided that it would be an appropriate time to undertake further public consultation focussing on the main topic of concern, housing development. This would also allow time for the full implications of the government's changes to be understood and for a revised plan to be prepared in accordance with the latest national requirements. The Council received a further 1,400 individual responses from the public in response to the consultation exercise.

- Stage 5: Consultation on a Draft Local Plan November 2012 to 7 January 2013)

On 11 September 2012, at a meeting of the Full Council, a Draft Local Plan was approved for public consultation. This plan took into account the various technical studies, information provided by partner organisations and the various comments received during the three previous rounds of public consultation. This plan included a 'fair and proportionate' approach to the distribution of housing development with all towns and villages expected to accommodate a 6% increase in housing stock over a 10 year period.

When this plan was published for consultation, 800 comments were received including a fair number of representations of support. The majority of objections related to a small number of specific development proposals but there were also some strong objections to the number of new homes proposed in the plan; the short 10-year time-frame of the plan and the technical logic behind a 6% increase in housing for all settlements.

- Stage 6: Consultation on Focussed Changes (6 January 2014 to 17 February 2014)

Having considered the 800 comments submitted in response to the 2012 Draft Local Plan, the Council accepted that a number of changes could be made to address some of the objections including extending the length of the plan period from 10 to 15 years, indicating some broad locations where longer-term growth was most likely to take place and making amendments to some of the more controversial development proposals.

The Council produced a document containing a series of proposed 'Focussed Changes' and these were published for consultation, attracting a further 560 comments. Whilst the changes resulted in many of the objections from members of the public being addressed, they also attracted strong objections concerned that the plan was failing to identify sufficient land to meet the objectively assessed need for housing, in full – as required by the NPPF. The objections to the failure to identify sufficient land for development led to preliminary

advice being received for the Planning Inspectorate that the Plan would be likely to fail the soundness tests of an Examination in Public.

- Stage 7: Consultation on Issues and Options (1 September 2015 to 13 October 2015)

Whilst the themes of the development management policies in the draft Local Plan (2012 & 2014) have been carried forward with some modifications, the strategic elements including housing required a complete refresh. This refresh was required not only due to the previous identification of a lack of sufficient housing land but also due to a change in the way housing requirement should be calculated. The Government's Planning Practice Guidance changed the way in which housing need and requirement should be calculated using population and household projections as a starting point, then uplifting for market indicators to produce an Objectively Assessed Housing Need. Only then can policy considerations on supply and constraints be considered.

To address these changes the Strategic Housing Market Area (SHMA) authorities of Braintree, Chelmsford, Colchester and Tendring commissioned a housing needs assessment from Peter Brett Associates. This produced a minimum annualised dwelling requirement of 550 units per year. This was used to prepare the Publication Draft Consultation Documents for the Local Plan.

- Stage 8: Consultation on the Preferred Options Local Plan 14 July 2016 - 8 September 2016

The Preferred Options Local Plan was consulted upon from 14 July – 8 September 2016. The results of the consultation were presented to the Local Plan Committee in November 2016.

- Part 1 of the Local Plan covers strategic matters and has been jointly prepared by Braintree, Colchester, Essex and Tendring Councils. Part 2 contains policies relating solely to this District and has been prepared by Tendring District Council

- Stage 9: Consultation on behalf of Government on the Publication Local Plan 16 June 2017 to 28 July 2017

The Publication Draft of the Local Plan, which the council believes will meet the legal tests, is required for a sound Local Plan. These tests are examined in a public forum known as the 'Examination in Public'. The Council consults the public on this version of the plan on behalf of the government and submits all responses to the government. The government then appoints an independent (of government, the council and any other party) Planning Inspector to undertake the Examination in Public. The Council received 616 comments from the consultation period across the Local Plan (both Sections included).

The policy which received the most comments was in regard to the housing supply as many developers objected on the grounds that they perceived 550 dwellings per year to be too low for Tendring District Council.

- Stage 10: Examination in Public, Modifications and Adoption of the Local Plan

Under current practice, the appointed Planning Inspector will assess the submitted Local Plan documents and call hearings on any matters they consider need further clarification. The Inspector will be asked by the Council to make good any areas of concern by suggesting 'proposed' modifications. These may be subject to further public consultation

and hearing. If however the Inspector considers the modifications needed to make the plan sound are significant they may ask the Council to withdraw the Local Plan and go back to an earlier stage of production.

Examination in Public of the joint strategic Section 1 of the Local Plan commenced in January 2018. This has currently been paused by the Planning Inspector to allow the North Essex Authorities to carry out further work. Examination in Public will resume when the work has been completed and submitted to the Inspector.

Examination in Public of Section 2 will commence once Section 1 of the Local Plan has been found 'sound' by the Inspector.

### 3 Documents to be Prepared

3.1 For the period 2019 to 2021, the following planning documents will be prepared:

- **Tendring District Local Plan**
- The Local Plan will be the main planning document for Tendring setting out the strategy for growth for the period to 2033 and beyond, identifying specific sites for development and including the policies that will be used in the determination of planning applications. The new document will supersede the 2007 'saved' policies.

The Plan will be created with two parts, the strategic elements and the development management elements.

- 1) The strategic elements will be prepared in collaboration with Braintree, Colchester, and Essex Councils. The strategic policies will, as considered appropriate to all Councils, seek to establish common policy based on common evidence. This strategic element of the individual Local Plans will enable a collective vision for sustainable implementation of the development plans in north east Essex.
- 2) The development management policies in the plans may share commonality in the districts but others will be bespoke to the individual Local Planning Authority Areas. The bespoke policies for Tendring form Section 2 of the Local Plan.

- **Development Plan Document for the Garden Community in west Tendring**

A Development Plan Document (DPD) follows the same process for preparation as a Local Plan. It builds on policy or policies in the Local Plan and provides significantly more implementation detail. Any DPD for west Tendring will require the co-operation and collaboration with Colchester Borough Council. This DPD in Colchester's LDS is described as a 'Strategic Growth Development Plan Document'.

In Section 1 of the Publication Draft of the Local Plan, Policy SP8 states: "The Strategic Growth DPD will set out the nature, form and boundary of the new community. The document will be produced in consultation with stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary

social, physical and environmental infrastructure, to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured. The DPD will provide the framework for the subsequent development of more detailed masterplans and other design and planning guidance for the Tendring / Colchester Borders Garden Community.”

- **CIL Charging Schedule**

The proposals for development in the new Local Plan will need to be supported by investment in the necessary infrastructure. The Infrastructure Delivery Plan will identify each piece of infrastructure that is needed and set out the mechanism for delivering these items. One source of funding could be the Community Infrastructure Levy (CIL) and this document would include the ‘charging schedule’ setting out how much money developers will be expected to contribute toward infrastructure provision from developments in certain parts of the district using a formula based on £ per sqm of floorspace.

- **Authorities Monitoring Report (AMR)**

The Authorities Monitoring Report (AMR) will be published annually to demonstrate how the Council’s planning policies have performed over a 12 month period against a range of established indicators. The AMR will also include general information about the district including the population and local economy.

## 4 Programme for Preparing Documents

| Tendring District Local Plan                               |  |
|--|--|
| <b>Subject and scope</b>                                   | This document will supersede the Council’s 2007 ‘saved policies’ and cover the period to 2033 and beyond. It will include the strategic and development management policies, site specific and broad allocations and Local Plan Policies Maps.   |
| <b>Geographical area</b>                                   | The strategic policies for Garden Communities will be prepared in collaboration with Braintree, Colchester and Essex Councils and be known as Section 1 of the Local Plan.<br><br>Development Management policies which are relevant to specific parts or all of Tendring will be prepared by Tendring District Council and be known as Section 2 of the Local Plan. |
| <b>Chain of conformity</b>                                 | The relevant Planning Acts and Regulations<br><br>Essex Minerals and Waste Plans<br>National Planning Policy Framework (NPPF)  |
| <b>Timetable for production</b>                            |  |
| <b>Preparation of draft Local Plan (Preferred Options)</b> | May 2014 / Dec 2017  |



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|---|--|
| <b>Member approval to publish preferred options Local Plan for consultation</b>   | June 2016  |
| <b>Publication of Preferred Options Document and Sustainability Appraisal for consultation with the public and other stakeholders</b>         | August - September 2016  |
| <b>Member approval to publish for final consultation and submit the plan for examination.</b>   | June 2017  |
| <b>Publication of Proposed Submission Document and final Sustainability Appraisal for consultation with the public and other stakeholders</b> | June – July 2017   |
| <b>Submit documents and information to Secretary of State</b>   | October 2017   |
| <b>Independent examination<br/>Section 1<br/>Section 2</b>  | Autumn 2019<br>Spring/Summer 2020  |
| <b>Receipt of Inspector’s report<br/>Section 1<br/>Section 2</b>  | Winter 2019/20<br>Autumn 2020  |
| <b>Adoption (Full Council)<br/>Section 1<br/>Section 1 and 2</b>  | Spring 2020 (if adopted independently)<br>Winter 2020/21   |
| <b>Timetable for review</b>   | The Local Plan will need to be reviewed within 5 years of adoption to maintain an ongoing supply of land for development and address any other planning issues that arise. |

| <b>Garden Community Development Plan Document (DPD)</b> |  |
|---|--|
| <b>Subject and scope</b>                                | This document will contain policies and allocations to support a Garden Community in west Tendring. This DPD is likely to be produced jointly with Colchester Borough Council. |
| <b>Geographical area</b>                                | Area to be determined by the Local Plan  |
| <b>Chain of conformity</b>                              | Tendring and Colchester Local Plans<br><br>The relevant Planning Acts and Regulations<br>Essex Minerals and Waste Plans<br><br>National Planning Policy Framework (NPPF).      |

| <b>Timetable for production</b>                      |   |
|--|---|
| <b>Preparation of draft DPD (Issues and Options)</b> | Summer 2017- Autumn 2017                        |
| <b>Member approval of issues and options DPD</b>     | Autumn 2017                                     |
| <b>Issues and Options Consultation</b>               | Winter 2017/18                                  |
| <b>Document Preparation</b>                          | Winter 2019/20 – Winter 2020/21                 |
| <b>Member approval of draft DPD</b>                  | Winter 2020/21                                  |
| <b>Draft DPD Consultation</b>                        | Winter 2020/21                                  |
| <b>Document Preparation</b>                          | Spring 2021 – Winter 2021/22                    |
| <b>Member approval of submission DPD</b>             | Winter 2021/22                                  |
| <b>Submission DPD Consultation</b>                   | Winter 2021/22                                  |
| <b>Submission to Secretary of State</b>              | Spring 2022                                     |
| <b>Examination</b>                                   | Summer 2022                                     |
| <b>Inspector's report</b>                            | Autumn 2022                                     |
| <b>Adoption (Full Council)</b>                       | Winter 2022/23                                  |
| <b>Timetable for review</b>                          | This will be reviewed and updated as necessary. |

| <b>Infrastructure Delivery Plan and CIL Charging Schedule</b>                         |  |
|---|--|
| <b>Subject and Scope</b>  | If needed this document would set out the Council's approach to using legal agreements and securing development contributions to deliver infrastructure, affordable housing and other local benefits from development. The document could include the Council's Community Infrastructure Levy (CIL) charging schedule. |
| <b>Geographical Area</b>  | All of the Tendring District. Some areas of Tendring may be established as CIL exempt  |
| <b>Chain of Conformity</b>  | Relevant Planning Acts and CIL Regulations<br>Emerging Local Plan<br>National Planning Policy Framework (NPPF)   |
| <b>Timetable for production</b>   |  |
| <b>Preparation of document</b>  | Spring 2020  |
| <b>Member approval for initial consultation</b>                                       | Summer 2020  |
| <b>Publication of document for consultation</b>                                       | Autumn 2020  |
| <b>Member approval for final consultation and submit the document for examination</b> | Winter 2020  |
| <b>Submit documents and information to Secretary of State</b>                         | Spring 2021  |

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|--------------------------------|---|
| <b>Independent examination</b> | Summer 2021   |
| <b>Inspector's report</b>      | Autumn 2021   |
| <b>Adoption (Council)</b>      | Winter 2021   |
| <b>Timetable for review</b>    | The document will be reviewed on an annual basis to determine whether or not any changes to the CIL timetable are necessary |

| <b>Authorities Monitoring Report (AMR)</b>                        |  |
|---|--|
| <b>Subject and Scope</b>  | This document will provides a high level analysis of how the Council's planning policies are performing against a range of indicators. |
| <b>Geographical Area</b>  | All of the Tendring District.  |
| <b>Chain of Conformity</b>  | The content of the document should correspond with policies in the Local Plan.   |
| <b>Timetable for production – same process followed each year</b> |  |
| <b>Preparation of document</b>                                    | January - March  |
| <b>Publication of the AMR</b>                                     | April - June   |
| <b>Timetable for review</b>                                       | The Authorities Monitoring Report is produced annually.  |

## 5 Evidence Base

**5.1** To comply with the relevant Planning Acts, Regulations and national policy contained within the NPPF, it is essential that the policies and proposals in Local Plans and the charging schedule in CIL are based on objective evidence. This can include surveys, technical studies and consultants' reports. The Council has already compiled and prepared a significant amount of evidence and the majority of this evidence will remain sufficiently relevant and robust to inform the new Local Plan and CIL going forward. There are, however, some areas where either additional evidence is needed or existing evidence needs updating. The following table identifies each element of the evidence base, its purpose, current relevance and any timetables for future work. This list will alter as policy requirements from the government changes.

### 5.2

| <b>Subject Area: Housing (NPPF paragraph 59)</b>  |   |   |
|---|---|---|
| <b>Evidence</b>                                   | <b>Purpose</b>  | <b>Relevance/Timescales</b>   |
| <b>Demographic and Household Projections</b>      | To inform the preparation of a Strategic Housing Market Assessment and inform decisions on the 'objectively assessed need for housing'. | Undertaken for all Essex Authorities through the Essex Planning Officers Association. Last projections were produced in September 2016. |
| <b>Strategic Housing Market Assessment (SHMA)</b> | To calculate the 'objectively assessed need' for housing and inform the approach to the size, type and tenure of housing                | This was undertaken in two parts: the objectively assessed housing needs study by Peter Brett Associates (November 2016) and            |

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|   | needed.   | the SHMA undertaken by HDH Planning and Development (December 2015).   |
| <b>Strategic Housing and Land Availability Assessment (SHLAA)</b> | To assess the suitability, availability and deliverability of potential housing sites and inform the allocation of land for housing.                                  | Undertaken by Council Officers. The Issues and Options consultation included a “call for sites”, these have been incorporated into the SHLAA. The SHLAA was last updated in April 2018.  |
| <b>Gypsy and Traveller Accommodation Assessment (GTAA)</b>        | To calculate the ‘objectively assessed need’ for sites and pitches for Travellers – as required by the government’s Planning Policy for Traveller Sites (March 2012). | Undertaken by consultants ORS for all Essex authorities and completed in May 2017. An update was completed in 2018.  |
| <b>Gypsy Sites Accommodation Study</b>                            | To inform decisions on allocating sites for Travellers to meet objectively assessed needs. This pre-dates the latest GTAA.  | Undertaken by consultants Mott MacDonald, completed in December 2010 and amended in February 2011. The new GTAA had suggested that additional sites will be needed and this study sets out a sound methodology for identifying sites that the Council can use without the need to commission an update to the study. |
| <b>Housing Sizes in the Urban Areas of the Tendring District</b>  | A survey of house sizes in different parts of the district to inform the Council’s policies in minimum space standards.   | Undertaken by Council Officers and completed in August 2013.   |
| <b>Jaywick Sands Place Plan</b>                                   | To establish a framework for development aimed at regenerating Jaywick Sands  | Work currently being undertaken by Council Offices and Hat Projects Limited with the emphasis on deliverability. Consultation will be undertaken in Spring/Summer 2019 with the Place Plan being completed by December 2019. Planning applications for small scale development may be submitted in 2019.             |

| <b>Subject Area: Business (NPPF paragraphs 160 to 161)</b> |  |   |
|--|--|---|
| <b>Evidence</b>  | <b>Purpose</b>   | <b>Relevance/Timescales</b>                             |
| <b>Economic Development Strategy</b>                       | To inform the overarching approach to economic development and job creation in the district.   | Currently being updated. Update                         |
| <b>Employment Land Review</b>                              | To inform the allocation and protection of land for business and industrial use in terms of amount and location.   | Currently being updated.                                |
| <b>Retail Study</b>  | To identify the need for additional retail units to meet residents’ demands for goods and services and thus inform the allocation and protection of town centres and | Undertaken by consultants WYG 2016. No need for review. |

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|--|---|---|
|  | potential development sites.  |   |
| <b>Hotel and Guesthouse Retention Study</b>      | To inform the policies on protecting hotels and guesthouses in the district and advise on how they might need to develop in the future to reflect changing trends and demands | Review scheduled for 2019.  |
| <b>Holiday Park Sector Review</b>                | To inform the allocation and protection of holiday parks in the district and advise on how they might need to develop in the future to reflect changing trends and demands.   | Review scheduled for 2019.  |
| <b>Walton-on-the-Naze Regeneration Framework</b> | To advise the Council on ways to regenerate the economy of Walton-on-the-Naze and inform relevant policies in the Local Plan.   | Undertaken by consultants BNP Paribas and completed in January 2010. No imminent need for review. |
| <b>Dovercourt Rediscovered</b>                   | To advise the Council on ways to regenerate the economy of Dovercourt Town Centre and inform relevant policies in the Local Plan.   | Currently being updated.  |

| <b>Subject Area: Infrastructure (NPPF paragraph 162)</b> |  |   |
|--|--|---|
| <b>Evidence</b>  | <b>Purpose</b>   | <b>Relevance/Timescales</b>   |
| <b>Infrastructure Study</b>                              | To assess the capacity of Tendring's infrastructure, including transport, health, education and utilities to inform decisions on where to locate future growth and provide the baseline evidence for use in seeking funding for improvements, including through Community Infrastructure Levy (CIL). | Currently under commission with Braintree, Chelmsford and Colchester local planning authorities.  |
| <b>Haven Gateway Watercycle Study</b>                    | To provide evidence to Haven Gateway authorities and utility companies about sewage treatment capacity to support plans for growth in the area.  | Stage 1 report completed May 2008 and Stage 2 report completed November 2009. These reports will inform the Infrastructure Study.<br>No imminent need for review. |

| <b>Subject Area: Minerals (NPPF paragraph 163)</b>  |
|---|
| Essex County Council is the planning authority for minerals and it prepares the evidence needed to inform the content of the Minerals Local Plan. Tendring District Council is a key consultee in the preparation of that plan. |

| <b>Subject Area: Defence, security, counter-terrorism &amp; resilience (NPPF paragraph 164)</b>  |
|--|
| There is no need for any specific evidence to be prepared, but the Council will consult relevant bodies to ensure that plans for development do not impact upon the operations of any defence or security installations. |

| <b>Subject Area: Environment (NPPF paragraphs 165 to 168)</b> |  |  |
|---|--|--|
| <b>Evidence</b>   | <b>Purpose</b>   | <b>Relevance/Timescales</b>  |
| <b>Flood Risk Assessment (SFRA)</b>                           | To identify areas at risk of flooding, measure the potential risks within different parts of the flood zone and inform the 'sequential approach' to locating development away from flood risk areas.   | Completed March 2009. Local Plan allocations will generally avoid sites in Flood Zones 2 and 3 and therefore there is no imminent need for review.   |
| <b>Essex and South Suffolk Shoreline Management Plan</b>      | To set out a strategy for protecting different sections of the Essex and South Suffolk coast from flooding and coastal erosion to be implemented by the Environment Agency, working with its partners. | Completed in 2012. Any review would be undertaken by the Environment Agency working with its partners. No imminent need for review.  |
| <b>Jaywick Strategic Flood Risk Study</b>                     | SFRA carried out specifically for Jaywick Sands in support of the Council's policies to promote regeneration in that area.   | Completed May 2008. SFRA specifically for Jaywick Sands updated in April 2015.   |
| <b>Harwich Strategic Flood Risk Assessment (SFRA)</b>         | SFRA carried out specifically for Harwich in support of the Council's policies to promote regeneration in that area.   | Level 1 report completed April 2008.<br>Level 2 report completed August 2008.<br>No imminent need for review.  |
| <b>Landscape Character Assessment</b>                         | To define the different characteristics of the district's landscape and help inform Planning decisions.  | Completed 2001.<br>Review within 15-20 years.<br>No imminent need for review.  |
| <b>Landscape Impact Assessment</b>                            | To test the potential landscape impact of development on a range of urban-edge greenfield sites and thus inform the allocation of sites for housing and other forms of development.                    | Stage 1 report completed April 2009.<br>Stage 2 report completed March 2010.<br>NPPF now attaches less weight to landscape impact issues and therefore no review is needed.  |
| <b>Local Wildlife Site Review</b>                             | To assess the wildlife value of all parts of the district and inform the identification of 'Local Wildlife Sites' (LoWS) deemed worthy of protection through the Local Plan.                           | Undertaken by Essex Ecological Services (EECOS) and completed in September 2009.<br>Specific survey of land off Crestwood Meadow, Alresford undertaken in 2013 in response to requests from residents.<br>Consider review. |
| <b>Habitat Regulation Assessment</b>                          | To assess the impact of proposals and policies in the Local Plan on habitats of international importance and advise the Council on how to avoid, minimise or mitigate any impacts.                     | Two reports were completed by consultants LUC in May 2017 for Shared Strategic Section 1 and in October 2018 for Publication Draft Section 2 of the Plan.  |

| <b>Subject Area: Historic Environment (NPPF paragraphs 169 to 170)</b> |  |  |
|--|--|--|
| <b>Evidence</b>  | <b>Purpose</b>   | <b>Relevance/Timescales</b>  |
| <b>Historic Environment Characterisation Project</b>                   | To define the different characteristics of the district's historic character and help inform decisions on local plan designations and planning applications. | Completed December 2008 by Essex County Council.<br>Review within 15-20 years.<br>No imminent need for review. |

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|---|---|---|
| <b>Geodiversity Characterisation Report</b> | To assess the geo-diversity of the Tendring District – i.e. the composition of minerals below the ground. | Completed May 2009 by Essex County Council.<br>Review within 15-20 years.<br>No imminent need for review.                   |
| <b>Conservation Area Appraisals</b>         | To help inform decisions relating to development in Conservation Areas and to review their boundaries.    | Undertaken as and when required.<br>Conservation Area Appraisal for Clacton currently under review by Essex County Council. |

| <b>Subject Area: Health and well-being (NPPF paragraph 171)</b> |   |  |
|---|---|--|
| <b>Evidence</b>   | <b>Purpose</b>  | <b>Relevance/Timescales</b>                              |
| <b>Open Space, Sport and Recreation Strategy</b>                | To establish quantitative and qualitative standards for open space, sport and recreation provision to inform policies in the Local Plan and the use of s106 or CIL money. | Reports were completed by consultants KKP in April 2017. |

| <b>Subject Area: Public safety from major accidents (NPPF paragraph 172)</b>  |
|---|
| There is no need for any specific evidence to be prepared, but the Council will consult relevant bodies, including the Highways Authority and Highways Agency, to ensure that plans for development do not create new or exacerbate existing accident black-spots, seeking, wherever possible, to address them. |

| <b>Subject Area: Ensuring viability and deliverability (NPPF paragraphs 173 to 177)</b> |   |                           |
|---|---|---------------------------|
| <b>Viability Testing</b>  | To assess the economic viability of Local Plan policies to ensure that development is viable and therefore realistically achievable. Also to inform decisions on setting CIL tariffs. | Currently being reviewed. |

## **Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment**

**5.3** As well as having to be based on robust but proportional technical evidence, Local Plans and some other planning documents must also be accompanied by a ‘Sustainability Appraisal’ incorporating a ‘Strategic Environmental Assessment’ and, where they are likely to affect sites of international importance for nature conservation, a ‘Habitats Regulation Assessment’.

**5.4** Sustainability Appraisal is a requirement under Section 19 of the Planning and Compulsory Purchase Act 2004 and must be undertaken for each stage of the plan-making process to ensure that the plan does everything it can to achieve sustainable development. Many of the requirements for sustainability appraisals happen to overlap with some of the requirements in the Environmental Assessment of Plans and Programmes Regulations 2004, which gives effect to European Directive 2001/42/EC on the ‘assessment of the effects of certain plans and programmes on the environment. It is a requirement of both UK and European Law to appraise the sustainability and environmental effects of proposals in the Local Plan and other planning documents. Therefore, at key stages of the plan making process i.e. draft plan consultation and submission stages, the Council will also publish a Sustainability Appraisal incorporating the Strategic Environmental Assessment.

**5.5** A Habitat Regulation Assessment, or ‘Appropriate Assessment’ as it is often called, is a requirement from the European Habitat Directive (92/43/EEC) and, for Tendring, will be necessary



to assess the impact of the Local Plan’s policies and proposals on three sites of international importance for nature conservation – Hamford Water, the Colne Estuary and the Stour Estuary.

## 6 Resources and Risk Assessment

**6.1** In undertaking major projects such as the preparation of a new Local Plan, DPD and CIL, it is important to understand the resources needed and the potential risks along with the impact they could have on the process of plan preparation, consultation and examination.

### Professional Officer Input

**6.2** The preparation of the emerging Local Plan and other planning documents will be led by the Council’s Planning Policy Team which consists of the a Planning Policy Manager, Planning Policy Team Leader, two Planning Officers and two Planning Technicians (one full time and one part time) . The Planning Policy Team will also draw on the knowledge, help and experience of other officers within the Council to ensure the Local Plan complies with, and helps to deliver, corporate objectives. Through the legal Duty to Cooperate, there will also be strong input from professional officers from partner organisations such as Essex County Council, the Environment Agency, Highways England and the NHS.

**6.3** The production of strategic elements of the Local Plan and site allocations that cross Local Planning Authority Boundaries will require officers and members input from the north Essex authorities.

### Financial Resources

**6.4** The Council has allocated a budget for the preparation of the Local Plan in recognition of how important this document is to the future of the district. The most significant costs are expected to be the commissioning and updating of technical studies and the cost of the examination. The latter will require the Council to pay fees to the Planning Inspectorate, employ a ‘Programme Officer’ to administrate the examination process and employ, where necessary, specialist planning consultants or lawyers to deal with issues of technical or legal complexity.

**6.5** Any strategic elements across authorities will be paid for jointly by the relevant authorities and from the Ministry of Housing, Communities & Local Government as appropriate.

### Risk Assessment

| Issue and level of Risk  | Comment and proposed mitigation measures  |
|--|---|
| <p>Significant public opposition to the new Local Plan</p> <p>High Risk /Medium Impact</p> | <p>The preparation of a new Local Plan proposing a significant increase in development in the district is likely to be contentious. Through the Statement of Community Involvement (SCI), the Council has set out a programme of consultation that focusses on the specific areas likely to be affected by new strategic development sites. Whilst the likelihood of a large number of objections is high, the impact on the process should be medium unless any of the objectors raise legitimate planning concerns that bring into question the</p> |



|  |   |
|--|---|
|  | Local Plan's conformity with the NPPF. If the proposals in the plan are based on robust evidence, it will be difficult for objectors to identify such issues.   |
| Loss/turnover of staff<br>Low Risk/High Impact         | The Council has mechanisms to enable new staff to be employed either on a permanent or temporary basis in order to fill any vacancies.<br><br>Additionally any strategic work with other authorities will enable shared resources and funding on mutually beneficial outputs.   |
| Financial shortfall<br>Low Risk/High Impact            | The Council has allocated a significant budget to the preparation of the Local Plan in recognition of how important this document will be to the future of the district. There is a risk that, due to general pressures to reduce budgets, the money available could be reduced or withdrawn, but the risk is low – particularly as proceeding with a revised Local Plan will open up opportunities to attract external funding, generate New Homes Bonus and secure Community Infrastructure Levy (CIL) as well as increasing Council revenue through the construction of new residential and commercial properties. |
| Changing political priorities<br>High Risk/High Impact | The setting up of a dedicated Local Plan Committee involving Councillors from all political groups should help to minimise the risk of the Local Plan being delayed for political reasons.  |
| Legal challenge<br>Medium Risk/High Impact             | There is a possibility of legal challenge to any Local Plan once a Council has reached a decision to adopt. By ensuring that all of the correct legal procedures are followed, including the duty to cooperate, the need for a Sustainability Appraisal, and the need to undertake consultation in line with the planning regulations, the Council will aim to minimise the grounds upon which a legal challenge could be based.  |

## 7 Decision Making

**7.1** The Local Plan is one of the Council's most important documents; it therefore requires endorsement by the majority of the Council's democratically elected Members. In March 2014, the Council agreed to set up a dedicated 'Local Plan Committee' made up of 15 elected Councillors to oversee the preparation of the new Local Plan and other planning documents. The table below sets out the different decision making powers at different levels of the organisation that relate to the Local Plan and other planning documents.

| Decision maker                                 | Type of decision  |
|--|---|
| Full Council<br><br>Comprising all TDC Members | Approving the content and submission of the Local Plan to the Secretary of State for examination by a government Planning Inspector.<br><br>Formally 'adopting' the Local Plan following confirmation, from the Planning Inspector, that the plan is legally compliant and sound. |

|   |  |
|---|--|
| <p>Local Plan Committee</p> <p>Comprising 15 TDC Members</p>              | <p>Approving the content of the Local Plan – Preferred Options Document for public consultation.</p> <p>Approving the content of the Local Plan – Proposed Submission Draft any ‘pre-submission focussed changes’ for consultation with the Cabinet and recommendation to Full Council.</p> <p>Approving the commissioning and publication of the evidence base relating to the Local Plan, including surveys, technical studies and consultants’ reports.</p> <p>Updating and approving the Infrastructure Delivery Plan and CIL Charging Schedule for public consultation, submission to the Secretary of State for examination by a government Planning Inspector and formal adoption.</p> <p>Approving ‘Supplementary Planning Documents’ (SPD) for public consultation and formal adoption.</p> |
| <p>Cabinet</p>  | <p>Commenting on the content of the Local Plan – Proposed Submission Draft, as recommended by the Local Plan Committee before a final recommendation is made to Full Council.</p>  |
| <p>Head of Planning in liaison with the Local Plan Committee Chairman</p> | <p>Delegation by the Local Plan Committee e.g. for changes to any planning documents aimed at improving consistency and correcting minor errors that do not in any way constitute a change in the thrust, meaning or interpretation of any policy or proposal and e.g. collaboration on evidence base for Local Plan preparation.</p>  |