Tendring
District Council

Local Development Scheme (LDS) 2023-2027

January 2023

Table of Contents

1 Introduction 3

2 Background 5

3 Documents to be Prepared 6

4 Programme for Preparing Local Plan Documents 8

5 Local Plan Evidence Base and Methodology 11

6 Resources and Risk Assessment 17

7 Decision Making 19

APPENDIX 1 - TCB GARDEN COMMUNITY 20

1 Introduction

1.1 A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (http://www.legislation.gov.uk/ukpga/2011/20/section/111/enacted) (as amended). This must specify (among other matters) the Development Plan Documents (i.e. Local Plans) which, once adopted, comprise part of the Development Plan for the area. Local Planning Authorities are encouraged to include details of other important documents that form (or will form) part of the Development Plan such as Neighbourhood Plans.

1.2 The Development Plan for an area comprises the combination of 'Strategic and Non-strategic Policies'. The NPPF requires that the Development Plan include strategic policies to address each Local Planning Authority's priorities for the development and use of land in its area.

1.3 Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period (in line with the presumption in favour of sustainable development). This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or nonstrategic policies).

1.4 These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:

a. joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
b. a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred (London).

1.5 Non-strategic policies should be used by Local Planning Authorities and communities to set out more detailed policies for specific areas, neighbourhoods, or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving, and enhancing the natural and historic environment and setting out other development management policies.

1.6 The *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1* is a joint strategic plan, which has now been adopted by Tendring District Council, Colchester City Council, and Braintree District Council (2021). The *Tendring District Local Plan 2013-2033 and Beyond: Section 2* contains Tendring specific policies – and together, these two sections make up the Local Plan for the Tendring District. If required, the Local Plan will be reviewed within a 5-year timeframe, depending on any changes to national planning policy or the national planning system. The Council is also working with Colchester City Council and Essex County Council to prepare a Tendring Colchester Border Garden Community Development Plan Document (TCBGC DPD) for the Tendring Colchester Border Garden Community.

1.7 Local Planning Authorities must publicise and keep up to date their timetable for producing and updating their Local Plan. This information is contained within a Local Development Scheme. Local Development Schemes must also be produced in compliance with any data standard published by the Department for Levelling Up, Housings and Communities (DLUHC). A Local Development Scheme is expected to be reviewed and updated regularly to reflect if there are any significant changes in the timescales or the plans being prepared.

1.8 The Local Development Scheme (LDS) for Tendring sets out the Council's process and timetable for producing Planning documents. It sets out the anticipated timetable for consultation periods, examination (where applicable) and adoption of the various documents. Publication of 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 indicative timetable the Council is working to, as this information can help them to organise their time and resources accordingly.

1.9 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'. 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.

2 Background

Progress to Date and Future Programme Stages

Shared Section 1 Local Plan Progress to Date

2.1 In accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* was adopted by decision at the meeting of Full Council on Tuesday, 26 January 2021.

Section 2 Local Plan Progress to Date

2.2 *Tendring District Local Plan 2013-2033 and Beyond: Section 2* was unanimously agreed by Full Council for formal adoption on Tuesday, 25th January 2022.

TCB DPD Progress to Date

2.3 Following the resolution of the Tendring Colchester Borders Garden Community Joint Committee at its inaugural meeting on Monday, 21st February 2022, public consultation took place on the Draft Plan for the Garden Community in line with Regulation 18 of the statutory plan-making process. The consultation period lasted six weeks from 14th March to 25th April 2022.

Monitoring and Review

2.4 The Council will implement the Local Plan and monitor its effectiveness. If required, the Local Plan will be reviewed within a 5 year time frame, depending on any changes to national planning policy or the national planning system.

3 Documents to be Prepared

3.1 For the period 2023 to 2027, the following planning documents will be prepared or initiated:

Review of the Tendring District Council Local Plan

3.2 The Local Plan is 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.

3.3 The NPPF (2021) states that 'Policies in Local Plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years and should then be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of a plan and should consider changing circumstances affecting the area, or any relevant changes in national policy.' As such, a review of the Local Plan will need to be undertaken within the next few years and may involve updating a targeted set of policies following the same procedural process as the production of the Local Plan.

3.4 The Council is aware that the government is looking to introduce some changes to the national planning system, which may or may not impact the timescales, format and procedures that a new Local Plan might need to follow.

Tendring Colchester Border Garden Community DPD

3.5 The TCBGC DPD will follow the same process for preparation as a Local Plan. However, this document contains only non-strategic policies and builds on the strategic policies in the Shared Section 1 Local Plan. The DPD is meant to provide significantly more implementation detail to Section 1 policies to further assist in facilitating the planning application process for the Garden Community.

3.6 Section 1 of the Publication Draft of the Local Plan, Policy SP8, states that no planning consent for development forming part of the Garden Community will be granted until the TCB DPD has been adopted and that the 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 and masterplan 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. It will also include 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 is being produced alongside the master planning process and 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.

3.7 Appendix 1 shows the supporting studies and evidence base documents prepared and made available alongside the consultation 'Draft Plan' in 2022.

CIL Charging Schedule

3.8 The proposals for development in the new Local Plan will need to be supported by investment in the necessary infrastructure. An Infrastructure Delivery Plan has already been prepared alongside the new Local Plan and another is being prepared for the Garden Community DPD. Infrastructure Delivery Plans identify each piece of infrastructure that is needed and set out the mechanism for delivering these items.

3.9 One source of funding infrastructure could be the Community Infrastructure Levy (CIL), which requires the adoption of a 'Charging Schedule' setting out how much money developers will be expected to contribute toward infrastructure provision from developments in using a formula based on £ per sqm of floorspace.

3.10 CIL is optional and not currently utilised by the Council in favour of bespoke Section 106 Agreements with developers. CIL could however be an alternative option, which the Council may consider. As such, it is included in the LDS programme with indicative timescales.

Tendring Neighbourhood Plans

3.11 The Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum (Town and Country Planning Act 1990 (as amended).

3.12 For further information on Neighbourhood Planning and process refer to the online guidance at https://www.gov.uk/guidance/neighbourhood-planning--2.

Authority Monitoring Report (AMR)

3.13 The Authority 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 indicators contained within the Local Plan.

4 Programme for Preparing Local Plan Documents

Review of the Tendring District Local Plan	
Subject and scope	This document updates the Council's Local Plan to cover an extended period beyond 2033, enabling the strategy for growth, planning policies and site allocations to be reviewed as necessary.
Geographical area	All of the Tendring District. The strategic policies for Tendring Colchester Garden Community are contained in the Shared Section 1 Plan and have been prepared in collaboration with Colchester and Essex Councils. These policies will be supported by a separate DPD, which will inform the planning applications process.
Chain of conformity	The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF)
Indicative timetable for Future Review of Local Plan	
Issues and Options Consultation	Autumn 2023
Consultation on draft Local Plan	Summer 2024
Publication of Submission draft Local Plan	Spring 2025
Submission	Autumn 2025
Examination and main modifications	Spring/Summer 2026
Adoption	Winter 2026

Tendring Colchester Garden Community Development Plan Document (DPD)	
Subject and scope	This document will contain more detailed non-strategic policies to guide development within the new Garden Community proposed at the Tendring/Colchester border. This DPD will be produced jointly with Colchester City Council and Essex County Council.
Geographical area	The Strategic Policies and broad location for the Garden Community is identified in the Section 1 Local Plan. The precise boundaries will be designated in the TCB DPD.
Chain of conformity	Tendring and Colchester Local Plans The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF).
Indicative Timetable for TCB DPD Production	
Studies & Document Preparation	Winter 2020/21 – Winter 2021/22 (Completed)
Member approval of draft DPD	Spring 2022 (Completed)
Draft DPD Reg 18 Consultation	Spring 2022 (Completed)
Reg 19 Document Preparation	Summer 2022 - Winter 2022/23 (In Progress)
Member approval of submission Draft DPD	Spring 2023
Submission DPD Reg 19 Consultation	Summer 2023

Submission of Reg 19 DPD and Summary of Comments Received to Secretary of State	Summer 2023
Examination in Public (EiP)	Autumn 2023
Inspector's Report / Consultation on Modifications	Winter 2023
Adoption (Full Council)	Winter 2023
Timetable for review	This will be reviewed and updated as necessary.

Infrastructure Delivery Plan and CIL Charging Schedule (Optional)	
Subject and Scope	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.
Geographical Area	All the Tendring District. Some areas of Tendring may be established as CIL exempt
Chain of Conformity	Relevant Planning Acts and CIL Regulations Emerging Local Plan National Planning Policy Framework (NPPF)
Indicative timetable for production	
Preparation of document	Spring 2023
Member approval for initial consultation	Summer 2023
Publication of document for consultation	Autumn 2023
Member approval for final consultation and submit the document for examination	Winter 2023
Submit documents and information to Secretary of State	Spring 2024
Independent examination	Summer 2024
Inspector's report	Autumn 2024
Adoption (Council)	Winter 2024
Timetable for review	The document will be reviewed regularly to determine whether or not any changes to the CIL timetable are necessary

Authorities Monitoring Report (AMR)	
Subject and Scope	This document will provide a high-level analysis of how the Council's planning policies are performing against a range of indicators.
Geographical Area	All the Tendring District.
Chain of Conformity	The content of the document should correspond with policies in the Local Plan.
Timetable for production – same process followed each year	
Preparation of document	Annually
Publication of the AMR	Summer following the end of each financial year.
Timetable for review	The Authority Monitoring Report is produced annually.

Timetable for Emerging Neighbourhood Plans		
Elmstead Market Neighbourhood Plan and NDO	To guide new development in the Parish of Elmstead Market and to create a Development Order for the old village hall site.	Reg 16 Plan and NDO due to be submitted early 2023 with consultation to run shortly after, examination and referendum later in the year.
Ardleigh Neighbourhood Plan	To guide new development in Ardleigh Parish	Reg 16 Plan submitted 2022. Consultation, examination and referendum expected 2023.
Brightlingsea Neighbourhood Plan	To guide new development in the Brightlingsea Parish area	Regulation 14 Consultation expected mid-2023.

Supplementary Planning Documents (SPD)		
Evidence	**Purpose**	**Relevance/Timescales**
Hartley Gardens SPD	To produce a comprehensive Development Framework and delivery strategy for the development of 1,700 homes and associated development north of Clacton.	Potential adoption late 2023.
Jaywick Sands Design SPD	To provide design guide for replacement and new dwellings within the existing built-up area of Jaywick Sands.	Potential adoption Spring 2023
Open Space SPD	To provide guidance for the provision, adoption and future maintenance of outdoor recreational facilities directly needed as result of new development.	Potential adoption Spring 2023
Climate Change SPD	To provide more detailed guidance on Local Plan policies to ensure new development is sustainable, makes efficient use of natural resources, mitigates against the effects of climate change and is designed to reduce their carbon emissions and incorporate sustainable energy systems.	Potential adoption Autumn 2023

5 Local Plan Evidence Base and Methodology

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, with updates undertaken where relevant to inform the Local Plan Examination. Further updates will be required to several areas to inform the review of the Local Plan.

Subject Area: Housing		
Evidence	**Purpose**	**Relevance/Timescales**
Demographic and Household Projections	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. Review may be required ahead of the next Local Plan review depending on government changes to the planning system.
Strategic Housing Market Assessment (SHMA)/ Local Housing Needs Assessment	To calculate the 'objectively assessed need' for housing and inform the approach to the size, type and tenure of housing needed.	This was undertaken in two parts: the objectively assessed housing needs study by Peter Brett Associates (November 2016) and the SHMA undertaken by HDH Planning and Development (December 2015). A further update alongside the review of the Local Plan will be required.
Strategic Housing and Land Availability Assessment (SHLAA)	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 is updated annually in line with the financial year, and the last update was published in October 2022.
Gypsy and Traveller Accommodation Assessment (GTAA)	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. A further review has been commissioned through the Essex Planning Officers Association, and work is currently under way.

Housing Sizes in the Urban Areas of the Tendring District	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. Could be reviewed ahead of next Local Plan review.
Jaywick Sands Place Plan	To establish a framework for development aimed at regenerating Jaywick Sands	Work currently being undertaken by Council Officers and HAT Projects Limited with the emphasis on deliverability. Consultation was undertaken in 2022, with completion of the Place Plan anticipated in 2023.

Subject Area: Business		
Evidence	**Purpose**	**Relevance/Timescales**
Economic Development Strategy	To inform the overarching approach to economic development and job creation in the district.	Updated and approved by Cabinet July 2020.
Employment Land Review	To inform the allocation and protection of land for business and industrial use in terms of amount and location.	Completed 2019.
Retail & Town Centre Study	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 potential development sites.	Reviewed and updated in 2020 by Lambert Smith Hampton.
Hotel and Guesthouse Retention Study	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	A further update alongside the review of the Local Plan may be required.
Holiday Park Sector Review	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.	The study was completed by Frontline Consultants in 2020.
Walton-on-the-Naze Regeneration Framework	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.
Dovercourt Rediscovered	To advise the Council on ways to regenerate the economy of Dovercourt Town	Reviewed and updated in 2019.

	Centre and inform relevant policies in the Local Plan.	

Subject Area: Infrastructure		
Evidence	**Purpose**	**Relevance/Timescales**
Infrastructure Study	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).	Reviewed and updated 2021.
Haven Gateway Watercycle Study	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.

Subject Area: Minerals
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.

Subject Area: Defence, security, counter-terrorism & resilience
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.

Subject Area: Environment		
Evidence	**Purpose**	**Relevance/Timescales**
Flood Risk Assessment (SFRA)	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. Review required ahead of next Local Plan review.
Essex and South Suffolk Shoreline Management Plan	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. Review already being undertaken by the Environment Agency working with its partners.

Jaywick Strategic Flood Risk Study	SFRA carried out specifically for Jaywick Sands in support of the Council's policies to promote regeneration in that area.	Completed May 2008. The SFRA specifically for Jaywick Sands was updated in April 2015.
Harwich Strategic Flood Risk Assessment (SFRA)	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. Level 2 report completed August 2008.
Landscape Character Assessment	To define the different characteristics of the district's landscape and help inform Planning decisions.	Completed 2001. Review within 15-20 years. Consider review.
Landscape Impact Assessment	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. Stage 2 report completed March 2010. NPPF now attaches less weight to landscape impact issues and therefore no review is needed.
Strategic Green Gap Study	To review the Green Gap designations within the Local Plan.	Completed by LUC in 2020. May require review ahead of next Local Plan review.
Local Wildlife Site Review	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. Specific survey of land off Crestwood Meadow, Alresford undertaken in 2013 in response to requests from residents. Consider review ahead of new Local Plan review.
Habitat Regulation Assessment	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. An update considering the Main Modifications of Section 2 of the Local Plan was published in June 2021.

Subject Area: Historic Environment		
Evidence	**Purpose**	**Relevance/Timescales**

Historic Environment Characterisation Project	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. Review within 15-20 years.
Heritage Impact Assessment	To assess in a structured process that the significance of historic assets are taken into account when developing and designing proposals for change.	HIA for TCBGC completed in 2022.
Geodiversity Characterisation Report	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. Review within 15-20 years.
Conservation Area Appraisals	To help inform decisions relating to development in Conservation Areas and to review their boundaries.	Undertaken as and when required. Conservation Area Appraisals for all areas in the process of being reviewed by Essex Place Services.

Subject Area: Health and well-being		
Evidence	**Purpose**	**Relevance/Timescales**
Open Space, Sport and Recreation Strategy	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. Full review required ahead on next Local Plan and could inform Garden Community DPD. Work underway.

Subject Area: Public safety from major accidents
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.

Subject Area: Ensuring viability and deliverability		
Viability Testing	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.	Reviewed and updated in 2019. Will need updating when Local Plan is reviewed.

Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment

5.2 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'.

5.3 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. 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).

5.4 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 any updated policies in the Local Plan.

6 Resources and Risk Assessment

6.1 In undertaking major projects such as the preparation of a Local Plan review, DPD or CIL Charging Schedule 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 and review of the Local Plan and other planning documents will be led by the Council's Planning Policy Team. This team will work with and draw upon the knowledge, help and experience of other officers in the Council to ensure Planning Policy documents comply with and help to deliver corporate objectives. Through the legal Duty to Cooperate, there will also be strong input from officers from partner organisations such as Essex County Council, the Environment Agency, Highways England and the NHS. On the Tendring Colchester Borders Garden Community in particular, the Council will be working jointly with Colchester City Council and Essex County Council in a partnership approach.

Financial Resources

6.3 The Council has allocated a budget for the review of the Local Plan, the production of SPD's and the Tendring Colchester Borders DPD in recognition of how important these documents are to the future of the district. The most significant costs are expected to be the commissioning and updating of technical studies in relation to the above projects and the cost of the Examinations in Public. The latter requires the Council to pay fees to the Planning Inspectorate, employ a 'Programme Officer' to administrate the examination process and employ, a number of specialist Planning consultants and/or lawyers to deal with the more specialised areas and issues of technical or legal complexity.

6.4 Any shared strategic elements across authorities will be paid for jointly by the relevant authorities.

Risk Assessment

Issue and level of Risk	Comment and proposed mitigation measures
Significant public opposition to the new Planning documents High Risk /Medium Impact	The preparation of the Tendring Colchester Garden Community DPD and the review of the Local Plan will be of considerable public interest. Through the Statement of Community Involvement (SCI), the Council has set out a programme of consultation and the Garden Community project is the subject of its own engagement strategy. This approach should mitigate the amount of misinformation and reduce objections to substantive issues. Proposals will also be based on a sound evidence base so that decisions can be justified in the examination of the plans.

Loss/turnover of staff 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. Additionally any strategic work with other authorities will enable shared resources and funding on mutually beneficial outputs.
Financial shortfall Low Risk/High Impact	The Council has allocated a budget to the preparation and review of planning documents in recognition of how important both the Local Plan, the Garden Community DPD and supplementary planning documents will be to the future of the district. There is a risk that, due to general pressures on public finances, the funds available could be reduced or withdrawn, but the Council's commitment and its corporate objectives around the Local Plan and the Garden Community should ensure that the programme is properly resourced. Maintaining an up-to-date planning framework enables opportunities to attract external funding, generate economic growth and increase the revenue base of the district.
Changing political priorities High Risk/High Impact	The setting up of the Local Plan Committee (now the Planning Policy and Local Plan Committee) to oversee the preparation of the Local Plan and other relevant documents, with Councillors from all political groups, has enabled the plan to proceed smoothly to the advanced stages of the process. A spate joint committee, with members from all three partner councils, has been established to offer similar stability to the process of preparing the Garden Community DPD.
Legal challenge Medium Risk/High Impact	There is a possibility of legal challenge to any planning document 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. In 2019 the committee was replaced by the Planning Policy and Local Plan Committee. 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 Comprising all TDC Members	Approving the content and submission of the Local Plan, DPDs, and CIL Charging Schedule to the Secretary of State for examination by a government Planning Inspector. Formally 'adopting' the Local Plan, DPDs, and CIL Charging Schedule following confirmation, from the Planning Inspector, that they are legally compliant and sound.
Planning Policy and Local Plan Committee	Considering and approving the content of the Local Plan, DPDs, and CIL Charging Schedule at different stages as they emerge through the process including making recommendations to Full Council.
Cabinet	Commenting on the content of the Local Plan before recommendations are made to Full Council. Approving 'Supplementary Planning Documents' (SPD) and Neighbourhood Plans for public consultation and formal adoption.
Director of Planning in liaison with the Chairman of the Planning Policy and Local Plan Committee	Delegation by the Planning Policy and Local Plan Committee, as and when required, 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.

APPENDIX 1 - TCB GARDEN COMMUNITY

Engagement Reports

1. Council Led Engagement Report December 2021 (1.37 MB) (pdf) - February – October 2021 - A report which looks at the feedback received via the various digital and non-digital engagement activities led by the Councils.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23399

2. Agency Led Engagement Report December 2021 (2.83 MB) (pdf) - A report produced by consultants relating to engagement activity that inputted to evolving the vision and spatial land use options.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23398

Tendring Colchester Borders Garden Community Masterplan

1. Baseline Report September 2021 - A 'Baseline Report' which provides an analysis of key issues, opportunities and constraints influencing the site.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23930

2. Strategic Vision January 2022 - A 'Strategic Vision' which sets out a vision and a set of strategic development principles and objectives.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23931

3. Masterplan Design Options January 2022 - A report on 'Spatial Options' which considers and develops a set of potential masterplan options for the Garden Community.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23932

Transport and Movement Framework

1. Part I: Baseline and Analysis - February 2022

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23933

2. Part II: Vision and Principles - February 2022

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23934

Economic and Employment Study (Draft Report) - 16 FEBRUARY 2022

1. An assessment of the potential economic growth and job creation that could be achieved through the Garden Community and the opportunities to maximise the opportunities for local people and the wider region.

2. The study includes an analysis and options for the location, format and potential end-users of employment uses envisaged as part of the development.

https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/24214

Heritage Impact Assessment – February 2022

1. This assesses the existence and significance of heritage assets and considers the impact of the development on the historic environment.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23935

Preliminary Archaeological Assessment

1. A preliminary assessment of the archaeological potential of land within Colchester pertinent to this scheme. Also included is advice on the likely level of archaeological information that will be required to support a Cultural Heritage chapter for the Environmental Impact Assessment.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23936

Sustainability Appraisal - February 2022

1. LUC - A Sustainability Appraisal (incorporating Strategic Environmental Assessment) has been prepared to consider the likely effects of the Draft Plan and reasonable alternatives.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23937

Habitats Regulations Assessment (HRA) Screening Report - February 2022

1. Place Services - Prepared to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The assessment considers whether a plan or project will lead to adverse effects on the integrity of European/habitats sites. The work will include a wintering bird survey which at the present time is ongoing and therefore not as yet fully completed.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/24367

Environmental Audit Survey

1. Environmental Audit (ecology & nature) - November 2021

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/24028

2. Environmental Audit (main report) - February 2022

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/24029

3. Environmental Audit (figures) – 21 October 2021

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/24030

   This work provides a review of the existing landscape and ecology within the broad location of the Garden Community. A similar piece of work was carried out in 2015 and this latest study is an update to capture any relevant changes.

Note that further work is to be undertaken in relation to 'biodiversity net gain' and will be published in due course.

Low/Zero Carbon & Smart Energy Appraisal - January 2022

1. A study that considers how best to incorporate Low/Zero Carbon technologies as part of the approach to the site in a way that could maximise efficiency and reduce carbon.

   https://talk.tcbgardencommunity.co.uk/12145/widgets/41917/documents/23938

Relevant Background Studies

Relevant background reports and indicative concept plans for the TCBGC can be found on the Colchester and Tendring web sites:

Adopted TDC and CBC Shared Section 1

Previous Evidence base and related papers (considering matters pertinent to viability) as considered by the Shared Section 1 Examination in Public

Current policies as set out in the TCBGC Draft Plan (Reg 18)

Emerging TCB Studies

STUDY	**Expected Dated**
Strategic Framework/Masterplan	February 2023
Environmental Audit and BNG Study	February 2023
Transport Study (Modal Shift & Infrastructure)	In Progress
Integrated Water Management Strategy Stage 2	In Progress
Sports and Recreation Study	In Progress
Crockleford Heath Area of Special Character Assessment	In Progress
University Growth Forecast Assessment	In Progress
Economic Study Update	In Progress
Housing/Demographics Update	In Progress
Health Impact Topic Paper	March 2023
Infrastructure Delivery Plan (& Phasing)	March 2023
Viability Assessment	March 2023
Sustainability Appraisal	March 2023
Habitats Regulation Assessment	March 2023