Technical Stakeholders Representations
Dear Mr Guiver,

At our recent meeting of the Hamford Water Management Committee, we discussed problems with erosion at the Naze to Stone Point - at the entrance to Hamford Water.

It was proposed that I should write to Tendring District Council to request that the existing groynes at the Naze be maintained and ask about the feasibility of installing new groynes - that would arrest the movement of sand and sediments moving northwest, from the northeast corner of the Naze to Hamford Water. This we are certain would assist with reducing erosion to the beach and saltmarsh.

One of our members suggested that the correct approach was through the TDC local plan consultation document, under the paragraph, Issue no.4 The Environment.

We look forward to hearing from you.

Yours Sincerely,

Julian Novorol
Chairman, Hamford Water Management Committee
16 September 2015

Dear Ms Long,

Re: Tendring Local Plan Issues and Options

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. Our Marine Planning team have reviewed the consultation document and wish to submit the following comments:

As the marine planning authority for England, the Marine Management Organisation (MMO) is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. Marine plans extend seaward to the limit of the Renewable Energy Zone or the maritime border with adjacent countries.

The Marine Policy Statement will guide the development of marine plans across the UK (http://www.defra.gov.uk/news/2011/03/18/marine-policy-statement/). Marine plans are being developed on a rolling programme, with the first plans (East Inshore and East Offshore) were adopted on 02/04/14 and the South Inshore and Offshore plans currently in development. Work has not yet commenced on the South East Plans but will do so in the near future, with Tendring District Council falling into this plan area.

Until such time a marine plan is in place for the South East Plan Areas we advise you to refer to the Marine Policy Statement (MPS) for guidance on any planning/management activity that includes the marine environment. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the UK Marine Policy Statement unless relevant considerations indicate otherwise. Statutory agencies are also expected to provide any advice in accordance with the relevant marine plan or MPS.

Marine planning will complement and support existing measures including site-specific objectives and management plans. For reference, the East marine plans provide an example of how marine plans may relate to the South East Plan Areas (East Inshore and Offshore Marine Plans), however these relationships will continue to develop as the marine planning process and associated evidence matures.
With reference to your local plan issues and options document, it is pleasing to see reference to offshore renewable energy being a key area of growth potential for the economics in the Tendring District; that open space and views of the coast are seen as important for people's health; and that the environment can help with flood mitigation at the coast and in estuaries. These are all themes that could be incorporated into a marine plan and that are covered by the MPS.

The Marine Information System (MIS) is an interactive tool displaying marine policy documents in an online accessible format (http://mis.marinemanagement.org.uk/). MIS has an interactive map that allows users to layer marine policy data and is aimed at interested parties seeking to understand marine plans, particularly in the context of proposals. The tool provides support to public authorities in their assessment of marine plans in decision making. MIS should not be used in isolation but alongside existing legislation and information when developing proposals that impact on our seas.

Please note that if you are an authority developing a plan, you may find the Planning Advisory Service Soundness Checklist useful (http://www.pas.gov.uk/web/pas1/local-planning/-/journal_content/56/332612/15045/). Pages 24-31 provide information on the integration of marine and terrestrial planning. You may also wish to refer to the MMO's guide for Local Authority planners that explains what local council planners need to know about marine planning (https://www.gov.uk/government/publications/marine-planning-a-guide-for-local-authority-planners).

We would be happy to discuss any issues or concern in detail if you would like an introductory meeting to marine planning at your offices.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.gov.uk/mmo

Yours sincerely,

Adam Kennedy
Assurance Officer

Email: consultations@marinemanagement.org.uk
Consultation of Tendring Local Plan Issues and Options Consultation

Thank you for the opportunity to consider the Tendring District Council Local Plan Issues and Options document.

All authorities need to demonstrate that their plans have 'a clear understanding of housing needs in their area' (para 159, National Planning Policy Framework). To comply with this requirement, Braintree, Chelmsford, Colchester, and Tendring Councils commissioned consultants to prepare a study on Objectively Assessed Housing Need (OAHN) to establish housing need within their shared housing market area.

This report is considered to provide the authorities with a robust factual basis for setting housing targets, and it is a concern for the three authorities outside Tendring that Tendring is not demonstrating equivalent confidence in its results. It is appreciated that the OAHN study’s recommendations for Tendring were not as clear cut as they were for the other three authorities due to statistical discrepancies that arose for Tendring between the 2001 and 2011 Census, but the report did provide Tendring with a clear way to establish its housing target to deal with this issue using market signal and economic evidence. The other councils covered in the study are concerned that Tendring must use the evidence based approach suggest by the consultants, rather than to rely on the lowest housing figure mentioned in the report simply because it is lower than the other choices.

The Issues and Options document states that 'the Objectively Assessed Housing Needs Study (2015) suggests that, to meet projected population growth, our district will need approximately 600 new homes each year over the period of the Local Plan.' (para 4.2, p. 10). However, the document doesn't appear to mention that the OAHN report also puts forward a higher option for Tendring of 705 houses which assumes higher levels of economic growth. The OAHN report notes that if the lower figure is used, the figures for
the other three authorities would be adjusted upward to meet the demand for housing for workers. Braintree, Chelmsford and Colchester are all on record indicating their willingness to do so, but they do not have any evidential basis for accepting an even lower figure than 597. We understand that Tendring’s Local Plan Committee has now rejected both the 597 and 705 figures and suggested that the Council should rely on a figure found elsewhere in the report of 479 houses a year. This figure relates back to the options for dealing with the statistical population discrepancies noted for Tendring and does not reflect the necessary adjustments for future employment, past provision, and market signals. It is accordingly difficult to see how this provides a robust basis for Tendring’s housing target.

Braintree and Tendring are both members of the Haven Gateway Partnership and both have the A120 strategic road link running through their Districts. Paragraph 9.12 of the Issues and Options document briefly mentions improvements to a number of roads, including the A120. Braintree District Council would suggest that the opportunity for improvements along the route of the A120, which would be of benefit to all those along the route, should be featured more prominently within the Plan as those improvements to this strategic route have the potential to bring real opportunities for growth and development within this corridor. We would welcome Tendring’s continued support on this issue.

Braintree District Council trusts that the issues raised above can be resolved positively to ensure the councils successfully address the duty to cooperate and the challenges of planning ahead for the sustainable development of the area.

Yours Sincerely

Emma Goodings
Planning Policy and Land Charges Manager
Braintree District Council
Dear Mr Guiver

RE: Representations on behalf of Essex Police in respect of the Tendring District Council Community Infrastructure Levy - Community Infrastructure needs

On behalf of Essex Police we refer to the above matter and make submissions on behalf in respect of infrastructure funding under CIL. I am instructed to make an initial response and to advise that Essex Police would be grateful for the opportunity to meet with you in order to fully understand the direction of policy and the likely future allocations in order that detailed assessments of the infrastructure requirements for Essex Police can be set out and included as part of the CIL process.

As you are aware, Essex Police is responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime in Essex through a number of methodologies including the detection of offenders. The primary roles of the police service are: Protection of life and property; prevention and detection of crime; and, maintenance of 'The Queens Peace' ('The Peace'). However, the delivery of growth and planned new development in the Tendring District Council area would impose additional pressure on the Essex Police existing infrastructure bases, which are critical to the delivery of effective policing and securing safe and sustainable communities.
In the context of the prevailing planning policies and on the basis that the development proposals would impact on the ability of the Police to deliver an effective and efficient service, it is reasonable, having regard to the tests in CIL Regulation 122 that developers contribute towards mitigating these impacts via the Community Infrastructure Levy.

It is apparent from the last set of census data that between 2001 and 2011 Tendring experienced a decrease in the population of approaching 500 persons (0.4% decrease).

We have not as yet accessed projections for the next 10 year period but, notwithstanding the above, work on the assumption that the population is expected to increase. Experience of working in Essex shows that significant population increase is expected between 2013 and 2026. In simple terms it can therefore be expected that there will be very significant additional demands placed on Essex Police over the next 10 years, with growth in the 10 years following expected to remain on the same trajectory.

Essex Police will need to assess in detail the proposed developments within the Council’s area for the plan period and is concerned that developments and population growth associated with them would increase demands on policing resulting in a need for additional police infrastructure. Accordingly, Essex Police advises, as it is not funded for such growth from other sources, that CIL contributions will be needed to mitigate the aforesaid impact if the current low crime rates are to be maintained.

Essex Police would hope to be able to agree an expected population growth figure with the Council in order to inform the detailed calculations.

**COMPLIANCE WITH CIL REGULATION 122**

Having regard to Regulation 122 of the CIL Regulations (as amended in 2011) the following paragraphs set out how the required policing contributions are necessary to mitigate the impact of the development on the police service and fully accord with the criteria set out in both the Circular and the CIL Regulation:
THE ISSUE OF OTHER FUNDING SOURCES

There is no existing funding source for the police service to support this required growth in infrastructure from central or local taxation. The police service does not receive sufficient Central Capital funding for new growth related development. The funding allocated to the Police and Crime Commission via Home Office grants, Council Tax Precept and other specific limited grants is generally insufficient to fund requests for capital expenditure whilst there is a time lag associated with the Police receiving operational funding.

Therefore without the receipt of proportionate contributions from new developments towards addressing the greater demands from policing generated by the proposed developments, staff would need to be redeployed from another area of the Division or County (thereby reducing the level of policing elsewhere). Furthermore vehicles would have to be removed from the already depleted Police Fleet elsewhere in the County.

Secondly, Officer Safety would be put at risk as they would have limited communication equipment as Essex Police would not be funded for such new equipment (radios, etc.) and policing resources would be more thinly deployed. This may also impair responses to incident reports.

Therefore, without CIL contributions towards police infrastructure it is likely that policing will be adversely impacted upon and the creation of safe communities jeopardised. This would be directly at odds with the key planning objective to provide safe, sustainable communities.

Notwithstanding recent cuts in Essex Police resources and staffing, the existing Essex Police estate is insufficient to accommodate the new staff and resources required for the simple reason that the existing facilities will not necessarily be in the locations where new development is to be provided. In addition and as a separate matter there is no funding currently for the additional staffing and resource needs that arises.

All planned developments within the Tendring District Council area will need to be assessed to quantify the necessary growth in staff numbers required (including detainee accommodation) to ensure compliance with the Police and Criminal Evidence Act with regards to the detention and treatment of detainees. The total contribution required for such a provision, which would be pro rata to each proposed development will also need to be calculated. For clarity ‘staff accommodation’ includes such matters as additional: office accommodation; briefing facilities; Rest Room/Restaurant facilities; Locker Room facilities; etc. necessary to support the increase level of staffing required.
Support Services
Directorate

Funding for these staff for three years is required. The total contribution required will be calculated on a pro-rata basis in accordance with the Formula approved by the National Police Chief’s Council. This will need to include a one off set up costs for such staff.

Essex Police will therefore need to seek funding for the required growth in staffing, accommodation (staff and Custody provision) and staff ‘start up’ costs which cover such items as:

- Uniform and Protective Equipment (personal issue);
- Patrol Vehicles;
- Recruitment costs;
- Probationer Constable and staff induction training;
- IT equipment (including personal issue mobile communication systems); 
- Furniture;

If there are situations where there are specific locations where a large scale of development is proposed, it is also highly likely that new facilities will be required to provide new offices or bases from which police staff can operate. These will need to be assessed on a case by case basis, or requirements built into policies and Development Briefs.

Would very much appreciate being provided with an opportunity to meet with you to discuss the likely growth in population within your administrative area as well as the likely locations and scale of developments providing for such growth.

Essex Police will then be in a position to make fully detailed submissions, with evidence in accordance with the Infrastructure provisions formula as approved by NPCC.

I look forward to hearing from you.

Yours sincerely

James Greenway MRICS
Head of Estate Services
Dear Cllr. Neil Stock

Community Infrastructure Levy – Police

I am writing to you regarding the Community Infrastructure Levy and its relevance to policing. I am conscious that you are currently producing a CIL strategy for your area. I recognise that there will be a number of demands on CIL proceeds but am seeking your support in recognising that Essex Police has a legitimate claim and a real need to access a share of CIL proceeds.

In my public meetings and wider engagement with communities, the people of Essex tell me that the protection of local policing is vital. I know you will share that view. CIL and the reality of new housing growth across Essex, Southend and Thurrock affords some opportunity to enable Essex Police to respond to the growing demands of an expanding population and new demographics.

However the opposite is also true. If Essex Police is not able to access and share in CIL proceeds, a course could be set whereby new housing growth adds to policing demand in a time of increasing austerity. This will mean greater pressure on front line policing which would impact on local policing resources. Essex Police is required to make recurring budget savings of £12.2m for 2015/16 and additional savings of at least a further £43m by 2019/20. It is inevitable that these savings will have a deep impact on local policing, as this accounts for about a third of all Essex policing services. The council tax for policing in Essex is the second lowest of all English shire forces, which coupled with on-going cuts to the national policing budget, has resulted in a very challenging fiscal environment.
In tackling these challenges, it is essential that we work together in partnership. Ensuring a joint focus on CIL developments is one way that we can do this.

I attach a technical letter that the Essex Police Head of Estate Services will be sending to your CIL Manager that helps to explain the case.

I do hope that I can rely on your support to ensure Essex Police has an equitable place in your CIL strategy. I would of course be happy to meet and discuss the matter in more detail.

Yours sincerely

Nick Alston CBE
Police and Crime Commissioner for Essex

cc Chief Executive Ian Davidson
Tendring District Local Plan: Issues and Options (2015)

REPRESENTATION FORM

This is the representation form to use for giving us your comments on the possible future growth of Tendring as explained in the Tendring District Local Plan: Issues and Options Document. It is not compulsory to use this form and we would be equally happy to receive your comments in a letter or e-mail. The consultation document is available to view on the Council’s website (www.tendringdc.gov.uk) and hard copies are available to view at the District Council offices at Weeley, the Town Hall at Clacton and at all the libraries in the district.

Please fill in the form carefully and clearly as illegible forms may not be considered.

PART A – DETAILS OF PERSON OR ORGANISATION MAKING THE REPRESENTATION

PLEASE PRINT ALL DETAILS

Name of person or organisation making the representation:
Babergh District Council

If an organisation, please provide a contact name: Matt Deakin

E-mail: [REDACTED] Tel No: [REDACTED]

Address (put the organisation address if relevant): Council Offices, Corks Lane, Hadleigh, Ipswich, Suffolk

Post Code: IP7 6SJ

If you are an agent acting on behalf of someone please provide your details here

Name of agent: ........................................................................................................

If an organisation, please provide a contact name: ........................................................................................................

E-mail: ........................................................................................................ Tel No: .................................

Address (put the organisation address if relevant): ........................................................................................................

........................................................................................................ Post Code: .................................

Please remember to notify us if your contact details change.
If you are making comments in response to any of the specific questions in the Issues and Options Document, please be sure to indicate which question or issue/option you are commenting on.

<table>
<thead>
<tr>
<th>Question No. or Issue/Option</th>
<th>Comment(s)</th>
</tr>
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<tbody>
<tr>
<td>Issue 2: Homes Question 6</td>
<td>Object</td>
</tr>
<tr>
<td>Babergh District Council wishes to formally object to the level of growth proposed for Manningtree / Lawford / Mistley area due to the potential impact upon a strategic allocation site at Brantham within the Babergh Core Strategy (2014). In addition, the Council also objects to unallocated application sites at Lawford (ref: 15/00876/OUT and 15/00761/OUT)</td>
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<td>The basis for this objection relates to the potential cumulative impact upon the local highway network and in particular the need to give due account to relevant adopted allocations or sites with planning permission within the 'baseline' scenario. There are known transport constraints around the area which are cross boundary in nature and include impacts upon the A137 railway crossing.</td>
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<td>Under Section 110 of the Localism Act 2011, Tendring District Council has had limited discussions with Babergh District Council in order to comply with the duty to cooperate when bringing forward further development in a constrained infrastructure location and where clear cross boundary issues exist. The Council therefore expects to see more joint working with Tendring District Council in order to come to a satisfactory solution for the area.</td>
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</tr>
<tr>
<td>Brantham regeneration allocation was made by Policy CS10 of the Babergh Core Strategy which was adopted in February 2014. This included a brownfield, mixed-use scheme for employment and residential development. Officers of Tendring District Council attended the Babergh Core Strategy Examination in Public process to make representations on the Brantham proposals. The site was also originally allocated (policy EM06 – now superseded) in the previous Babergh Local Plan (Second Alteration) 2006 for residential and employment mixed use. Brantham allocation therefore clearly has an established history for both potential employment and residential development and is well known to Tendring District Council. A planning application (B/15/00263) for Brantham is currently with Babergh District Council for determination.</td>
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<td>Further development in the Manningtree / Lawford / Mistley area, may cause material prejudice to the outcome of delivering the Brantham strategic allocation scheme, which has already been through a statutory framework (Core Strategy Examination in public) and resolved suitable for allocation in the adopted plan. Full weight and regard should be given to the Brantham scheme when determining the suitability of further growth in the Manningtree / Lawford / Mistley area.</td>
<td></td>
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<tr>
<td>The Council reserves the right to hold this objection to both the Tendring Local Plan and the greenfield planning applications 15/00876/OUT and 15/00761/OUT, until matters are clarified and satisfactory solutions can be found.</td>
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FAIR PROCESSING NOTICE – DATA PROTECTION ACT 1998

Please note that any comments submitted cannot be treated as private and confidential and may be made available for public inspection. Respondents’ details will be held on a database in accordance with the terms of Tendring District Council’s registration with the UK Information Commissioner pursuant to the Data Protection Act 1998.

Please sign and date this form: Signed: [Redacted] Date: 13/10/2015

All representations must be received by the Council no later than 17:00 on Tuesday 13th October 2015. Any submissions received after this deadline cannot be considered.

Please return completed forms to: The Planning Policy Manager, Planning Department, Tendring District Council, Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex, CO16 9AJ or e-mail to planning.policy@tendringdc.gov.uk
Thank you for the opportunity to comment on this document.

Page 8 – ‘development of holiday lodge parks in the rural part of the district could be encouraged.’ Providing consideration is given to infrastructure requirements/availability. Would connection to the foul drainage system be required?

Page 16, 5.14 – The Water Recycling Centres (previously referred to as Sewage Treatment Works) at Clacton & Jaywick are operating at capacity and would require upgrades to accommodate growth.

We will assess the foul network when there is more detail on the location of growth.

Regards

Sue Bull
Planning Liaison Manager

Anglian Water Services Limited
Tel Office: 01733 414690 Mobile:
Thorpe Wood House, Thorpe Wood, Peterborough, PE3 6WT
www.anglianwater.co.uk

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ANNEX 1 TO ECC CABINET MEMBER ACTION DATED 22 SEPTEMBER 2015 (FP/233/08/15)

ECC RESPONSE TO THE PUBLIC CONSULTATION OF THE TENDRING DISTRICT LOCAL PLAN ISSUES AND OPTIONS CONSULTATION DOCUMENT (SEPTEMBER 2015)

1. INTRODUCTION AND SUMMARY OF ECC RESPONSE

Essex County Council (ECC) supports the preparation of a new Local Plan for Tendring District Council (TDC) and welcomes the opportunity to comment on the Tendring District Local Plan Issues and Options Consultation Document (public consultation from 1 September to 13 October 2015).

A Local Plan will set out a vision and policies for the long-term planning and development of the district and provides a platform from which to secure a sustainable economic, social and environmental future to the benefit of residents, businesses and visitors. A robust long-term strategy will provide a reliable basis on which TDC, ECC and its partners may plan and provide future service provision and required infrastructure.

ECC is keen to influence and shape future spatial development strategies and policies delivered by local planning authorities throughout Essex. ECC aims to ensure that local strategies and policies will provide the greatest benefit to deliver a buoyant economy for the existing and future population that lives, works, visits and invests in Essex. Involvement is necessary because of the ECC role as,

- a key partner within Essex promoting economic development, regeneration, infrastructure delivery and new development throughout the County; and
- the strategic highway and transport authority, including responsibility for the delivery of the Essex Local Transport Plan and as the local highways authority; local education authority; Minerals and Waste Planning Authority; and major provider of a wide range of local government services throughout the county of Essex.

The key issues raised in the ECC response to the Local Plan consultation are summarised below. The full response is outlined in section 4. Appendices provide information on,

- Passenger transport for local plans;
- Biodiversity; and
- General policies applicable to Issues 2-4 outlined in the Consultation Document.

A. Duty to cooperate. In accordance with provisions of the Localism Act 2011, ECC will continue to contribute cooperatively with TDC as it prepares its new Local Plan. This will consider appropriate assessments of the implications arising from the emerging growth options, and eventual preferred option (consultation scheduled for early 2016). A particular focus will be the assessment of the transport and highway network (currently being finalised) to assist TDC determine an appropriate strategy. ECC also has a statutory responsibility to ensure the provision of additional school
places, appropriate provision is made for minerals and waste, and surface water management issues.

B. Economic Growth. ECC welcomes proposals to ensure the protection and provision of suitable employment land and appropriate uses within town centres, as well as promoting tourism; welcomes the focus on growth locations at Clacton, Harwich and near Colchester; welcomes the targeting of growth sectors (assisted living and offshore renewables), acknowledges current joint working between ECC and TDC; and emphasises the need to provide necessary social, physical and green infrastructure to support economic growth, particularly provision associated with proposals for new settlements is essential. The provision of jobs and infrastructure to support housing growth is essential.

C. Housing provision. ECC acknowledge TDC’s work that seeks to meet housing needs in full over the plan period and strongly supports a 15 year plan period. ECC urges TDC to constructively provide for the higher housing target as indicated in the Objectively Assessed Housing Need Study (July 2015) to ensure both a consistent approach with those authorities included in the study and delivery of the district’s housing need in full to support economic growth. Reference to the ECC Independent Living programme and its role in housing delivery should be mentioned. ECC in its role as Highway Authority will provide the necessary assessments to determine impacts (including cross boundary impacts) and mitigation measures, as TDC seeks to adopt a preferred growth and development strategy. It is also recommended the new Local Plan emphasise the need to provide infrastructure (secured through developer funding) as part of any new housing proposals. Any proposed strategy is of particular importance to ECC as it will need to be satisfied that the impact of any planned scale and distribution of growth can be accommodated by ECC areas of responsibility, or identify what additional infrastructure, facilities or mitigation is required to make the strategy sustainable in social, economic and environmental grounds. ECC would welcome continued early involvement in the potential impact of a preferred option for ECC functional areas.

D. Transport and highways. ECC will provide detailed comments on transport and highway matters on completion of transport modelling currently taking place. The results may mean that TDC needs to further revise its strategy to ensure delivery. ECC as Highway Authority is unable to identify what improvements will be required to support the planned level of growth until the modelling has been completed. Ongoing discussions between the two authorities will continue to take place.

E. Sustainable transport. ECC supports options for sustainable transport, and asks that the scope is widened to improve consistency with the NPPF and best practice. ECC would support consideration for passenger transport in large scale developments at the earliest opportunity, which is the responsibility of the developer.

F. Education provision. ECC will continue to work with TDC to ensure education needs are appropriate and adequately assessed as preparation of the new Local Plan continues. ECC will undertake a further assessment of the potential delivery and resource requirements for accommodating anticipated pupil change as and when TDC confirms its preferred spatial option for growth and development and the specific sites. Sustainable school travel, and the location of development sites to ensure viability to fund schools will need further consideration.

G. Infrastructure provision and funding. There should be clear policies for the full provision, enhancement and funding of infrastructure arising from planned development. Mechanisms include planning obligations, the use of CIL, and the ability to negotiate specific contractual obligations for major strategic sites (where Garden City principles may be adopted). This will ensure the delivery of sustainable
development in accordance with the NPPF. The importance of telecommunications and broadband as an infrastructure requirement should be emphasised and linked to economic growth.

H. **Rural Issues.** ECC recognises TDCs ongoing support for the work of the Essex Rural Partnership and commend ‘2020 Vision for Rural Essex, the Essex Rural Strategy’, (RCCE 2009) and its successor documents published by the Essex Rural Partnership to help inform the emerging Local Plan. It is also recommended that the England Cast Path is supported and its economic role recognised.

I. **Surface Water Management.** Further reference to surface water management issues and the need for schemes to incorporate sustainable drainage systems, in accordance with ECCs role as Lead Local Flood Authority, will need to be strengthened.

J. **Historic environment.** Reference to heritage assets and the supporting evidence base should be strengthened to improve consistency with the NPPF, and the new Local Plan should clearly identify any issues that are specific to the District’s historic environment.

K. **Natural environment.** ECC supports the identification of the need to provide measures to protect and enhance local biodiversity with suitable mitigation. Appendix 2 contains recommended wording for policies to reflect the need to plan positively for the creation, protection, enhancement and management of biodiversity networks, and is consistent with requirements in the NPPF. The recommended policies seek to improve consistency with national biodiversity conservation policy and best practice.

L. **Minerals.** Reference to minerals planning in accordance with the NPPF will need to be included. ECC seeks the identification of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs), as identified in ECC’s Minerals Local Plan, on the emerging Proposals Map of the new Local Plan. The identification of these in the Tendring Local Plan will help ensure that prospective developers consult ECC regarding any potential impact on a known mineral reserve, and seek to ensure that known locations of specific minerals are not needlessly sterilised by other forms of development.

M. **Waste.** ECC as Waste Planning Authority will continue to work with TDC to ensure closer working between local planning authorities to integrate the need for waste management with other spatial concerns in the preparation of Local Plans, in accordance with the National Planning Policy for Waste (October 2014). The aim is to ensure that there are sufficient opportunities to meet the identified needs of an area for the management of waste and to apply and promote the waste management hierarchy within sustainable development, consistent with the emerging new Essex and Southend-on-Sea Waste Local Plan.

N. **Sustainability Appraisal.** Further consideration will need to be given the appraisal of all reasonable alternatives following the consultation, due to the absence of a SA/SEA for the Issues and Options Consultation Document. Consideration will also need to be made regarding the methodology used to assess sites that will have cross border impacts in emerging neighbouring local authority Local Plans.

O. **Evidence Base.** Additions to the evidence base are suggested.

P. **General comments.** A range of general comments and suggested Local Plan policies are provided for the consideration of TDC as they prepare their new Local Plan.
2. DUTY TO CO-OPERATE

The duty to cooperate (the duty) was introduced by the Localism Act in November 2011. The Act inserted a new Section 33A into the Planning and Compulsory Purchase Act 2004. This placed a legal duty on all local authorities and public bodies (defined in regulations) to ‘engage constructively, actively and on an ongoing basis’ to maximise the effectiveness of local and marine plan preparation relating to strategic cross boundary matters, and in particular with County Councils on strategic matters.

ECC will use its best endeavours to assist TDC on strategic and cross-boundary matters under the duty to cooperate, including engagement and co-operation with other organisations for which those issues may have relevance i.e. Highways England. In accordance with the duty, ECC will contribute cooperatively to the preparation of a new Tendring Local Plan, particularly within the following broad subject areas,

- **ECC assets and services.** Where relevant, advice on current status of assets and services and the likely impact and implications of proposals in emerging Local Plans for the future operation and delivery of ECC services.
- **Evidence base.** Guidance with assembly and interpretation of the evidence base both for strategic/cross-boundary projects, for example, education provision and transport studies and modelling.
- **Sub-regional and broader context.** Assistance with identification of relevant information and its fit with broader strategic initiatives, for example, the Economic Plan for Essex, the South East Local Enterprise Partnership Growth Deal and Strategic Economic Plan, and assessments of how emerging proposals for the district may impact on areas beyond and vice-versa.
- **Policy development.** Contributions on the relationship of the evidence base to structure and content of emerging policies and proposals.
- **Inter-relationship between Local Plans.** Including the Essex Minerals Local Plan and Essex and Southend-on-Sea Waste Local Plan.

ECC acknowledges and supports the production of a new Local Plan by TDC. The Issues and Options Consultation Document is the first stage in ensuring an up-to-date Local Plan. This can facilitate new job opportunities, attract investment in new and improved infrastructure, protect the environment and ensure new homes meet the needs of a growing population, which are sustainably located, and achieve the right standards of quality and design.

The NPPF provides detail on how strategic planning matters should be addressed in local plans (paragraphs 178-181). Local planning authorities are expected to work ‘collaboratively with other bodies to ensure that strategic priorities across local authority boundaries are properly coordinated and clearly reflected in local plans’ (paragraph 179). ‘Strategic priorities’ to which local planning authorities should have particular regard are set out in paragraph 156 of the NPPF.

Specific guidance on how the duty should be applied is included in the PPG. This makes it clear that the duty requires a proactive, ongoing and focussed approach to strategic matters. Constructive cooperation must be an integral part of plan preparation and result in clear policy outcomes which can be demonstrated through the examination process.
The PPG makes it clear that the duty to cooperate requires cooperation in two tier local planning authority areas and states ‘Close cooperation between district local planning authorities and county councils in two tier local planning authority areas will be critical to ensure that both tiers are effective when planning for strategic matters such as minerals, waste, transport and education.’ (Paragraph: 014, Reference ID: 9-014-20140306)

The Issues and Options Consultation Document does not mention the duty to cooperate or identify strategic cross-boundary issues. ECC would recommend this is included in the next iteration of the draft Local Plan and not be limited to neighbouring local authorities, particularly when considering the above paragraph and the role of ECC. A significant uplift in the need for additional housing is being identified in emerging Local Plans across the Essex Haven Gateway local authorities – Braintree, Colchester and Tendring, which necessitates cooperative and joint working arrangement. ECC supports the on-going constructive dialogue currently taking place under the duty in order to consider all strategic cross boundary matters arising from the new Local Plan, and those in neighbouring authorities.

ECC will continue to contribute cooperatively with TDC in the preparation of the new Local Plan through to examination. As TDC carries out further evidence work to identify a preferred spatial strategy ECC will particularly assist with the assessment and analysis of the impact on the transport and highway network, and further assessment of the need for additional pupil places and school provision.

3. ECC STRATEGIC CONTEXT AND STRATEGIES

A range of strategies produced solely or in collaboration with Essex borough, city and district councils and Greater Essex unitary authorities Thurrock and Southend-on-Sea, provides the strategic context for the ECC response to the Tendring District Local Plan Issues and Options Consultation Document. The relevant strategies and context for TDC are set out below with further detail provided in Section 4 of this response.

3A. Vision for Essex 2013 - 2017

The Vision sets out the County Council’s principles that will assist in supporting the people and communities of Essex. A key principle is to ‘work in partnership’ to deliver the best outcomes for service users. ECC aims to ensure that we work collaboratively with partners including local planning authorities. We aim to assist all Essex and relevant neighbouring planning authorities in seeking to develop their emerging spatial and planning policies to ensure that positive impacts for the Essex community are appropriately delivered and appropriate mitigation measures are incorporated to minimise potential negative impacts.

The Vision for Essex sets out the core purpose and key challenges for Essex. Those relevant to the County Council’s response to the Tendring Local Plan include:

- increase educational achievement and enhance skills;
- develop and maintain the infrastructure that enables our residents to travel and our businesses to grow;
- support employment and entrepreneurship across our economy;
- improve public health and wellbeing across Essex;
- safeguard vulnerable people of all ages;
• keep our communities safe and build community resilience; and
• respect Essex’s environment.
ECC will facilitate working in partnership with TDC to deliver the best outcomes for service uses.

3B. Council’s Outcomes Framework

In February 2014 ECC adopted the Outcomes Framework for Essex - a statement of seven outcomes that set out ECC’s ambition based on its Vision for Essex 2013-17. The outcomes that are specifically relevant to this Local Plan consultation include,
• Children in Essex get the best start in life
• People in Essex enjoy good health and wellbeing
• People have aspirations and achieve their ambitions through education, training and lifelong-learning
• People in Essex live in safe communities and are protected from harm
• Sustainable economic growth for Essex communities and businesses
• People in Essex experience a high quality and sustainable environment
• People in Essex can live independently and exercise control over their lives.

The above outcomes reflect ECC aspirations for Essex residents and communities, guiding action in the short, medium and long term hence the importance of ensuring the outcomes inform emerging spatial policy.

To enable growth (those strategic elements that must be firmly in place to support employment and housing growth) ECC will focus on a number of strategic actions,
• Generating a stronger skills base
• Ensuring relevant physical infrastructure is in place and improving local, national and international connectivity
• Delivering quality new homes to meet local need
• Maintaining a relevant business support offer and structures
• Raising aspirations for growth locally
• Improving the inward investment offer and developing our global brand
• Improving partnership working.

To embed growth (elements required to ensure that growth is sustainable and impacts directly on the communities of Essex) ECC will focus on the following strategic actions,
• Ongoing improvement of business space
• Improving international competitiveness and developing effective innovation capacity
• Establish effective supply chain networks
• Improving the quality of the environment
• Increasing economic participation and reducing worklessness
• Together these actions form the Commissioning Strategy framework.

The ECC response to the Issues and Options Consultation Document supports both the enabling and embedding strategic actions.
3C Economic Plan for Essex (April 2014)

The Economic Plan for Essex is based on the collective ambitions of all local authorities in Essex. It identifies the steps that local partners will take together, alongside the private sector and HM Government to accelerate local growth over a seven year period (2014-2021) and lays the foundation for long-term sustainable growth in the years to follow. The plan states the capacity of key transport corridors within Essex is a key challenge to securing growth; a challenge that partners are working together to meet. Tendring is located in the A120-Have Gateway Corridor.

In addition there are six issues from the plan that have relevance to this consultation and are reflected in the ECC response to the Issues and Options Consultation Document.

- **Issue 1:** Enhancing the Essex workforce – ensuring there are the right skills to support existing and future employers as well as the needs of businesses in key growth sectors.
- **Issue 2:** Unlocking growth in Essex’s strategic growth corridors. Investment to enable growth and development in established corridors offers the greater return on investment. Delivering and enabling significant infrastructure developments can help address capacity issues on Essex’s strategic road and rail links that place a limit on potential growth; unlock housing growth – increasing housing supply to help ensure that residents have access to affordable housing; unlock job growth – ensuring key growth sectors have access to the land and premises they need to expand and sustain employment; and make Essex more attractive to investors (at home and overseas), business and the people they employ.
- **Issue 3:** Enhancing the productivity within the Essex economy - exploiting a competitive advantage in key sectors and to bring about a step change in local innovation and Research and Development investment.
- **Issue 4:** The reputation of Essex. If Essex is to attract businesses into the county, and attract investment from the UK and overseas, it needs to develop and maintain the right reputation. Research from KPMG suggests that investors focus on a small number of basic criteria when selecting locations: political stability, economic growth, the accessibility of skilled human resources, the quality of education and the availability (and cost) of real estate.
- **Issue 5:** Resistance to development. Delivering our ambitions will require local partners to achieve an unprecedented level of housing and physical development. While residents across Essex would recognise the general need for more homes and more local jobs, the specific design, location and phasing of development can in some cases, present a challenge for communities. Partners will need to engage with communities and their representatives, demonstrating the powerful case for sustainable growth and the benefits this can bring to our neighbourhoods, villages, towns and cities.
- **Issue 6:** Public sector partners’ capacity to support growth. If partners are to enable the ambition development programme outlined in this document, they will need to work together to consider new delivery mechanisms, new agreements and working practices that support delivery at pace.
Good transport is a vital factor in building strong and sustainable local communities and a successful economy. The Strategy sets the vision for transport, the outcomes ECC aim to achieve over a 15 year period, the policies for transport and the broad approach to implementing these. The Strategy includes specific priorities for the Haven Gateway, of which Tendring District is located, and the relevant priorities include:

- Providing the transport improvements needed to accommodate housing and employment growth in a sustainable way.
- Improving the availability, reliability and punctuality of local bus services.
- Improving and promoting cycle networks; and improving the availability of travel choices and awareness of them.
- Improving transport access to Harwich to enable low carbon expansion of the port and wind port (i.e. lobbying Government for enhancements to the A120 to access Harwich port).

The Strategy also includes transport priorities for all rural areas in the County.

- Supporting the economy of our historic rural towns and villages, extensive coastline and varied countryside.
- Providing support for transport in rural areas to ensure that access is provided to employment, education, healthcare and food shopping.
- Ensuring that people in rural areas are able to access important services (including shopping, healthcare, library facilities, etc.), without needing to travel long distances.
- Minimising the impact transport has on the character of our rural areas.

4. ECC RESPONSE TO THE LOCAL PLAN ISSUES AND OPTIONS CONSULTATION DOCUMENT (SEPTEMBER 2015)

The ECC response to the Tendring District Local Plan Issues and Options Consultation Document is set out below and corresponds to the format and issues set out in the consultation document itself.

Issue 1: Jobs (page 5 of the consultation document)

ECC supports the statement that creating the conditions for economic growth and creating new jobs should be a top priority for the Local Plan (page 9).

The Essex Outcomes Framework notes that through the development of the Essex Economic Growth Strategy and, more recently, the Economic Plan for Essex, four growth corridors have been identified. These corridors collectively form the locations for housing and employment growth and they will each play a unique role in securing growth. These roles are based on location characteristic, local economic history and linkage to surrounding areas. Critically, these corridors will provide a mix of housing, which will allow new and existing residents to stay and grow in the County.

Tendring District is located in the ‘A120-Haven Gateway’ corridor where employment growth will be targeted in the low carbon and renewables, life sciences and healthcare, advanced manufacturing and logistics sectors. Tendring is home to Harwich International Port and is a centre of excellence with a natural clustering of activity in the low carbon and renewables and logistics sectors. Key opportunities include the
potential of offering operations and maintenance support to the renewable sector from Harwich and its surrounding area. This includes potential development at Gas House Quay as well as developments at Pond Hall Farm and Horsley Cross (Tendring Europark). Major port development at Bathside Bay in the longer term will also help to unlock further growth around the Haven Ports to 2021 and beyond. In support of this, the development of an Energy Skills Centre in Harwich is currently underway. These aspects should be appropriately reflected in the Local Plan.

It is important to define what ‘growth’ will look like and have a clear understanding of the potential in sectors. ECC is currently working with TDC on a range of initiatives around low carbon and renewables, and the health care sector, including,

- Harwich Innovation Centre – an innovation centre that will support marine based industries.
- Clacton/Holland Frontage – building on the multi-million pound investment on the sea front, to increase footfall and jobs.
- SME Growth Fund – where businesses can apply for financial support.
- Care and assisted living – looking at various options and feasibility around the sector to ensure higher paid jobs and attract supply chain business.
- Tendring Europark – support to help bring the site forward.

The consultation document states that it could be possible to create 3,000 to 5,000 new jobs in Tendring over the next 15-20 years (paragraph 3.3, p5). Whilst this is supported, it is noted that the Tendring Economic Strategy (2013) predicated this on achieving significantly higher housing growth (12,000 new dwellings) than has previously been delivered in the district. A clear link exists between the level of housing growth and job creation and this should be appropriately reflected and evidenced in the Local Plan to ensure compliance with national policy and guidance. Where the Local plan allocates employment land, ECC would recommend this is supported by strategies to actively encourage new businesses to start up and relocate to the district and thereby contribute to sustainable economic growth.

The consultation document (paragraph 3.4, page 6) refers to working with Colchester BC and the University of Essex to explore the opportunity for major development crossing the Tendring/Colchester boundary. As TDC will be aware, ECC is actively involved in these discussions and is a key partner in ensuring any proposal can be delivered. This includes a Memorandum of Understanding between the three Local Authorities and the University. ECCs involvement will need to be referred to in the next version of the draft Local Plan.

The tourism proposals (page 7) to increase holiday parks in terms of number, capacity and operating season should be supported by plans to encourage more tourism based businesses and activities; the investment in the Clacton sea front goes someway to address this but there may be insufficient capacity in the sector to meet future demand. If the extension of the operating season of some holiday parks beyond what is currently permitted is to be considered, TDC should work with the Environment Agency to ensure that appropriate actions from the Shoreline Management Plan are implemented such as providing flood risk guidance to caravan park owners, and disseminating flood risk guidance and monitoring that emergency plans are in place for all caravan parks and businesses. However, ECC would have concerns if the operating season of some holiday parks were extended to enable them to operate all year round, unless age
restrictions were introduced at the same time. The accommodation on holiday parks is considered unsuitable for children during the winter months.

ECC welcomes the intention of TDC to achieve sustainable economic growth of its rural economy (paragraph 3.12, page 7). ECC recognises TDC’s ongoing support for the work of the Essex Rural Partnership and commend ‘2020 Vision for Rural Essex, the Essex Rural Strategy’, (RCCE 2009) and its successor documents published by the Essex Rural Partnership to help inform the emerging Local Plan. In addition increased opportunities for the rural economy will be available with the implementation of the England Coast Path which is starting in Tendring in 2015-16 and is also supported by ECC (see web-link below). There might be additional opportunities for Tendring’s coastal towns to develop as a leisure break destinations. The South West Coast Path has seen significant benefits to the visitor economy.


The provision of industrial land in Essex plays an important role in providing appropriate locations for waste management facilities and aggregate recycling plants. The emerging Essex and Southend-on-Sea Waste Local Plan (Waste Local Plan) encourages these types of development to be located on industrial land where they don’t come forward on Preferred Site allocations. If there are proposals to allocate new or reclassify industrial land in the Tendring district, ECC as Minerals and Waste Planning Authority requests it is consulted as there are waste management facilities and aggregate recycling plant located on existing industrial areas which could be affected. On a similar note, whilst the desire for Tendring to provide ‘better-paid’ jobs is noted, the requirement for a holistic approach to employment provision, in terms of the jobs and the nature of new employment land, should not be ignored. TDC should also consider the opportunity for locating new early years and childcare facilities near employment areas, with adequate provision of land and/or buildings for childcare provision in employment centres.

The Local Plan should strengthen the importance of telecommunications and broadband in contributing to a prosperous economy and attracting new businesses and jobs to the district; ensuring the connectivity of residents to key services. Broadband provision will have a wider impact on growth and productivity, as increased broadband coverage will support businesses and attract investment to Essex. It also has the potential to increase opportunities for home-working and remote-working, reducing the demand on travel networks at peak periods. The importance is demonstrated by recent census returns which show that the biggest change in journey to work patterns in the last 20 years has been the increase in people working from home.

Issue 2: Homes (page 10 of the consultation document)

ECC supports the statement that Tendring needs to plan for the right number of new homes, of the right size, type and tenure to be built in the right locations for current and future generations (page 12).

ECC acknowledges TDC’s work that seeks to meet housing needs in full over the plan period. However, ECC acknowledges highway network constraints and in its role as Highways Authority it is currently undertaking the necessary assessments to determine
impacts (including any cross boundary impacts) and mitigation measures, as TDC seeks to adopt a preferred spatial strategy.

In preparing the new Local Plan, ECC notes that TDC with Braintree DC, Chelmsford City Council and Colchester BC published an Objectively Assessed Housing Need Study (OAHNS, July 2015) to provide an objective assessment of housing need over the period 2013-2037. The assessment will help inform targets in future Local Plans as required by national policy and guidance. The study estimates future housing need for the Tendring district to be between 597 and 705 new homes per year (Table 9.5 OAHNS, July 2015). The Consultation Document indicates TDC will provide land for approximately 600 new homes each year over the plan period or approximately 10,000 new homes in total. The next iteration of the draft Local Plan will need to provide a clear evidenced justification for the preferred housing number, in accordance with the NPPF. ECC urges TDC to constructively provide for the higher housing target as indicated in the OAHNS to ensure both a consistent approach with those authorities included in the study and delivery of the district’s housing need in full.

TDC should aim to address the housing issue in the most sustainable manner possible in line with the requirements of the NPPF. The Local Plan will need to ensure that housing growth is supported by infrastructure, jobs, economic growth, and community facilities. ECC welcomes continued work with TDC and other local neighbouring authorities to ensure that any cross boundary strategic issues are identified and dealt with appropriately, and to ensure that growth across all authorities can be delivered effectively with the necessary infrastructure improvements.

TDC should ensure that the sites identified for significant new housing developments are in sustainable locations i.e. those areas that already have the necessary infrastructure to support the development, or where it can be provided cost effectively, predominantly via contributions from housing developers. The evidence presented by a Viability Study that “the ‘lower value’ areas of Tendring would only be able to make a limited contribution towards a Community Infrastructure Levy or on-site infrastructure such as new school and health facilities” is of concern to ECC (paragraph 4.13, page 6). This statement suggests that housing could be allocated to areas of the district where it might prove difficult or impossible to provide the necessary infrastructure required to support the people moving onto these developments. This might suggest that such areas are not “sustainable” locations for new housing.

It is recommended that the Local Plan housing policies make appropriate provision for supported living schemes and extra care housing (Independent Living). This is particularly relevant for Tendring where the older population will increase.

In order to meet the statutory obligations as the provider of adult social care, control the costs of adult social care and improve the lives of residents, ECC is committed to influencing the provision of a range of housing options for the older population. Consequently, ECC is keen to support and enable older people to live independently.

At present a gap exists in the provision of Independent Living housing across Essex. There are not sufficient numbers of Independent Living units to take pressure off of residential care placements. A programme has been developed to increase the supply of Independent Living units across Essex. A Strategic Business Case was approved by
the ECC Housing Board (January 2015) to tackle non-capital barriers and explore alternative means of capital delivery, and the following programme was approved,

- An appraisal of the various delivery methods by which ECC can assume greater control of the delivery of Independent Living units. The programme recommends the establishment of a developer-provider framework to facilitate this.
- Research into and an options appraisal of the approach taken towards the commissioning of care.
- A list of the known potential Independent Living Schemes, along with relevant data such as developer, size, location, likelihood of delivery, projected delivery date.
- An updated application process for grant funds and all supporting documentation.

In addition to the above, the Housing Board identified that greater awareness and better, more consistent information and intelligence regarding Independent Living units be provided to Local Planning Authorities to enable them to produce planning policy frameworks and make development control decisions that enable the increased supply of Independent Living units. An Independent Living Working Group, made up of ECC officers, Registered Providers, and officers from a number of Districts has been established to move this forward. An Independent Living Planning Briefing Note is being prepared by ECC to identify how the Independent Living programme is to be delivered, and identify the land use and planning aspects that need to be considered (i.e. design, layout, locations etc.). A copy will be circulated to TDC when finalised.

A target of 2,500 Independent Living units (available as either social/affordable rented units or shared ownership units) has been set to be delivered by 2020 in the County. Not including units either in development or completed, there are 1,884 units remaining to be delivered across Essex. Within Tendring, it is estimated that there are 643 eligible social care clients amongst the 65,466 persons aged 55 or over. By 2020, 310 units are required; 30 units are already provided, with 118 in development, which leaves 162 still to be provided by 2020 (split 50/50 social rented/shared ownership).

**Issue 3: Infrastructure (page 14 of the consultation document)**

ECC agrees that the Local Plan will be critical for making sure Tendring has the right infrastructure to accommodate the new jobs and new homes needed in the future (page 17). Although greater consideration should be given to how these issues will be influenced by the effects of climate change (see page 33).

**Health**

The creation of an England Coast Path (and potentially a subset of this specifically branded for Essex) will provide additional opportunities for health benefits for Tendring’s residents. Details were provided under Issue 1.

**Schools**

ECC supports the points made in paragraphs 5.1, 5.4 and 5.5 (page 14) on the need for homes and jobs to be supported by a range of investment. Paragraph 5.4 notes the important role schools play as a focal point for local communities, a point shared by ECC. It is recommended where possible for schools to be located close to other centres of activity (such as shops or community facilities etc.) which should help ensure as far as possible ‘school run’ traffic meets other needs, congestion is alleviated and car
parking facilities may be utilised. Similar issues apply to the location of Early Years and Childcare facilities. ECC would not expect schools to provide car parking facilities for dropping off or picking up.

ECC supports paragraph 5.5 (page 14) stating that most primary schools are operating at or close to their capacity even before the housing development envisaged in the document. ECC publishes "Commissioning School Places in Essex" on an annual basis. This document provides information concerning the number of pupils on roll at schools/ academies in the district together with forecasts of pupil numbers 5 years ahead. This information can be used to identify those areas that could accommodate some housing growth within existing capacities and those areas where additional school places would be required to accommodate the growth in school aged children that would be generated by new housing.

Additional school places can be provided either by the expansion of existing schools/ academies or the opening of new "free schools" or academies. Existing schools and academies can only be expanded if they have sufficient site area to do so. In many cases existing school/ academy sites are restricted and cannot, therefore, be expanded easily without the provision of additional land. This is often impracticable in urban areas as schools/ houses are located within the built up area. In many rural areas schools are on restricted sites but there may be land adjacent to the existing school/ academy site that could be utilised to enable expansion.

The NPPF, paragraph 72 states "The government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen this choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted."

As indicated, ECC can identify those locations, particularly in rural areas, where scope exists to expand existing schools/ academies without the provision of additional land. In those areas where expansion opportunities are limited, sites for new schools should be identified within or close to the proposed developments.

It will be important therefore that in considering the housing applications which will come forward that the interests of schools should be taken fully on board. This is likely to involve reserving suitable pieces of land on new developments for new schools and their related facilities (e.g. playing fields) as part of the site. Details of the site areas required are provided in the ECC Developers’ Guide Education Supplement (currently the 2010 version).

The scale of expansion of existing schools/academies is also important. The majority of primary schools are organised in classes of 30 pupils to comply with infant class size limits. It is easier, more cost effective and better from an organisational perspective to expand primary schools by ½ a form of entry (15 pupils per year group) or a full form of entry (30 pupils per year group) than it is to accommodate a small number of pupils. On this basis it is often easier to ensure that there is a sufficient supply of school places for
larger scale housing developments than it is for relatively small scale developments, particularly in rural areas.

ECC would draw TDC's attention to the Consultation Document's preference for major new housing areas to be located where there is spare capacity in secondary schools. However, many of these areas are also areas of relatively low house prices and therefore may be unable to provide the sums that will be required to pay for the establishment of, for example, new primary schools, also required to meet demand created by the new major developments. TDC may wish to look again at the preferred locations or density for major house-building in the Local Plan to ensure viability and delivery of housing supported by the required infrastructure.

Sustainable school travel
The dispersed nature of Tendring's geography is likely to mean that development in the District will lead to considerable numbers of children needing to travel to school, especially, but not exclusively for secondary schools. It will be important that TDC give close consideration in ensuring through the planning process that there are safe direct walking and cycling routes to school available. Children under 8 years, accompanied if necessary, can only be expected to walk 2 miles maximum morning and evening. (This distance is measured by the safe route only not by the 'as the crow flies' route). Children over 8 years, again accompanied if necessary, can undertake a journey of 3 miles maximum each way. If these cannot be achieved ECC may seek contributions from developers towards providing transport to schools but such contributions can never fully mitigate the impact once health, congestion, air quality and cost in perpetuity to ECC are considered.

Section 508A of the Education Act 1996 places a general duty on ECC to promote the use of sustainable travel and transport to and from schools and academies. The duty applies to children and young people of compulsory school age who travel to receive education or training in the County Council's area.

The Act defines sustainable modes of travel as those that the County Council considers may improve the physical well-being of those who use them, the environmental well-being of all or part of the County Council's area, or a combination of the two.

Effective school travel plans, updated as necessary, can put forward a package of measures to improve safety and reduce car use, backed by a partnership involving the school, education, health and transport officers from the County Council, and the police. These seek to secure benefits for both the school and the children by improving their health through active travel and reducing congestion caused by school runs, which in turn helps improve local air quality. School travel plans could be produced as a result of planning conditions placed on new developments by the district.

ECC would wish to see the location of new housing promote the principle of sustainable travel and transport to and from schools/academies. This is because the sustainable school travel duty should have a broad impact, including providing health benefits for children, and their families, through active journeys, such as walking and cycling. It can also bring significant environmental improvements, through reduced levels of congestion and improvements in air quality to which children are particularly vulnerable. Creating safe walking, cycling and travel routes and encouraging more pupils to walk
and cycle to school is one of the best ways to reduce the need for transport and associated costs.

**Free home to school transport**
Section 508B of the Education Act 1996 deals with the duty on the County Council to make such travel arrangements as it considers necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in the County Council’s area for whom free travel arrangements will be required. The County Council is required to:

- provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:
- beyond 2 miles (if below the age of 8); or
- beyond 3 miles (if aged between 8 and
- make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

The location of sites for new housing within the district, together with the necessary infrastructure to support them, should seek to ensure, wherever possible, to minimise the distance and journey times between home and school and ensure that there are safe walking and cycling routes for pupils to use on their journey between home and school.

**Early Years and Childhood**
In addition to schools, TDC needs to ensure that there is sufficient access to Early Years and Childcare facilities. Where new primary schools are required to accommodate pupil demand consideration should also be given to the co-location of early years and childcare facilities, if the demand has been identified, although the reservation of larger pieces of land than that required for a primary school itself will be necessary. Sufficient early years and childcare provision also needs to be considered alongside other essential services and infrastructure. Exactly what the provision could look like depends on the nature of the development proposed. ECC will assist TDC in identifying where demand is greatest as moves towards identifying a preferred strategy for its new Local Plan.

**Transport**

ECC as Highways Authority in partnership with TDC (and Highways England) is currently assessing the potential impacts on the highway and local road network (pinch points), arising from the emerging spatial strategy options. As the assessment and accompanying report was not complete at the time this response was being put together, ECC will provide separate and more detailed comments on transport issues once the report is published.

ECC as Highways Authority will continue to engage through the duty to cooperate to consider potential impacts on the wider network, and the implications arising from growth options in neighbouring local authorities (Colchester, Braintree and Chelmsford). In so doing the cumulative impacts of growth across the A120 and A12 corridors will be considered, and appropriate and necessary mitigation measures identified.
It is anticipated there will be a number of locations on the local strategic road network where journeys are unreliable or improvements will be required to support significant numbers of new homes. ECC will continue to identify measures to address the causes of unreliable journeys and work with TDC and SELEP to identify investment opportunities to support growth. ECC has secured funding through SELEP (Round 1) Single Local Growth Fund for the A133 Colchester to Clacton Route Based Strategy to be delivered from 2016/17.

ECC supports the growth opportunities along the A120 corridor, particularly employment, which are generated both from ready access to Stansted Airport and the port of Harwich. Within this corridor there are significant long-term opportunities for growth, and it will be important to ensure all partners continue to lobby for and promote these opportunities, including improving conditions along this route.

**Sustainable Transport**

ECC supports references to the encouragement of sustainable transport and accessibility issues; the need to maximise and enhance existing transport links, particularly public transport, walking and cycling; and to ensure that the provision of new services and facilities arising from growth proposals are accessible to all the community. The Local Plan should ensure that children and young people can walk or cycle to school safely on designated safe routes through new developments. This should be a local plan policy requirement and planned from the outset and not retrofitted into a scheme’s design. TDC should consider the role walking and cycling networks play in contributing to ‘journeys that matter to the economy’ (paragraph 5.6). This would capture the importance of local jobs carried out by local people who walk and cycle to work within their communities.

ECC acknowledges reference in the consultation document to seeking to improve public transport links. In order to help limit impact on the local public transport networks, rail and bus providers will need to be involved in the identification and planning of any new or improved services. An informative note on matters to consider as part of Passenger Transport is provided as Appendix 1.

ECC provides financial support for nearly 200 bus services either in full or for certain journeys to meet particular needs. These generally run in the evenings, on Sundays and in rural locations. They do include some school services and some services linking towns. Most buses running through Essex are provided commercially, meaning that ECC does not fund them and does not determine how or when they run.

To help promote the use of sustainable transport across the borough, the new Local Plan should also consider the,
- implementation of car sharing schemes (either development or area based);
- creation of car clubs; larger residential developments in the district should include provisions for car clubs in the form of designated parking spaces. The District Council could also consider the creation of district-wide car club to serve new developments;
- inclusion of public transport vouchers or discounts schemes (in conjunction with any new bus services/routes);
- creation of additional cycle/pedestrian paths linking new developments with key locations and community facilities, as well as connections between existing developments;
• shuttle bus services for employment travel (a possible alternative for residents living and working within the borough).
• cycle infrastructure improvements - particularly focusing on the lack of designated cycle ways throughout the district; and
• electric vehicle charging points – provision of charging points across the district in residential, commercial and retail locations to encourage the use of electric vehicles.

Green Infrastructure and open space

The England Coast Path should be mentioned as part of the new Local Plan. ECC is looking for opportunities to add value to the Coast Path being created by Natural England and would welcome the opportunities to work in partnership with TDC to deliver these. The Coast Path will include a coastal margin where the public will also have access rights which will provide many opportunities for informal recreation and access to nature.

Community Infrastructure Levy and Section 106 Obligations

The emerging new Local Plan should ensure there are clear policies for the full provision, enhancement and funding of infrastructure arising from planned development. Mechanisms including planning obligations and the use of a Community Infrastructure Levy (CIL) would help to ensure the delivery of sustainable development in accordance with the NPPF. The ability to negotiate specific contractual obligations for major strategic sites (where Garden City principles may be adopted) should also be considered.

There is a clear expectation that local authorities should lever in funding for new school places from Section 106 contributions (S106) and via CIL. ECC draws your attention to paragraph 72 of the NPPF, which states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.' ECC does not view financial contributions for education as optional. If this proves to be the case then ECC is not sure that Department for Education or local authorities will have sufficient resources to provide all the school places required as a result of a growing school population and the need to create additional school places to meet the needs generated by new housing developments.

ECC recommends that it is made clear in the new Local Plan that there is a requirement for financial contributions from developers to fund the full additional early years and childcare, primary and secondary school pupil places generated from new development to ensure that new housing developments are sustainable in terms of educational and childcare provision. Any emerging policy should also refer to the need to ensure that there is good accessibility to schools via safe direct routes by sustainable modes of transport. It may be that TDC could consider whether larger sites should rely on S106 contributions to mitigate the impact of the site in question, which is acceptable under the CIL Regulation tests. CIL itself would then provide an ability to fund smaller infill or windfall sites. This is an approach being considered in other Essex Districts.
Other comments

In addition to the above comments, the Local Plan should address the issue of infrastructure from the perspective of adaptation, resilience, minimizing and mitigating the impacts of climate change. These, in combination with the delivery of renewable and low carbon energy and associated infrastructure, have been outlined in the NPPF as central to the economic, social and environmental dimensions of sustainable development. The local plan should take account of the climate change including factors such as flood risk, coastal change and water supply and outline how future infrastructure would help deal with these issues. The £36 million Clacton and Holland-on-Sea Coast Protection Scheme is an example of a key infrastructure project and should also be mentioned. The scheme will provide significant environmental, economic and social benefits, protecting over 3,000 homes for the next 100 years.

Mention in made of a TDC Infrastructure Study. As a key partner, ECC would need to be involved in any update as Local Plan preparation progresses.

The Issues and Options Consultation Document and the Tendring Infrastructure Study do not highlight the important role drainage infrastructure play in reducing flood risk and hence the impacts of climate change. While the evidence base highlights the need to upgrade potable and waste water infrastructure, so far there has not been an outline on the issues with other infrastructure such as flood defence assets. It is important that these are evaluated in terms of the impact of new housing and development, whether these assets can indeed accommodate additional development and mechanisms through which these infrastructures could be upgraded.

The Haven Gateway Watercycle Study highlights the Environment Agency flood risk maps but does not outline that these refers to flood risk from main rivers. The evidence base should include documents which highlight the surface water, ground water and ordinary watercourse flood risk.

The infrastructure section should also refer to telecommunications and broadband, which will provide economic and social benefits, as outlined under Issue 1.

Issue 4: Environment (page 18 of the consultation document)

ECC agrees that protecting and enhancing the environment is an important issue for the Local Plan as it will enhance people’s quality of life, thus improve health and wellbeing. It will minimise the impact from extreme weather events and a changing climate. Appropriate proposals which deliver significant benefits or enhancements will help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. It is vital that any new development is built to the highest possible standards, requiring minimal energy to heat them and not susceptible to flooding or overheating whilst not contributing to the implications from climate change (i.e. cause of flooding). Central government expects local planning decisions to demonstrate a commitment to reducing carbon emissions and to contribute to national renewable energy targets.

As Local Plan preparation continues, consideration should be given to cross referencing issues outlined in this section with the preceding section on infrastructure particularly transport – in relation to focussing new housing in areas that can make the
fullest possible use of public transport, walking and cycling. This could then be linked to such a strategy bringing significant environmental improvements, through reduced levels of congestion, improvements in air quality to the district, and provision of new open and green links.

The importance of the coast should be mentioned given the extent of coastline and its role in defining the character for the district. As mentioned above, the Clacton and Holland-on-Sea Coast Protection Scheme is not mentioned as a key infrastructure project (or anywhere in the document) yet this will provide significant environmental, economic and social benefits. It is recommended that this is included as part of the Preferred Options Local Plan.

Nature conservation and geodiversity

ECC welcomes the proposal to “seek to afford the highest level of protection to European and nationally designated sites” (paragraph 6.3, page 18). TDC may wish to make a distinction between the different levels of protection for different types of wildlife site. Please note that there appears to be some confusion in paragraph 6.3 regarding the nomenclature of wildlife sites. ‘Local Wildlife Sites’ are ‘lower tier’ non-statutory sites, which are generally designated at the district or county level; these should be protected through local plan policies (see Appendix 2). Ramsar Sites, Special Protection Areas and Special Areas of Conservation are ‘top tier’ international/European statutory sites and are protected through legislation. Special Roadside Verges (non-statutory) should also be included and listed within the information TDC takes into account; they should be protected and enhanced.

ECC supports paragraph 6.19 (page 21), which states “The Council will also seek to enhance biodiversity and the environment by providing at-surface SuDS solutions which promote habitats for wildlife and opportunities for biodiversity enrichment”. Additional ecological information is incorporated into ECC’s SuDS Guidance.

Priority habitats and species

The Local Plan should include specific reference to priority habitats and species. Please note that the ‘UK Post-2010 Biodiversity Framework’ has replaced the UK Biodiversity Action Plan (UKBAP); and UKBAP species and habitats should now be referred to as ‘Species of Principal Importance’ and ‘Habitats of Principal Importance’ under section 41 of the Natural Environment and Rural Communities Act 2006. The Framework uses the simplified term: ‘Priority Species or Habitats’.

Mitigation hierarchy

TDC should refer to the biodiversity ‘mitigation hierarchy’ set out in Paragraph 118 of the NPPF, which states “...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;“. Further advice is contained with the PPG (see link below) and TDC is advised to ensure that this mitigation hierarchy is considered strategically at the Local Plan stage, as well as at development management stage.

(http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/)
Brownfield sites
It is important to note that brownfield sites that have been vacant for longer periods are also sites where development could have an adverse impact on biodiversity." More details can be found within the brownfield pages of the PPG.

Essex County Council's Biodiversity Validation Checklist
Proposals will be subject to further strategic and project level assessment and this should be in accordance with best-practice guidelines. The County Council's Biodiversity Validation Checklist provides a useful guide to relevant legislation and best-practice and can be accessed through the web-link below.

http://www.placeservices.co.uk/projects/essex-biodiversity-validation-checklist-toolkit/

Historic and built environment

The historic environment is a finite and non renewable resource. Historic buildings and places play an increasingly important role in the delivery of a range of public benefits, including sustainable development, education, urban and rural regeneration, improved competitiveness, cultural development, and providing facilities for local communities. The historic environment underpins many successful projects aimed at improving people's quality of life, transforming failing areas, empowering local people and creating a better and more sustainable environment. The value of the historic environment is recognised in UK legislation and in our being a signatory to various international charters and conventions, including the Valletta Convention, which is at the heart of the way in which the historic environment is managed through the planning process in the UK and throughout the EU.

Paragraph 6.6 (page 18) of the Local Plan Issues and Options Consultation document correctly identifies the requirement under NPPF (para 126) for local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. The NPPF goes on to say 'including heritage assets most at risk through neglect, decay or threats'. However, the bullet points under paragraph 6.21 of the Local Plan Issues and Options Consultation document fail to identify any issues that are specific to the District's historic environment, despite the fact that problems have been identified elsewhere, such as the condition of conservation areas within the District's coastal towns e.g. Clacton and Dovercourt Conservation Areas have both been recorded by Historic England as being 'vulnerable'.

The NPPF requires Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area – which would include the historic environment. In particular this up-to-date evidence should be used to assess the significance of heritage assets and the contribution they make to the environment (NPPF paragraphs 158 and 169).

To this end, in addition to the Tendring Historic Environment Study (2008), it is recommended that the following existing up to date sources on the historic environment of the District are included within the evidence base and used to inform the development of the Local Plan:
• Essex Historic Environment Record
• Essex Seaside Heritage Project (2009)
• Essex Historic Grazing Marsh Study (2014)
• Tendring Protected Lanes Survey (in prep)

TDC should also ensure that its Conservation Area Appraisals are up to date, and that the Heritage At Risk Register for the LPA area is regularly reviewed and updated in order to inform decision making. The 'positive strategy for the conservation and enjoyment of the historic environment' required by NPPF (para 126), should include policies that will help to improve the condition of heritage assets at risk within the District. TDC should also work with local communities to develop a local list of heritage assets in the District, which assesses the significance of heritage assets and the contribution they make to the environment (NPPF paragraphs 158 and 159), building on the English Heritage funded pilot study that was undertaken in 2011. This would also help fulfil the requirement, set out in paragraph 155 of NPPF, for proactive engagement with a wide section of the community during the development of the local plan.

With an up to date evidence base, TDC will be in a position to identify land where development would be inappropriate, for instance because of its (environmental or) historic significance, in line with paragraph 157 of NPPF.

The Local Plan will also need to set out strategic priorities for the District, including strategic policies to deliver the conservation and enhancement of the historic environment (NPPF, paragraph 156). The requirement for a 'positive strategy for the conservation and enjoyment of the historic environment' required by NPPF (para 126), requires a plan for the maintenance and use of heritage assets and for the delivery of development including within their setting that will afford appropriate protection for the asset(s) and make a positive contribution to local character and distinctiveness.

As part of a sound conservation strategy, policies for local housing, retail and transport, for example, may need to be tailored to achieve the positive improvements in the historic environment that the NPPF expects (NPPF, Paragraph 8). Consequently, the Local Plan will need to consider the inter-relationship of its objectives for the historic environment with other objectives e.g. the interrelationship between the historic and the natural environment. Given that it is probably true that most heritage assets, particularly buried archaeological remains, lie in the rural parts of the Tendring local authority area, and that many things such as hedgerows, woods etc. commonly thought of as natural assets are in fact human creations often of great historic interest, the interrelationship between the natural and historic environment must be recognised, and opportunities sought for the plan to conserve and enhance this interrelationship e.g. what contribution might the strategy for improving the Green Infrastructure network in the District also make to the enhancement of the area's heritage assets?

Under paragraph 6.21 (page 21) of the Consultation Document, in addition to the 'varying degrees of landscape sensitivity', the evidence contained within the Historic Environment Characterisation Study (2008) also identifies the varying degrees of sensitivity to change of the district's historic environment. The sensitivity of the historic environment identified within the study needs to be taken into account when considering possible future site allocations in the district, as does the likelihood of currently unidentified heritage assets being discovered, particularly sites of historic and/or archaeological interest (also identified within the 2008 Historic Environment Characterisation Study), which will help to future proof the plan.
Good Design

The issue of waste management should be highlighted within the section relating to 'good design' (paragraph 6.9, page 19) and 'renewable energy' (paragraphs 6.11 to 6.19, page 21). Central Government are placing importance on energy from waste as a way to contribute to the sustainable generation of decentralised energy through such documents as the Waste Management Plan for England 2013 and the Anaerobic Digestion Strategy and Action Plan 2011. Such decentralised energy schemes can best be delivered when they are considered at the design stages of new development. ECC would welcome the inclusion of a local plan policy to reflect this issue.

Climate change, flooding and renewable energy

ECC supports the measures outlined to address climate change (pages 19-20). To ensure a comprehensive approach to this issue, TDC should note the NPPF states that local planning authorities should:

- Adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- Plan for new development in locations and ways that reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.
- Have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily; consider identifying suitable areas for renewable and low carbon energy sources; support community-led initiatives for renewable and low carbon energy; and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems.
- Take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.

The following is provided for information and is a suggested policy approach to address climate change issues that could be include in the new Local Plan.

Addressing Climate Change

New development or redevelopment will be considered acceptable, provided that:

1. It has considered climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate.
2. That vulnerability to climate change impacts is minimised and that such development does not increase vulnerability to climate change impacts.
3. The potential effects of climate change on the development is taken into consideration, such as:
   a. Water conservation and drainage
   b. Need for summer cooling
   c. Risk of subsidence
   d. Flood risk from fluvial and surface water
4. Associated activities adhere to local, regional and national targets for reducing carbon emissions.
5. Consideration of on-site small scale renewable or low-carbon technology where appropriate such as solar panels, geothermal heat pumps, small-scale wind turbine, photovoltaic cells, Combined Heat and Power etc.
6. Measures to connect to off-site, decentralised energy networks (e.g. District Heating) either at commissioning or in the future are considered.

To support the policy approach, TDC may wish to consider the use of a supplementary planning guidance on how to meet energy efficiency and renewable energy standards or as a mechanism to improve the energy efficiency of existing homes. The guidance could take into consideration the following matters when assessing a planning application.

Mitigating climate change by reducing emissions:
- Reducing the need to travel and providing for sustainable transport.
- Ensuring that the transport network is developed to minimise car use is another key factor in cutting carbon (and cutting expenditure on fuel). This includes ensuring ample provision for cycling (bike lanes, parking), limiting car parking spaces and ensuring new developments have good public transport links.
- Providing opportunities for renewable and low energy technologies.
- Ensuring developments meet the standards within the new building regulations or local standards.
- Using best practice energy efficiency and sustainable construction methods, including waste management, that is incorporated in all aspects of development, with use of locally sourced and recycled materials where possible, and designed to high energy and water efficiency standards.

Adapting to a changing climate:
- Considering future climate risks when allocating development sites to ensure risks are understood over the development's lifetime.
- Considering the impact of and promoting design responses to flood risk for the lifetime of the development.
- Directing development to locations with the least impact on flooding or water resources. Where development is proposed in flood risk areas, mitigation measures must be put in place to reduce the effects of flood water.
- All development should aim to limit surface water run-off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of SuDS in developments.
- Considering availability of water and water infrastructure for the lifetime of the development and design responses to promote water efficiency and protect water quality.
- Promoting adaptation (and mitigation) approaches in design policies for developments and the public realm.
- Green infrastructure to be used as a way of adapting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures and for flood mitigation i.e.
  - Providing a permeable surface and allowing places to store water for reuse
  - Providing water storage and retention areas to alleviate flooding
- Development will be planned to minimise the vulnerability to climate change impacts and that such development will not exacerbate vulnerability in other areas.

Councils can also use their planning functions to encourage the retrofit of measures to cut carbon and increase resilient in the existing housing stock. For example:
- Measures can be recommended whenever a property owner applies for permission to extend or improve their property; similar to that undertaken by Uttlesford District Council through their Supplementary Planning Document (SPD) on home extensions represents an example of best practice in using the planning system to reduce carbon dioxide emissions from existing buildings.
- Guidance can be produced to make it clear what is and is not acceptable in e.g. conservation areas.

Consideration should be given to the opportunity for new development being designed to have the potential to be connected to a decentralised energy system now or in the future (as referred to under Good Design on page 36). This is particularly relevant where large urban extensions or new settlements are proposed. Consideration should be given to future development being considered at densities whereby decentralised heating systems may become viable. In preparing the replacement Essex and Southend-on-Sea Waste Local Plan ECC has commissioned a report titled 'Promoting Opportunities for Low Carbon Energy Solutions', which may assist the development of future policy.

**Surface water management**
Lack of fresh water supplies should be used as an additional driver for pushing sustainable drainage systems. SuDS help to recharge ground water and provide opportunities for grey water reuse. SuDS should be used not only in areas of high flood risk but in all new development to promote the efficient use of water and to ensure that water quality issues are addressed.

The Strategic Flood Risk Assessment (2009) (SFRA) will need to be updated. The published SFRA does not address the 2010 Flood and Water Act requirements in relation to the surface water implications and the EA flood maps will need to be updated. It is considered the technical evidence would be found wanting if and when tested at an Examination in Public. When assessing suitability of sites submitted as part of the call for sites process the Updated Flood Map for Surface Water Flooding (UFMfSWF) should be used to indicate surface water flood risk at a local level.

There is no mention of the need to include a surface water management plan as part of the evidence base even though the Issues and Options Consultation Document confirms that "There is also significant surface water flood risk in Brightlingsea, Little Bromley and West Manningtree". This should be addressed as part of the Preferred Options Local Plan.
Issue 5: Vision for the future (page 23 of the consultation document)

It is recommended that the vision is refined to ensure the policies within the local plan clearly address and deliver the District Council’s priorities; examples include,

- The vision states *the ‘rejuvenation of the town’s attractive and safe beaches’ but it would help if the coast protection scheme is mentioned in the next version of the Local Plan to provide a context.*
- Reference is made to new country parks. It is recommended this is made specific with a location or a broad location.
- If Clacton is to be developed as a major retirement destination and this is reflected in the type of dwellings built in the town, then the infrastructure required to support this type of development will be different to that required in other parts of the district i.e. more emphasis on assisted living and specialist health care facilities or a broad location/s.
- Harwich and the A120 Corridor (page 24) - this paragraph anticipates the expansion at the container port - technically Harwich has no container port and is a general cargo port with no container capacity. If this refers to the Bathside Bay proposals it should be made clearer, and the delays in delivering Bathside Bay acknowledged.
- There is no mention of Jaywick as a one of the most deprived locations in the UK. The recent and ongoing initiatives to address the issues could be mentioned.

It is also recommended that a statement within the Vision that gives appropriate recognition to the historic environment of the District and its essential contribution to local character and distinctiveness is included.

Issue 6: Options for growth (page 25 of the consultation document)

ECC is supportive of a new Local Plan and is keen to work with TDC to assist in determining an appropriate spatial strategy and contribute to the necessary evidence base to support any preferred strategy. It is noted that TDC is, and will continue to update its evidence base to progress the Issues and Options Consultation Document to a preferred spatial strategy, and will need to consider a range of all reasonable alternatives.

Given the level of housing that is anticipated to meet OAHN, any spatial strategy may need to consider a combination of options including new garden settlements, urban extensions, cross border strategic development, key development sites in the main settlements, and some development at the rural villages. In progressing any spatial strategy it will be imperative to ensure a range of development sites are included to meet the long term growth requirements, and to ensure the delivery of a 5 year housing supply of specific deliverable sites, in accordance with the NPPF.

Any proposed strategy is of particular importance to ECC as it will need to be satisfied that the impact of any planned scale and distribution of growth can be accommodated by ECC areas of responsibility, or identify what additional facilities or mitigation is required to make the strategy sustainable in social, economic and environmental grounds.

As noted earlier in this response, ECC as Highways Authority is undertaking an assessment of the options on the highway network to allow TDC to make an evidenced decision when it chooses a preferred strategy for growth. As the assessment was not
finalised at the time this response was put together, ECC through the duty to cooperate will provide separate comments relating to transport matters and potential impacts on the options for growth. On-going discussions between the two authorities will continue to take place.

The following response is provided to assist TDC inform their decision for a preferred growth option.

The ‘fixed’ option

Paragraph 8.3 (page 25) outlines how 9,200 of the 10,000 new homes will be delivered. Of note is the new garden settlement proposed on the Tendring/Colchester border. ECC will continue to work collaboratively with TDC and Colchester BC through the duty to cooperate around this proposal and emphasises the need to ensure any proposal for this locality is aligned with Colchester BC Local Plan preparation. The Tendring Local Plan should make it clear what the total number of new homes for this settlement is, and then indicate what is expected to be delivered in the plan period. ECC would encourage a review of housing delivery (2,000 new homes (of which 1,000 contributes to Tendring’s housing supply) by 2032) to maximise housing delivery in the plan period, in order to meet housing need and ensure the development provides and funds the required infrastructure to make this site sustainable.

Paragraph 8.5 (page 26) outlines the options to deliver the additional 800 new homes to make up a total of 10,000 over the plan period. Once a preferred option or options is chosen by TDC, it should be made clear that the proposals extend beyond the plan period and in most cases would mean a housing number in its totality above the 800 indicated in the Consultation Document. Specific comments on the four options are provided below.

Option 1: Hartley Meadows Garden Suburb

In education terms this development would be in a sustainable location insofar as primary children could walk/cycle to the new primary school planned to serve the development and to the secondary schools located in Clacton.

Option 2: Weeley Garden Suburb

In primary education terms this development would be in a sustainable location insofar as primary children could walk/ cycle to the new primary school planned to serve the development or to the expanded primary school that currently serves the village and the surrounding area. However, at secondary school level all of the children from the development would require transport to both the Thorpe and Frinton Campuses of Tendring Technology College. The use of the railway to transport pupils to and from the Frinton campus would be the most sustainable mode of transport.

Option 3: Tendring Central Garden Village

This is considered the least sustainable of the four options. It is not located near public transport and there would be heavy reliance on the car. The proposal would require significant investment in road infrastructure to provide access and it is questionable if
the scale of proposed development would be able to fund these requirements let alone other essential facilities such as schools.

In education terms this development would be located in the least sustainable location. Whilst primary children could walk/cycle to the new primary school planned to serve the development at secondary school level all of the children from the development would require transport over relatively long distances to and from school. The development is distant from all of the existing secondary schools in the district and there is no access to a railway that could be used to transport children to and from school. The quantum of development proposed would not warrant the provision of a secondary school.

**Option 4: Higher Urban Densities**

The Consultation Document notes that an advantage of this option is that “In areas with lower land values, providing more homes can ensure that new developments are viable which can deliver the required infrastructure such as medical facilities, new schools and road improvements” (page 34). Greater consideration should, therefore, be given to the density of developments that will be permitted in and around existing settlements in the district to ensure that the funding required to provide appropriate infrastructure to support such developments is available.

If higher density housing developments were encouraged within and around Tendring’s towns it would, in education terms:

- maximise the use of any existing surplus capacity in primary and secondary schools;
- help promote sustainable home to school travel through the development of safe walking and cycling routes between home and school; and
- increase the financial viability of developments enabling them to deliver sufficient school places, either through the expansion of existing schools/ academies or the provision of new schools.

As job growth will be centred around the main towns of the district, Option 4 may help support the viability of many of the district’s town centres, as well as public transport which is currently underused in various parts of the district.

**Other considerations when determining options for growth**

**Flood risk**

To further inform the ‘right locations’ for new homes, consideration should be given to evidence that outlines the level of flood risk for the area. While criteria such as prevailing house prices and need have been used to outline where some future developments would occur, it is pertinent to consider the strategic flood risk for these areas. This would be particularly crucial if most of the proposed future developments would take place in urban areas and areas of greatest housing need such as Clacton-on-Sea. Documents to provide a robust evidence base upon which decisions regarding the most ideal locations for any future developments can be made should include,

- North Essex Catchment Flood Management Plan
- The Shoreline Management Plan
- The up-to-date Strategic Flood Risk Assessment
- The Surface Water Management Plan (as soon as this becomes available).
Minerals

ECC would like to draw attention to Policy S8 in the Essex Minerals Local Plan 2014 (p69). The policy sets out the principle of Mineral Safeguarding Areas and Mineral Consultation Areas. These are policy tools through which ECC aims to ensure that finite mineral resources are not needlessly sterilised by non-mineral development. As such, these policy tools contribute to the achievement of sustainable development. It is important to realise that these policy tools do not act to prohibit development, rather they ensure that mineral considerations are appropriately factored into the decision making process.

ECC is currently trialling a process with the Local Authorities of Chelmsford and Colchester, which allows mineral considerations to be factored into their proposed growth location assessments. Under the terms of the duty to co-operate, ECC would welcome a similar opportunity with TDC to explain the process as Local Plan preparation continues. This is considered to be an important issue as it is noted that TDC are primarily promoting growth in greenfield land which has the potential to be mineral bearing.

As highlighted in previous duty to co-operate meetings, it is necessary for Mineral Consultation Areas and Mineral Consultation Zones be included on the final Policy Maps at the district level. This will ensure that developers are aware of the presence of minerals whilst at the design stage of their future proposals. It is envisaged that ECC will formalise the Mineral Safeguarding and Consultation Area processes within a Supplementary Planning Document.

Issue 7: Planning policies (page 35 of the consultation document)

The following comments relate to the Development Management topics. ECC would welcome further detail on many of the issues identified particularly those around transport, sustainable travel, infrastructure provision, environment, and surface water management.

Delivering Sustainable Development

ECC would recommend inclusion of a policy for the sustainable sourcing of construction materials. The Essex Minerals Local Plan, Policy S4 requires all development to consider the reduction in mineral use when determining planning applications for housing, commercial and other developments.

Other: Policy options will need to consider sustainable options to manage the waste material produced by a growing community. This includes an increase in household waste created by a growing population, increasing construction waste resulting from built development and commercial and industrial waste created by a growing economy. It is considered that development cannot be sustainable if appropriate provision is not made for the waste that will be produced.

Planning for prosperity

Road improvements: Road upgrades will be informed by the transport assessment that is currently taking place and the TDC’s preferred option for growth.
Employment sites: TDC will need to consider the impact of government policies permitting employment uses to be changed to residential without requiring planning permission.

Planning for People

Aspirational/Self Build Homes. The government requires the provision of plots for self build/custom build and this should be incorporated as part of the new Local Plan.

Planning for Places

Water, Drainage and Sewage: ECC recommended a specific policy and supporting text is included within the new Local Plan regarding surface water drainage. The following policy and supporting text is put forward for consideration as part of the new Local Plan.

Suggested Supporting Text
A Surface Water Management Plan (SWMP) is a plan produced by the Lead Local Flood Authority (LLFA) and outlines the preferred surface water management strategy in a given location. These Plans focus on areas of highest surface water flood risk and consider flooding from sewers, drains, groundwater, and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall.

These Plans outline the causes and effects of surface water flooding and recommend the most cost effective way of managing surface water flood risk for the long term. A SWMP is carried out at an intermediate risk assessment level identifying those parts of the study area that are likely to require more detailed assessment to gain an improved understanding of the causes and consequences of surface water flooding.

The intermediate assessment identifies areas where the flood risk is considered to be most severe; these areas are identified as Critical Drainage Areas (CDAs). They are typically located within Environment Agency Flood Zone 1 but should not be excluded from other Flood Zones if a clear surface water (outside of other influences) flood risk is present.

It is important to recognise that flooding within the study area is not confined to just the CDAs, and therefore, there are opportunities for generic measures to be implemented through the establishment of a policy position.

Suggested New Policy - Water Resources and Surface Water Drainage

1. The Critical Drainage Areas (CDAs) for the district will be defined through the establishment of a Surface Water Management Plan.

2. Within the identified CDAs development must not increase the risk of fluvial or surface water flooding, and should seek to reduce the risk of fluvial and surface water flooding through the delivery of the following measures as appropriate to the location of the proposal and recommendations from a Surface Water Management Plan once produced.

   a. Increased community awareness;
b. Improved management regimes of main rivers, ordinary water courses and their tributaries;
c. Increased conveyance;
d. Retention and increased flood storage capacity;
e. Improved land management;
f. Increased online storage; and
g. Incorporation of Sustainable Urban Drainage Systems (SuDS) appropriate to the development type, size and location.

3. The Council will require development to be in compliance with and contribute positivity towards delivering the aims and objectives of water management plans affecting the area such as a Surface Water Management Plan.

Issue 8: Call for sites (page 39 of the consultation document)

This response does not cover ECC as landowner and/or prospective developer. A separate response will be made to the call for sites and that response should be treated in the same way as a response from other developers and/or landowners.

Other Issues not identified in the Issues and Options Consultation Document

Sustainability Appraisal / Strategic Environmental Assessment

It should be noted that the consultation document does not have an accompanying Sustainability Appraisal (SA). In order to meet the requirements of the Strategic Environmental Assessment (SEA) Directive, it must be demonstrated that the SA has been able to influence the Local Plan in the selection of preferred options. The development and appraisal of proposals in Local Plan documents should be an iterative process, with the proposals being revised to take account of the appraisal findings. This should inform the selection, refinement and publication of proposals (when preparing a Local Plan, paragraph 152 of the NPPF should be considered).

SA is integral to the preparation and development of a Local Plan, to identify how sustainable development is being addressed, and work on the SA should start at the same time that work starts on preparing the plan. This means that the Issues and Options contained within the consultation document should be subject to appraisal, in line with the requirements of the SEA Directive.

In this specific instance, it should be noted that the consultation document also incorporates a call-for-sites and as a result, the issues and options presented can be considered very preliminary in the absence of any specific sites put forward. As a result, a comprehensive amount of issues and options are not currently available for assessment.

Nevertheless, a SA of those options contained within the consultation document, in addition to any additional options that arise from the consultation and call-for-sites, must be undertaken as part of the iterative process of SA. It is recommended that this work is undertaken without hesitation and that the subsequent public consultation of the SA Environmental Report is undertaken at, or possibly prior to, the next consultation stage in the plan making process.
The SA should also cover a framework or methodology to deal with strategic sites/growth locations. This is considered particularly important given the Local Plan is likely to allocate a number of strategic large-scale housing sites which constitute urban extensions to some of the districts settlements. The Local Plan may propose strategic cross boundary growth locations with adjoining local authorities and it is important to explain the approach being undertaken for the possible selection and SA of any cross-boundary sites.

Minerals and Waste

The Tendring Issues and Options Consultation Document does not reference minerals and waste planning issues, despite this being a requirement of national planning policy; and the Tendring development plan includes those plans adopted at the County level. The Essex Minerals Local Plan was adopted in July 2014 and the emerging Essex and Southend-on-Sea Waste Local Plan completed its Regulation 18 consultation in August 2015, with a view to final adoption in December 2016. The current Waste Local Plan was adopted in 2005. Reference to these statutory plans and the work of ECC in these areas needs to be mentioned in the next iteration of the Local Plan.

With respect to the otherwise silent position on mineral and waste development the Waste Planning Authority would seek that future consultation documents address the lack of referencing to both mineral and solid waste issues. Such infrastructure is relevant to the ability to achieve sustainable growth in Tendring. In particular, the need to consider the interrelation with the safeguarding provisions associated with the Port of Harwich as a safeguarded transhipment site, site A20 Sunnymead (Wivenhoe) a future extraction site, other existing extraction sites and land areas containing economically viable mineral resources as safeguarded under the Mineral Local Plan 2014.

Delivering the Waste Hierarchy through Local Plans

The emerging Essex and Southend-on-Sea Waste Local Plan makes reference to Waste Consultation Zones. Based on the responses to both the Preferred Approach and Revised Preferred Approach iterations of the Waste Local Plan, it is likely that Waste Consultation Zones will continue to be a feature of the Waste Local Plan as it moves towards adoption. In a similar manner to Mineral Consultation Areas, this policy tool does not act to automatically preclude development, rather they act to ensure that the operation of waste management facilities are not compromised by non-waste development. Whilst there is not the expectation that these are included on a district level Policies Map, ECC intend to periodically send GIS layers to each Local Planning Authority which detail the spatial extent of these Waste Consultation Zones. In doing so, Development Management officers will be aware when ECC, acting as the Waste Planning Authority, must be consulted on any proposed development within such zones.

The National Planning Policy for Waste (October 2014) and the PPG requires the need for closer working between local planning and waste planning authorities. This is required to integrate the need for waste management with other spatial concerns in the preparation of Local Plans, and the latter “are expected to help deliver the Waste Hierarchy”. The PPG (paragraph ID 28-010-20141016) further states (inter-alia) that such regard takes the form of:
working constructively with waste planning authorities to identify and protect those sites needed for waste management facilities. Local planning authorities should consider the need for waste management alongside other spatial planning objectives.

- integrating local waste management opportunities in proposed new development.

- considering, where relevant, the likely impact of proposed, non-waste related development on existing waste management sites and on sites and areas allocated for waste management.

- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with.

- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste.

ECC is required to prepare a Waste Local Plan, which identifies sufficient opportunities to meet the identified needs of an area for the management of waste. It is required to ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations (PPG, Paragraph: 011, Reference ID: 28-011-20141016).

Waste is a strategic issue that should be addressed effectively through close co-operation between waste planning authorities and other local planning authorities. In order to achieve this it is necessary to gather, evaluate and ensure consistency of data and information required to prepare Local Plans. By the nature of the activity, waste planning policy requires a strategic, cross-boundary approach to ensure that waste is effectively managed and facilities are properly located.

The PPG (Paragraph: 018, Reference ID: 28-018-20141016) states that opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities. For example,

- Suitable previously-developed land, including industrial land, provides opportunities for new waste facilities and priority should be given to reuse of these sites. It is important for waste to be considered alongside other land uses when looking at development opportunities.

- As reviews of employment land are undertaken, it is important to build in the needs of waste management before releasing land for other development or when considering areas where major regeneration is proposed.

- The integration of local waste management opportunities in new development should be integral to promoting good urban design.

- Facilitating the co-location of waste sites with end users of waste outputs such as users of fuel, low carbon energy/heat, recyclates and soils.

The above is reinforced by the ‘Guidance for local planning authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC), DCLG, December 2012’. This specifically states that when local planning authorities are undertaking Employment Land Reviews, it is important they consider the full range of employment opportunities, including appropriate waste management proposals.
Consequently, the potential for employment land to be used for waste purposes needs to be considered as part of an employment land needs assessment for the district. ECC would recommend that waste management uses are included as a permitted use within appropriate employment areas. As ECC continues preparation of the replacement Essex and Southend-on-Sea Waste Local Plan, it will engage with TDC through the duty to cooperate.

Paragraph 8 of the NPP for Waste also clarifies the position and requirements of local planning authorities when determining non-waste related developments, in which they should (to the extent appropriate to their responsibilities), ensure that,

- The likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.
- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.
- The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

It is recommended that the above policy requirements be considered for inclusion when preparing the new Local Plan.
APPENDIX 1: NOTES ON PASSENGER TRANSPORT FOR LOCAL PLANS

The following is provided for information only to support Local Plan preparation.

Supporting evidence

A number of bodies have issued papers addressing passenger transport's role in development. These include the Institute of Highways and Transportation's 'Planning for Public Transport in Developments' from 1999 and The Commission for Integrated Transport (CfIT) guide 'Planning for Sustainable travel 2009'. These appear to remain field leaders, despite their age. The documents are attached separately to this response for reference.

Basic Principles of passenger transport provision for developments

1. The demand for Passenger Transport (PT) is broadly 'derived'; that it is it is created by demand for the ability to access another good or service (classically for health, work, education, shopping or leisure purposes) rather than by a desire for passenger transport in itself. These might be termed 'personal demands' since they are generated as a result of the desires of individuals for these goods and services.

2. However PT can also help address secondary derived demands, stemming from the impact of the development itself, such as congestion reduction and environmental protection (i.e. reducing CO2 and other pollutant emissions) These might be termed 'mitigation demands'.

3. In turn this leads to the question of 'sustainability'. This has two principle foci, 'Environmental Sustainability' (EvS) - the contribution PT can make to ensuring development is environmentally sustainable - and 'Economic Sustainability' (EcS) – the ability of the service to operate in the long term without public financial support.

4. As such when looking at developments it is important to bear in mind that simply providing 'a bus service' will not necessarily address either issue. To survive beyond the S106 funding period a bus will need to carry enough passengers to make it commercially viable. To contribute toward environmental sustainability a service must not only have sufficient loft capacity to actually be able to make a difference to congestion levels, but also form part of a wider integrated strategic approach to minimise the demand for car journeys, by promoting sustainable travel of all types – walking, cycling and public transport. In effect this means 'normalising' sustainable travel modes within the minds of the developments population through a range of 'hard measures' (infrastructure and bus service provision) plus 'soft measures' (travel planning, promotion, incentives etc.).

5. On this basis it is possible to identify three key factors that determine the longer sustainability of bus service linked to developments which are examined in turn below. These are:

A. Scale of development.
B. Location of development.
C. Design and design philosophy of developments.

A. Scale of developments
   • In general the larger the development, the greater the potential passenger use and the chances of service being economically viable. There is a tipping point at
which a development becomes a viable base for a bus service. This will; vary according to location (see below) and demographic profile. (For example developments aimed attracting older people, the less well-off and younger families will by large have a higher bus use potential than those aimed at other groups).

- Similarly a larger development means a greater opportunity to develop environmentally sustainable travel patterns, since it allows the efficient development of sustainable travel design features and policies such as discounted fares, regular advertising, route branding, cycling and walking access.
- In general therefore, when thinking in terms of passenger transport sustainability ECC favours larger focused developments rather than widely distributed smalls case developments, where low numbers make sustainable passenger transport an unlikely prospect.

B. Location of development

- The underlying costs of providing transport services are determined by the investment required in site, vehicles, infrastructure, drivers and other variable costs such as fuel. Logically these costs will be minimised where a new service is operating on the marginal costs of extending existing operations rather than setting up from new.
- For this reason it makes sense, from a passenger transport viewpoint to base development around existing settlements that already have with a strong public transport network. This means they will be able to take advantage of existing infrastructure and marketing and the efficiency of a concentrated passenger transport network, by for example extending an existing service to serve the development (with some extra resources). It also makes sense where possible to site developments near, or ensure strong links to transport hubs such as rail stations, bus stations or similar, to allow maximum connectivity to the rest of the network.
- This said there are cases of really large developments, (for example recent national proposals on garden cities) where it makes more sense to locate these according to other factors and build a new transport network into the development as the dis-benefits of trying to patchcock too dense urban networks together can be disadvantageous (i.e. through cross settlement congestion effects). Conversely, if the developments are very small – aimed for example at preserving the viability of pre-existing rural settlements, is may be better to accept that these will rely on car travel as the principle mode of longer distance transport and focus on minimising short distance car use through walking and cycling schemes than spend money on poorly used unsustainable bus services.
- In general therefore, when thinking in terms of passenger transport sustainability ECC’s favours developments located as part of existing rather than independent sites to take advantage of the economies of scale this offer, unless there are clear strategic factors that militate against it.

C. Design and design philosophy of developments

In some ways this is the most important feature of the council’s approach to developments. From a passenger transport viewpoint, the design of a development should allow for easy access by passenger transport services.
Design includes,
- Wide, easily negotiable roads with through access, not requiring the bus to run around or retrace its route to serve the development. If turning is unavoidable a sufficiently wide, well placed turning circle, protected form on street working is necessary.
- All sites within the development to have stops within an agreed distance of a public transport service route.
- Good infrastructure with stops, kerbs and shelters including RPTI appropriately sited and accessible walking routes to stops.
- Where appropriate access to transport hubs like rail stations allowing passenger queueing and bus turning/layover as a priority.

Design philosophy includes,
- Building sustainable transport into the design from the start to create an environment that promotes sustainable travel, including the design of stops and shelters as part of the overall zeitgeist of the development.
- Adopting it as a core selling point to potential users and funding measures to promote it, including travel planning and introductory PT travel offers, etc.
- Including easy access to services and amenities.
- Reducing the need to travel (eg through high speed Broadband availability).
- Locating developments appropriately to allow this to occur.
- In general therefore, when thinking in terms of passenger transport sustainability ECC favours developments that are designed to accommodate and promote passenger transport use as part of their fundamental design profile and oppose those that do not.

D. Specifying levels of service
- Information about the appropriate minimum level of service that a settlement should expect, based on settlement size in included in the current Essex Road Passenger Transport Strategy that is available on the ECC website. These are not prescriptive and are not applicable in all cases although they do offer some guidance. They are likely to be reviewed as part of the wider 'Getting Around in Essex' passenger transport review currently underway (as of February 2015).
- Levels of service will clearly depend on the size and location of the settlement, but should be of an appropriate scale and capacity appropriate to the outcome desired for the development in terms of achieving both economic and environmental sustainability.
- In general, but particularly in the case of larger developments (where a development or series of developments will result in the construction of 800 or more homes in one location), it is strongly recommended that developers contact local bus and other public transport operators at the earliest possible stage to establish whether the public transport services for a settlement will be commercially viable and what measures need to be agreed to make this possible. This will save a lot of work later and the greater freedoms of commercial businesses in regard to transport arrangements makes it easier for them to work with commercial (and indeed third sector) service providers.
- A size of 800 homes is chosen because practical experience suggests that developments of this scale or larger are the most likely to result in a sustainable long term commercial service. Below this scale commerciality may be possible if the service can be set up as a low cost adaption of an existing service, or if the development has a special sustainable character, such as severe restrictions
parking or car ownership through covenants etc. In general developments in an area that will total below 200 homes seem unlikely to generate sufficient passengers to make a route commercially viable unless very straightforward adaptations can be made to existing services and alternative amelioration measures should be considered.

6. In conclusion
   - The provision of 'a bus service' by a developer should not be seen as a passport to 'sustainability' in and of itself, regardless of the initial funding offered. Such a service must be shown (preferably with support from a commercial bus operator) to be commercially viable and to have the desired outcome in terms of environmental sustainability (for instance in picking up modal share for generated journeys).
   - Another aim is to avoid the creation of 'white elephant services', where services exhaust their S106 or CIL funding but, while possibly carrying a substantial number of passengers are not commercially viable, leaving the County Council with the decision about their future.
   - The onus on developers should therefore be to show how their proposals are viable from both sustainability perspectives and will continue after the limited developer funding period ends. The concomitant onus on planning authorities is to ensure that their demands for public transport are designed to create a sustainable (in both contexts) public transport network that will meet its desired outcomes, while not being unduly costly to achieve. The early involvement of commercial operators in the process will act as a reality check and a solid base for negotiations.
APPENDIX 2: BIODIVERSITY - RECOMMENDED LOCAL PLAN POLICY WORDING

INTRODUCTION
The following policies contain recommended wording for development management policies in Local Plans. They will assist the local authority to meet their obligations under Section 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (NPPF) and achieve no net loss of biodiversity. The policies cover every aspect of ecology that must be considered in the development management process.

The policies reflect the criteria-based and hierarchical approach that should be taken to protected sites, as required under paragraph 113 of the NPPF. They reflect the need to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure required under paragraph 114. They meet the requirements for planning policies set out in paragraph 117 and those for determination in paragraph 118.

Each recommended policy can be tailored to a specific Local Planning Authority. The policies can be kept separate, or similar policies (for example, for priority habitats and species) could be combined. Each policy should be accompanied by ‘supporting text/justification’ prepared by the local authority, explaining the need for the policy, any relevant legislation or national policy, and any species, habitats, features or local designations of particular importance to the local authority that may need specific consideration.

RECOMMENDED POLICIES

1. Legally Protected Sites and Irreplaceable Habitats
Proposals likely to have an adverse effect on Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites as shown on [Map X], will require a full assessment in line with European legislation. Development proposals affecting Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNR) as shown on [Map X] and irreplaceable habitats should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved development proposals will not be permitted.

The Council will take a precautionary approach where insufficient information is provided about avoidance, management and mitigation measures. The Council will secure management, mitigation and enhancement through planning conditions/obligations where necessary.

2. Local Sites
Proposals likely to have an adverse effect on a Local Wildlife Site (LoWS), Local Nature Reserve (LNR), Special Roadside Verge or a site that satisfies the relevant designation criteria will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site. Where residual impacts remain, off-site compensation will be required to achieve no net loss of biodiversity in [X District/Borough].
The Council will assess sites proposed for development to ascertain whether they fulfil the criteria for designation and may request information from applicants to assist in that process. If a site satisfies the criteria it will, for planning purposes, be treated as if it were a LoWS/LNR.

The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. The Council will secure management, mitigation and compensation measures through planning conditions/obligations where necessary.

3. Priority Habitats and Hedgerows
Proposals that result in a net gain in Priority Habitat will in principle be supported, subject to other policies in this plan. Where Priority Habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of Priority habitat in [X District/Borough].

Hedgerows must be subjected to an assessment against the criteria of the Hedgerow Regulations 1997. If a Hedgerow is deemed to be Important under the Hedgerow Regulations, the developer must demonstrate that adverse impacts upon the Important hedgerow will be avoided, and impacts that cannot be avoided are mitigated on-site.

The Council will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures. The Council will secure mitigation and compensation through planning conditions/obligations where necessary.

4. Legally Protected Species
Where there is a confirmed presence, or reasonable likelihood, of a legally protected species on an application site, the applicant will be required to demonstrate that adverse impacts upon the species have been avoided, and where they cannot be avoided adequately mitigated. Mitigation must conform to the requirements of relevant legislation and Natural England Standing Advice. Where impacts cannot be adequately mitigated, the proposal will not be permitted.

The Council will take a precautionary approach where insufficient information is provided about avoidance and mitigation measures. The Council will secure mitigation through planning conditions/obligations where necessary.

5. Priority Species
Where there is a confirmed presence or reasonable likelihood of Priority species being present on a development site, the developer will be required to demonstrate that an adequate mitigation plan is in place to ensure there is no net loss of Priority species.

The Council will take a precautionary approach where insufficient information is provided about mitigation measures. The Council will secure mitigation through planning conditions/obligations where necessary.
6. Biodiversity Offsetting
In order to achieve no net loss of biodiversity the Council expects that the Defra Biodiversity Offsetting metric will be used to quantify the impacts of all development proposals upon habitats in ‘credits’.

Where residual impacts are calculated to remain after the application of on-site mitigation, Biodiversity Offsetting should be used to deliver the required compensation. The use of Biodiversity Offsetting will be secured through planning obligations where necessary.

7. Green Infrastructure and Ecological Network
Development proposals will be required to maximise opportunities for the creation, restoration, enhancement, expansion and connection of Green Infrastructure and connection of the development site to the local Ecological Network. All Major development proposals should seek to include elements of Green Infrastructure and Ecological Networks, such as but not limited to SuDS, allotments, street trees, green roofs, recreational areas, areas of new and existing natural habitat, green corridors through the site and waterbodies. Where this is not possible, financial contributions to facilitate improvements to the quality and extent of existing Green Infrastructure in [X District/Borough] will be sought.

8. Living Landscapes
The extents of the Living Landscapes in [X District/Borough] are identified on [Map X], these are:

• ...
• ...

Within each Living Landscape, opportunities for the preservation, restoration and re-creation of priority habitats, ecological networks and populations of priority species will be supported in order to protect and enhance strategic wildlife corridors and habitats in Essex. Development proposals that would deliver these opportunities will in principle be supported, subject to other policies within this plan. Development resulting in a significant adverse impact on the ecological function of these Living Landscapes will be refused.

GLOSSARY

The following terms are recommended for inclusion in the Local Plan glossary.

**Ancient woodland**: an area that has been wooded continuously since at least 1600 AD.

**Avoidance**: Action taken to avoid a possible impact by either re-locating the works to an area that will not have an impact or timing them to avoid the impact i.e. outside of the bird breeding season, amphibian mating season, etc.

**Biodiversity Offsetting**: A standardised system – using conservation credits – to measure residual impacts of development and compensate by providing new wildlife habitat off-site.
Compensation: Measures provided to offset residual adverse impacts that remain after the application of mitigation. This can be the provision of an area of like-for-like habitat directly or providing financial contributions to achieve it.

Green Infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Important Hedgerow: a hedgerow meeting the criteria set out in the Hedgerow Regulations 1997.

Irreplaceable Habitats: Habitats which is it not possible to re-create, due to their age and/or condition and/or composition. Includes Ancient Woodland and Veteran Trees in Essex.

Legally Protected Species: Those species protected under: The Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2010 (as amended).

Living Landscape: Living Landscapes are large landscape-scale areas of the countryside, such as river valleys, estuaries, forested ridges, and grass and heath mosaics, which form ecological networks. The networks allow wildlife to move through them and increase their resilience to threats such as climate change, floods, drought, sea-level rise and development pressure. There are 80 Living Landscapes within Essex.

Major proposal: a major development proposal as defined by Article 8(7) of The Town and Country Planning (General Development Procedure) Order 1995.

Mitigation: Action taken to reduce the severity of adverse impacts. Mitigation can include minimising impacts by limiting the degree or magnitude of an action, or rectifying impacts by restoring, rehabilitating, or repairing the affected environment or reducing or eliminating impacts over time.

Priority Species and Habitat: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006. Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.


Special Areas of Conservation: Areas given special protection under the European Union’s Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010.

Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.
Veteran tree: a tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

USEFUL LINKS

The following web-links provide further information.

CIEEM - Chartered Institute of Ecology and Environmental Management
Natural England Standing Advice
Protected or designated wildlife areas
Natural England Green Infrastructure Guidance
Biodiversity Offsetting
Local Wildlife Sites
Standing Advice for Ancient Woodland and Veteran Trees
APPENDIX 3: GENERAL POLICIES APPLICABLE TO ISSUES 2-4

The following policies on local distinctiveness highlight the link between landscape, biodiversity, design of the built development, and the historic environment. The policies are provided for consideration of TDC as it prepares its Local Plan, and can be adapted to suit local circumstances.

1. General development criteria

Local distinctiveness
Development will sustain the distinctive quality, character and diversity of environmental assets through:

a) high quality sustainable design which reinforces the character and legibility of built environment and creates attractive places,

b) the efficient use and conservation of natural resources of land, water and energy,

c) the preservation and enhancement of the distinctive qualities of natural landscape, supporting opportunities identified within landscape character areas. Within the Area of Outstanding Natural Beauty, the primary objective will be to protect the special environmental qualities of that landscape and its setting,

d) the protection and enhancement of designated sites of national and local biodiversity and geodiversity importance. Development will support opportunities for protecting and enhancing species populations and the restoration, recreation, enhancement and linking of habitats to contribute toward the delivery of Biodiversity Action Plan targets, and

e) the preservation and enhancement of cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance.

Development will be permitted provided that for sites containing or adjacent to Trees, Open Spaces and Woodlands:

a) it retains woodlands and mature trees and tree belts, particularly where such trees form a distinctive edge, ridge or canopy or provide an important enclosure for public spaces;

b) it respects the setting and character of natural areas and viewpoints;

c) it does not have a detrimental impact upon the character of parks or other open spaces.

Broad locations for residential development
In all cases the design of buildings should contribute positively to those attributes of a particular street which distinguish it, including building materials, height, roof form, fenestration, site coverage, car parking arrangements, spacing of buildings, retention of front and rear gardens, tree cover and other vegetation.

Suburban heartlands
The Council will maintain and seek to enhance the quality of the Borough’s environment by ensuring that all new development within the residential heartlands respects the positive features of suburban character, reinforcing local distinctiveness and a sense of identity. Where the residential area is more mixed in character or currently presents a lower quality environment, the Council may adopt a more flexible approach, requiring that new development is of a high quality that creates its own distinctive character.
General sustainable development principles
Development should:
  a) be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the Environmental Character of the area;
  b) create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the towns and villages through its design, landscaping and use of public art;
  c) conserve and enhance the landscape character, historic landscape, designated built environmental assets and their settings, and biodiversity of the environment making reference to the Environmental Character Assessment and Green Infrastructure Strategy.

2. Natural and built environment

Natural environment
The District Council will work with partners such as the Wildlife Trust and the community to protect and enhance the natural and historic environment in the District.

Proposals for development are expected to retain and add to local distinctiveness, retain tranquillity, avoid fragmentation of habitats and seek to enhance wildlife corridors and networks.

In addition, proposals should conserve and contribute towards the enhancement of the landscape character, biodiversity and geodiversity of the District, including those features listed below:
  a) the visual setting
  b) the Historic Parks and Gardens and their settings
  c) habitats and species
  d) sites and features in the emerging Action Plan
  e) locally recognised sites of biodiversity and geodiversity importance, including County Wildlife Sites, Local Nature Reserves and Regionally Important Geological/Geomorphological sites
  f) wildlife and green corridors.

Environmental assets
The Council will conserve and improve the environmental assets of the District by requiring:
  a) the conservation and enhancement of the Area of Outstanding Natural Beauty and its setting
  b) the implementation of the objectives of national and local biodiversity action plans
  c) the protection of open spaces and action to address deficiency in open space
  d) the identification, retention and enhancement of green infrastructure assets, including the development of green corridors and networks
  e) the conservation and enhancement of landscape character, with reference to national and county-level landscape character assessments and, where appropriate, landscape character defined in more detail at local level
  f) the preservation or enhancement of historic environments (and, where appropriate, their settings) through the identification, protection and/or appropriate management of heritage assets
g) The conservation and enhancement of watercourses, water bodies and their settings for their landscape character, biodiversity and recreational value – especially the River Thames and its valley corridor and the District’s chalk streams.

h) The prevention of inappropriate sub-division of agricultural land to avoid degradation of land of amenity value.

**Good urban design and heritage**
The Council will seek to ensure that development:

a) respects the local context and distinctive local character;

b) creates a sense of welcome by promoting legible places through the development of landmark buildings, public realm features, landscape and public art.

The Council will designate and seek to preserve or enhance heritage areas in the Borough, designated as Conservation Areas or Areas of Special Local Character, and the statutory and local list of buildings.

**The natural and built Environment and Green Belt**
Subject to the District’s need to plan for new greenfield development, the landscape character of the whole District will be protected and where appropriate enhanced.

Where criteria based planning policies cannot provide the necessary protection, local landscape designations will be identified:

a) to protect the high quality of the landscape which is important to the setting of the towns;

b) to protect those ‘green wedges’ in town which are an important part of its character and distinctiveness;

c) to protect appropriate green space within the main built up areas.

**Ensuring the vitality of town centres**
Refer to paragraph 23 from NPPF. New development should aim to be well connected to existing town centres and not to impact negatively on the current trading/businesses activities.

**Supporting a prosperous rural economy**
Refer to paragraph 28 from NPPF. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

**Promoting sustainable transport**
When choosing the location for new development this policy in its entirety should be considered.

Sustainable transport is crucial in order to create a good quality environment on new developments, whether it involves creating new infrastructure, linking with existing or improving the current infrastructure. Green links and green infrastructure form part of the transport network.

**Promoting healthy communities**
In addition to this NPPF policy, the developer will be ask to provide adequate amount of green public open spaces, green routes, avenues or street tree planting within the development. The bigger the development, in terms of density and population, the
higher the green open space provision will have to be. High density development will required bigger green open spaces.

Meeting the challenge of climate change, flooding and coastal change
New developments should have a proactive approach to minimise energy consumption and to promote renewable energy. This is closely connected to NPPF policy 'Requiring good design' and it has a great impact on the landscape in the short and long term.

3. Landscape specific

Protection and enhancement of the landscape
The landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.

The release of land will have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment to ensure land is released, where appropriate, in areas where the impact on the landscape is at a minimum.

Development should also be designed to be sympathetic to landscape character, and informed by the LCA.

High protection will be given to the landscape, reflecting its role as a regionally significant green infrastructure asset. Proposals within the Landscape Character Areas will not be permitted where these would result in harm to key visual features of the landscape type, other valued components of the landscape, or where proposals would result in a change in the landscape character.

High protection will also be given to the River Valleys and Chalk Rivers as identified in the Landscape Character Assessment, recognising their defining natural features, rich biodiversity and the undeveloped character of their shallow valleys.

The Council expects all development within the District to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

Landscape character
Development will be permitted where it protects and/or conserves and/or enhances the key characteristics of the landscape character area in which it is located, including:

a) the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;

b) the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features;

and

c) the topography of the area.
Priority Habitats and Hedgerows
Refer to Appendix 2.

Legally Protected Species
Refer to Appendix 2.

Priority Species
Refer to Appendix 2.

Biodiversity Offsetting
Refer to Appendix 2.

Living Landscapes
Refer to Appendix 2.

4. Green infrastructure
A net gain in green infrastructure will be sought through the protection and enhancement of assets and the creation of new multi-functional areas of green space that promote recreation and tourism, public access, green education, biodiversity, water management, the protection and enhancement of the local landscape and historic assets and mitigation of climate change, along with green economic uses and sustainable land management.

Sub-Regional Green Infrastructure corridors will connect locations of natural and historic heritage, green space, biodiversity or other environmental interest. They will be safeguarded through:

a) Not permitting development that compromises their integrity and therefore that of the overall green infrastructure framework;

b) Using developer contributions to facilitate improvements to their quality and robustness;

c) Investing in enhancement and restoration where the opportunities exist, and the creation of new resources where necessary.

Development will contribute towards the establishment, enhancement or ongoing management of a series of local corridors linking with the sub-regional corridors. Priorities for investment will be those areas where net gains in the range of functions can be improved, particularly those that improve access to the urban core and rural service centres and remedy local deficiencies in open space provision and quality.

Green infrastructure of local and strategic importance will be protected and enhanced. All new development will be expected to contribute towards the provision of additional green infrastructure and the protection and enhancement of the district’s existing green infrastructure. The Council will when allocating sites for development in subsequent Development Plan Documents have full regard to the protection and enhancement of the quantum and/or function of green infrastructure. The Council will set out specific requirements within subsequent Area Action Plans and/or other Development Plan Documents for the protection or enhancement of green infrastructure on allocated development sites.

Through its layout and design, new development should respond to the location of existing green infrastructure and should support appropriate uses and functions.
Through the Development Management process where it is considered that the development will have a detrimental effect on the quantum or function of existing green infrastructure then the development will not be permitted unless replacement provision is made that is considered to be of equal or greater value than that which will be lost through development.

In enhancing existing green infrastructure, development should seek to provide physical/functional linkages between different elements of green infrastructure, and introduce an appropriate multi-functional use of spaces and linkages. This may be achieved in part through the improvement of the function of existing green infrastructure.

On-site provision and/or off-site contributions will be sought. Such provision will be required in accordance with adopted policies and strategies relating to green infrastructure and biodiversity network provision.

Where compensatory provision is to be made for the loss of existing green infrastructure the provision of new and/or enhancement of green infrastructure will be required in addition to any compensatory provision. Where appropriate, in accordance with adopted standards, the Council will seek to secure via planning obligations provision for the future management and/or maintenance of green infrastructure.

**Green infrastructure and ecological network**

Development proposals will be required to maximise opportunities for the creation, restoration, enhancement, expansion and connection of Green Infrastructure and connection of the development site to the local Ecological Network. All Major development proposals should seek to include elements of Green Infrastructure and Ecological Networks, such as but not limited to SuDS, allotments, street trees, green roofs, recreational areas, areas of new and existing natural habitat, green corridors through the site and waterbodies. Where this is not possible, financial contributions to facilitate improvements to the quality and extent of existing Green Infrastructure in the District/Borough will be sought.

5. Development in the countryside

**Development in the villages and rural areas**

The relationship between the natural and built features of the landscape will be preserved, enhanced and, where necessary, restored, this being the principal determinant of the character of rural area. Development will maintain the local distinctiveness of particular localities.

**Developing tourism**

The Council will promote and enhance tourism development in the District by:

a) encouraging agricultural diversification to create quiet recreation and small scale;
b) sensitively designed visitor attractions and accommodation in the District’s countryside;
c) promoting new walking and cycling routes including long-distance routes and linkages to national networks.

**Rural settlements and the rural areas**

The rural settlements and rural areas of the District will be sustained by:
a) ensuring new development respects the particular character and sense of place of villages and hamlets;
b) strictly controlling development in the open countryside;
c) protecting and enhancing the environmental assets of the rural areas.

6. Design quality
Development proposals will be expected to conform to the following design principles:

a) demonstrating a scale and layout appropriate to the site and its surroundings;
b) conserving or enhancing the quality and distinctiveness of the built environment and local landscape character.

Delivering a wide choice of high quality homes
Policy linked with Landscape; high quality development is linked with good landscape design/strategy in order to provide the maximum environmental benefits.

Requiring good design
The design of the built environment is connected to the natural environment. In recent years, building materials and techniques have improved dramatically and in particular in relation to renewable energy in buildings. It is now possible to deliver affordable low-carbon energy housing.

Landscape and Visual Impact Assessment (LVIA)
For some developments, a LVIA will be required. LVIA may be carried out either formally, as part of an Environmental Impact Assessment (EIA), or informally, as a contribution to the ‘appraisal’ of development proposals and planning applications.

When is LVIA carried out?
• LVIA as part of EIA
LVIA applies to all projects that could require a formal EIA. EIA has been formally required in the UK for certain types of projects and/or in certain circumstances. It applies not only to projects that require planning permission but also to those subject to other consent procedures like use of agricultural land for intensive agricultural purposes, irrigation and land drainage requirement or reclamation of land from the sea.
• LVIA in the ‘appraisal’ of development proposals
The principles and processes of LVIA can also be used to assist in the ‘appraisal’ of forms of land use change or development that fall outside the requirements of the EIA Directive and Regulations. Applying such an approach in these circumstances can be useful in helping to develop the design of different forms of development or other projects that may bring about change in the landscape and in visual amenity. Reference is sometimes made to the ‘appraisal’ of landscape and visual effects when such work is carried out outside the requirements of the EIA Directive and Regulations, and Local Planning Authorities may ask for such ‘appraisals’ where planning applications raise concerns about effects on the landscape and/or visual amenity.

Landscape Character
Landscape Character Assessment has been carried out for the whole county. An assessment can be made of the effects of a proposed development on that landscape character to determine the landscape impact. A landscape character assessment can also be used as a tool for landscape conservation.
Tendring District Local Plan: Issues and Options (2015)

REPRESENTATION FORM

This is the representation form to use for giving us your comments on the possible future growth of Tendring as explained in the Tendring District Local Plan: Issues and Options Document. It is not compulsory to use this form and we would be equally happy to receive your comments in a letter or email. The consultation document is available to view on the Council’s website (www.tendringdc.gov.uk) and hard copies are available to view at the District Council offices at Weeley, the Town Hall at Clacton and at all the libraries in the district.

Please fill in the form carefully and clearly as illegible forms may not be considered.

PART A – DETAILS OF PERSON OR ORGANISATION MAKING THE REPRESENTATION

PLEASE PRINT ALL DETAILS

Name of person or organisation making the representation:

The Theatres Trust

If an organisation, please provide a contact name: Ross Anthony.

E-mail: Planning@theatretrust.org.uk
Tel No: .................................

Address (put the organisation address if relevant): 22 Charing Cross Road, London WC2H 0QL

If you are an agent acting on behalf of someone please provide your details here

Name of agent: .......................................................... ..........................................................

If an organisation, please provide a contact name: ..........................................................

E-mail: .......................................................... Tel No: .................................

Address (put the organisation address if relevant): ..........................................................

........................................................................................................ Post Code: .................................

Please remember to notify us if your contact details change.
PART B – DETAILS OF REPRESENTATION

If you are making comments in response to any of the specific questions in the Issues and Options Document, please be sure to indicate which question or issue/option you are commenting on.

<table>
<thead>
<tr>
<th>Question No. or Issue/Option</th>
<th>Comment(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q9</td>
<td>Yes, however, the wording of the issues Paper is weighted towards providing new infrastructure (e.g. community and cultural facilities) for the growing population, when the Local Plan should equally be protecting and enhancing existing infrastructure.</td>
</tr>
<tr>
<td>Q10</td>
<td>Regarding health, the Planning Practice Guidance notes that a range of issues could be considered through the plan-making and decision-making processes including health and well-being. This takes the matter further than just access to doctors and playing fields. ‘Well-being’ is having a sense of satisfaction with life. Social and cultural well-being includes the un-measurable personal experiences that make us happy and content. Such experiences are intangible, not financially rewarding, and can either be active (e.g. sports) or passive (e.g. theatre). The provision of a variety of community infrastructure and cultural facilities are therefore vital for their contribution to residents’ and visitors’ life satisfaction, health and well-being and this should be promoted in this document.</td>
</tr>
<tr>
<td>Q11/12</td>
<td>The local plan should safeguard and protect existing cultural &amp; community facilities which benefit and support sustainable and healthy communities.</td>
</tr>
</tbody>
</table>

The importance of planning for culture and cultural facilities is emphasised in the National Planning Policy Framework by being included as a core planning principle (item 17). This is supported by guidance in item 70 of the NPPF which states that to deliver the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should guard against unnecessary loss of valued facilities. Also to ensure that established facilities and services are retained and able to develop for the benefit of the community.

To reflect item 70 of the NPPF, we recommend a policy along the lines of:  
Community and Cultural Facilities
The council will resist the loss or change of use of existing community and cultural facilities unless replacement facilities are provided on site or within the vicinity which meet the need of the local population, or necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision, and it has been demonstrated that there is no community need for the facility or demand for another community use on site.

The Policy should also contain criteria for encouraging the provision of new facilities to serve the growing population in the District.

For clarity, and so that guidelines are clear and consistent, we recommend that the accompanying text and the Glossary contains an explanation for the term ‘community and cultural facilities’. We recommend this succinct all-inclusive description which would obviate the need to provide examples: community and cultural facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.

Please turn over 📂
| Q22 | As noted above, The local plan should safeguard and protect existing cultural & community infrastructure which benefit and support sustainable and healthy communities. If the facility is no longer needed, it is more sustainable to adapt the building to a new use than to demolish it and rebuild. |

FAIR PROCESSING NOTICE – DATA PROTECTION ACT 1998

Please note that any comments submitted cannot be treated as private and confidential and may be made available for public inspection. Respondents’ details will be held on a database in accordance with the terms of Tendring District Council’s registration with the UK Information Commissioner pursuant to the Data Protection Act 1998.

Please sign and date this form:  Signed:  [Redacted]  Date: 12 Oct 2015

All representations must be received by the Council no later than 17:00 on Tuesday 13th October 2015. Any submissions received after this deadline cannot be considered.

Please return completed forms to: The Planning Policy Manager, Planning Department, Tendring District Council, Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex, CO16 9AJ or e-mail to planning.policy@tendringdc.gov.uk
Gary Guiver  
Tendring District Council  
Thorpe Road  
Weeley  
Essex  
CO16 9AJ  

Cc: Rich Cooke, Babergh District Council

Dear Mr Guiver,

**Tendring Local Plan – Issues and Options Consultation**

Thank you for consulting Suffolk County Council on Issues and Options associated with the development of the new Tendring Local Plan. The following matters are relevant to Suffolk County Council service responsibilities and policy objectives in respect of the preparation of the Tendring Local Plan.

Tendring District Council will be aware of the allocation made by Babergh District Council at Brantham, through the February 2014 Core Strategy. There will be a relationship between the Brantham site and development at Manningtree, and Tendring District Council will need to ensure that allocations at Manningtree can be managed alongside the growth which is already allocated in Suffolk.

The cumulative transport impacts of development in the Manningtree area allocated through the Local Plan should be considered alongside the allocation at Brantham, and Tendring District Council should give consideration to the delivery of Babergh’s adopted strategy.

This point also relates to education provision, and the need to consider the extent to which pupils cross the county border to attend schools in Suffolk or Essex. By considering matters such as these, our authorities can meet the requirements of the Duty to Cooperate as the Tendring Local Plan progresses to adoption. I would be pleased to meet with you or your colleagues to discuss these points further.

Yours sincerely,

James Cutting  
Planning Strategy Manager  
Resource Management Directorate
Dear Sir,

ISSUES AND OPTIONS CONSULTATION

Thank you for consulting us on your issues and options paper,

We welcome involvement in the development of your local plan, which is an important document, which function is to try to ensure development takes place in the right place at the right time and drives economic growth in the district in a sustainable way.

I agree Tendering is a rural district and this make sustainable transport difficult and expensive to achieve, this makes the selection of sites the timing and delivery of infrastructure, services and development critical if a sustainable development is to result.

The Demography of parts of the district gives challenges for viability and puts pressure upon health services and public transport.

We agree that it is essential that the right number of houses, in the right place and at the right time come forward.

We support, in principal, Essex CC use of a traffic model which will confirm pressure points and help to identify appropriate mitigation.

A new settlement to the north east of Colchester would need careful consideration and possibly a model to identify an appropriate mitigation strategy and how the new junction and link road would be funded.
Expansion of Weeley and Fratting are likely to have similar affects upon the A120. These will need to be identified and if necessary mitigated in an appropriate way.

I am a little disappointed that public transport improvements appear to have been overlooked in the overall planning strategy and this is a potential weakness in the plan. As you are aware there is pressure for improvements to the A120 between Stansted and Harwich to come forward at this stage there are no firm proposals but if these were to firm up they would allow more development to come forward within the corridor.

We look forward to working with you as the plan develops.

Yours sincerely

Mark Norman

Yours sincerely

Mark Norman
Network Delivery & Development
Email: [REDACTED]
Date: 15 October 2015
Our ref: 163752
Your ref:

Planning Policy Team
Tendring District Council

BY EMAIL ONLY

To whom it may concern

Tendring District Local Plan – Issues & Options Consultation Document

Thank you for your consultation on the above dated 20 August 2015 which was received by Natural England by email of the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Town and Country Planning (Local Planning) (England) Regulations 2012 – Reg 18

We have reviewed the Issues and Options consultation document, and note the 8 “Issues” identified, and associated questions, which we have sought to answer in turn below.

ISSUE 1: JOBS

Natural England recognises that tourism plays an important role in Tendring district’s local economy, and we value access to the coast (and the natural environment more widely) as a general principle. As part of the coastal tourist economy, we note the emphasis placed on caravan / holiday parks in the Consultation report, and the intention to positively support extensions to the occupancy season as a policy position. We wish to emphasise and welcome the inclusion of the caveat that this should only be allowed depending on the environmental impact (e.g. paragraphs 3.13, 3.15, and 3.16).

Natural England is concerned that, in some locations, extending the occupancy season can present increased levels of associated recreational disturbance impacts to over-wintering birds associated with coastal sites designated for their nature conservation interest. The Colne Estuary Special Protection Area (SPA), Ramsar (internationally important wetland) site, and Site of Special Scientific Interest (SSSI), and Hamford Water SPA, Ramsar, SSSI, are vulnerable to this type of disturbance impact. Both sites are also National Nature Reserves (NNR).

Applications for extended occupancy season should be subject to consultation with Natural England where these are found in the vicinity of designated sites (which should be taken to mean holiday parks within 2km of such sites). Recently we have noticed that existing policy has been mis-interpreted to mean parks within designated sites, which has meant that consultation with Natural England has not always taken place, and impacts have not always been properly considered against the tests of the Habitats Regulations. Impacts caused by recreational disturbance need to be considered on a site-by-site basis, and assessed against the tests of the Habitats Regulations.
may be necessary to develop mitigation to reduce impacts, but it should be noted that in some circumstances, residual impacts are likely even where mitigation has been applied, and some applicants may find it difficult to demonstrate that their projects will not adversely affect the integrity of the European sites in question. Careful policy wording will be required, and we are interested to work closely with the Council as their tourism policies take shape. These comments apply most appropriately to questions 3 and 4. We have no comments on questions 1 and 2.

ISSUE 2: HOMES

We note that the Council is currently planning for 10,000 new homes, to 2032. We support the work of the Council in identifying a 5-year housing land supply, which means that the housing policy for the district can be assessed as a whole in its Habitats Regulations Assessment (HRA). This means that a strategic approach to assessing and mitigating the impacts of an increased population on European sites can be taken, and avoids the more challenging (and piecemeal) approach to mitigating the impacts of windfall sites where they are located in sensitive locations. Natural England therefore agrees with question 5 (planning for future generations). The impacts of new homes should be assessed as a whole through the Habitats Regulations Assessment process (question 6). We are interested to understand the Council’s intended approach to HRA in due course.

ISSUE 3: INFRASTRUCTURE

We are pleased to note the links made between quality open space provision and health, which now has a strong evidence base. The importance of Green Infrastructure should not therefore be underestimated, and links to good health are just one of many multi-functional benefits. Several of these are listed in paragraph 5.11, however we refer you to our Green Infrastructure guidance for a more comprehensive treatment of the subject. This guidance is still valid, and can be found on our archived web pages.

The 2008 Haven Gateway GI Study is referenced, and identified deficiencies in the GI provision of the district. Whilst we welcome the intention to work with partners and developers to rectify this, it is not clear how this will be implemented – i.e. a Green Infrastructure study for the district would be helpful to plan strategic green infrastructure needs across the district in a holistic manner.

We note that in some places sewage capacity has been reached, and further investment is required to accommodate growth. Water infrastructure (abstraction and discharge) should also be assessed in the Local Plan HRA, in conjunction with a Water Cycle Study, as this is also a potential impact pathway to European sites. Overall we support the inclusion of Green Infrastructure within the Council’s Infrastructure Study, currently in preparation. We therefore very much agree with question 9, which should include the full range of green infrastructure provision. Regarding question 10, we believe this is generally most efficiently addressed through a GI Strategy.

ISSUE 4: THE ENVIRONMENT

We are pleased that the environmental assets of the district are recognised, and that their protection and enhancement receives a high profile (e.g. paragraph 6.1). The list of designated sites at paragraphs 6.2 and 6.3 should be expanded to include the Special Protection Areas (SPA) in addition to the Ramsar sites. The list should also refer to the Essex Estuaries Special Area of Conservation (SAC), and the Blackwater Crouch Roach and Colne Estuaries Marine Conservation Zone (MCZ). We are also pleased that the special landscape qualities of the district are recognised, including the Dedham Vale Area of Outstanding Natural Beauty (AONB), and areas within the setting of both this, and the Suffolk Coast and Heaths AONB. We refer you to the AONB Partnership and associated management plans and objectives to understand how the Plan can contribute to landscape objectives for the area. You are also referred to the Northern Thames Basin (111) and Greater Thames Estuary (82) National Character Area profiles, produced by Natural England.
We note that at paragraph 8.6 the Council supports the inclusion of the southern shore of the Stour Estuary within the Suffolk Coast and Heaths AONB. Natural England has been working on this for some time, as part of a group of technical stakeholders. As the Council will be aware, our site assessment work is completed, and we anticipate both informal and formal consultation over the Christmas and New Year period, with a view to submission of the proposed AONB boundary extension to the Secretary of State in due course (currently schedule for 2017). Natural England therefore welcomes the inclusion of the proposed AONB extension within the Local Plan report, and would encourage the Council to carefully consider any existing development proposals for this area (and its setting) against this revised boundary, and landscape management objectives. Further information is available on the Suffolk Coast and Heaths AONB website.

We support the use of green infrastructure in meeting flood risk (6.18) and urban sprawl (6.10) objectives. We support the attention given to Sustainable Drainage Systems (SuDS), which should be a feature of strategic housing allocations.

We welcome reference to the Essex and south Suffolk Shoreline Management Plan within the evidence base (6.20), and note that the Plan period is within Epoch 1 of the SMP. The Local Plan should seek to support and implement the policies of the SMP.

Natural England therefore agrees that protecting and enhancing the environment is an important issue for this Local Plan (question 13). In seeking to address this issue (question 14), the Council is referred to the Essex Estuaries Site Improvement Plan (SIP), available on our website. The SIP for Hamford Water is also available on our website.

Site Improvement Plans (SIPs) have been developed for each Natura 2000 site in England as part of the Improvement Programme for England’s Natura 2000 Sites (IPENS). Natura 2000 sites is the combined term for sites designated as Special Areas of Conservation (SAC) and Special Protected Areas (SPA). This work has been financially supported by LIFE, a financial instrument of the European Community.

The plans provides a high level overview of the issues (both current and predicted) affecting the condition of Natura 2000 features on the sites and outlines the priority measures required to improve the condition of the features. It does not cover issues where remedial actions are already in place or ongoing management activities which are required for maintenance.

The SIPs are based on Natural England’s current evidence and knowledge. They are not legal documents, but live documents that will be updated to reflect changes in our evidence/knowledge and as actions get underway.

This SIP includes the priorities and new measures required to achieve water-dependent Natura 2000 objectives under the Water Framework Directive. The actions in this SIP for the water dependent (excluding non-water dependent) habitats inform part of the River Basin Management Plan and its consultation.

Natural England is aware of a couple of specific areas of concern to the nature conservation interest of the district (question 15). In particular, we have concerns that increased public access in the Middle Beach / Ingham’s Beach area has caused a decline in the breeding success of ringed plover (an interest features of the SSSI and SPA). We understand that the Council has control over some land in this area, which may offer opportunities to mitigate some of these impacts. It is likely that the breeding success of little tern has also historically been affected by recreational disturbance. Similar issues exist in the area at Stone Point at the Naze. These local issues provide examples of the challenges faced by the Council in seeking to promote an active tourist economy whilst maintaining sustainability objectives. These issues should be actively explored as part of the Local Plan HRA, and we would welcome further discussions with the Council on these issues in due course.

We would also advise that you work closely with the relevant neighbouring authorities to address...
any environmental cross boundary issues (specifically under the Duty to Co-operate), particularly in relation to the opportunities and impacts that your plan may have on European protected sites, the coast and the AONB. We would also suggest that you consider at this early stage any evidence that may be needed to inform the HRA of the plan e.g visitor surveys and what landscape assessments may be required to assess any potential impacts of development on the AONB. We would be happy to discuss this further with you.

Regarding question 16, we do not believe that the Essex stretch of the England Coast Path has been mentioned in the consultation document. Natural England is charged with implementing the England Coast Path, which is due for completion as a whole project by 2020. This new long-distance trail will eventually allow people to walk around the whole English coast. Work on the Tending section of the Path is currently underway with our team of coastal path advisers, and Natural England would seek to achieve Policy support for the Coast Path in Tendring Council’s Local Plan.

The England Coast Path is possible because of the Marine and Coastal Access Act 2009. As well as a long-distance walking route, there may be areas of ‘spreading room’ beside the route where people can explore, relax and admire the view. The Act also means that for the first time, where existing footpaths erode into the sea, a replacement route can be quickly put in place – securing people’s right to walk around the coast forever. The new path will avoid certain areas such as private houses and gardens, major ports and in some locations, areas that are important for sensitive species.

Designating the route as part of the England Coast Path will bring more support for local services like shops, hotels and pubs through increased visitor spending where additional visits are made, and therefore aligns well with the Council’s proposed approach to tourism. As we have already commented above, the Coast Path does present challenges in certain locations, where access to the coast may cause recreational disturbance to some of the interest features of sites designated for their nature conservation interest. The Path will be subject to the same tests of the Habitats Regulations, and will therefore seek to achieve consistency in its approach to safeguarding sensitive features of these sites as any other plan or project. We would be pleased to discuss this with you in more detail should you wish.

ISSUE 5: VISION FOR THE FUTURE

Natural England welcomes the priority given to sustainability in the Vision, and the value placed on both the landscape and biodiversity assets of the district. We welcome the vision for new country parks, and would be interested to know more about these, to ensure that their location, design, and timescales for delivery are in step with and aligns with the projected housing growth of the district. We expect that these questions are explored within the Local Plan HRA.

We therefore broadly agree with the vision as set out (question 17), however we have already highlighted above that promoting an active tourist economy will present challenges to other interests (such as nature conservation) which will require careful consideration and planning.

ISSUE 6: OPTIONS FOR GROWTH

We note the overall levels of housing growth of 10,000 new homes by 2032, and the current strategy proposed. The consultation documents presents four proposals for a remaining 800 homes that have yet to be accommodated within the district (growth at Clacton, Weele, Frating, or overall higher housing densities). Overall, Natural England’s objectives for housing growth in the district seek to avoid a focus of new housing in areas sensitive for nature conservation or landscape. Each of the four options proposed have for the most part avoided these areas, including Thorpe-le-Soken; Brightlingsea; St. Osyth; and the Stour Estuary in particular, by concentrating growth in major settlements (Clacton or the Colchester fringe) or at inland smaller settlements (Weele and Frating).
We therefore have no strong views on which of the four options is best for Tendring (question 19), however we would observe that option four, higher urban densities, is likely to reduce the available area for in situ green infrastructure, and would place a stronger emphasis on strategic green infrastructure, such as the proposed country parks. More broadly, we are guided by principles of sustainability which seek to encourage the use of low-carbon transport (railways, buses, walking / cycling routes) at the expense of private car use, and these principles may lean in favour of option 1 (Clacton / Hartley) or option 2 (Weeley).

**ISSUE 7: PLANNING POLICIES**

Natural England considers that a local plan should contain policies covering the following key areas:

**Natural Environment** – the Plan should be based on a robust and up to date environmental evidence base. It should set out a clear strategy for the protection and enhancement of the natural environment. It should recognise the value of ecosystem services; address climate change adaptation; and proposes sites for development with the least environmental or amenity value.

**Biodiversity and Geodiversity**

*Designated Sites* - the Plan should set criteria based policies for protected sites distinguishing between international, national and local sites. It should accurately map all relevant SSSIs and European sites, and ensure that proposed development allocations will not have significant effects on European Sites or likely to damage the protected features of SSSIs. For European Sites, it should address strategic impacts and outlines avoidance and/or mitigation measures at plan level HRA and gives clear direction for project level HRA work, so proposals are only taken forward where there will be no adverse effects on European site integrity (ie avoidance and mitigation measures are capable of ensuring no adverse effect).

The Plan should provide adequate policy support for strategic or cross boundary approaches to avoid or mitigate potential impacts on European sites (and we note that Tendring Council have been working in partnership with Colchester and Braintree Councils on a European sites monitoring project. The plan should give the following wildlife sites the same protection as European sites, in accordance with the NPPF: Potential Special Protection Areas and possible Special Areas of Conservation; Listed or proposed Ramsar sites; and Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

**Protected Species** – where appropriate, the Plan should ensure that proposed development allocations will not have significant impacts on any European Protected Species; it should state how impacts on Protected Species (eg disturbance, destruction of a breeding site) will be addressed. It should identify suitable habitats/features within the plan area for Protected Species; and contribute to the establishment and preservation of sufficient habitat for wild birds, in accordance with duties placed on local authorities under the Habitats Regulations. It should also promote the protection and recovery of Priority Species populations.

**Priority Habitats** – the Plan should contain policies to promote preservation, restoration and re-creation of priority habitats. It should ensure that any policy encouraging the re-use of brownfield land makes clear it is not appropriate for sites of high environmental value, such as open mosaic habitats on previously developed land. It should supports Nature Improvement Areas, where they have been identified, and considers specifying appropriate types of development within them. It should also contain a policy to protect irreplaceable habitats, such as ancient woodland and aged or veteran trees.

**Planning for Biodiversity and Geodiversity** – the Plan should plan for biodiversity at a landscape-scale, across local authority boundaries. It should sets out a strategic approach, planning positively
for the creation, protection, enhancement and management of networks of biodiversity. It should promote and seek to enhance coherent ecological networks; maps ecological networks and/or includes any other relevant evidence; clearly promote the mitigation hierarchy to address impacts on biodiversity; encourage biodiversity enhancement as part of development; and sets out policies for geological conservation, which conserve, interpret and manage geological sites and features in the wider environment.

Landscape and Seascape
The Plan should be informed by National Character Areas (NCAs), underpinned by a Landscape Character Assessment (LCA) and, where relevant, a Seascape Character Assessment (SCA) as a key part of the evidence base. It should contain appropriate policies to protect and enhance the protected landscapes, and should refer to and reflect the relevant AONB Management Plan objectives.

It should set out clear criteria for appropriate development within or impacting on protected landscapes, including the approach set out in the National Planning Policy Framework (NPPF, Para 116). It should ensure that proposed development allocations will not have significant impacts on protected landscapes or their settings including those outside the plan’s area. It should contain policies to maintain the character of the undeveloped coast and protect and enhance its distinctive landscape and seascape; identify, protect and enhance locally valued landscapes. It should take account of the intrinsic character and beauty of the countryside and contains policies for conserving and enhancing the landscape, and encourage development to respect and, where possible, enhance local character and distinctiveness.

Access, Green Infrastructure, Coast and Soils
Access & Rights of Way, including National Trails
The plan should protect and enhance public rights of way and National Trails, including favouring diversion rather than extinguishment of rights of way affected by development. It should acknowledge the value of local rights of way and access land to health and wellbeing, access to nature and the countryside and the visitor economy; and seek to link existing rights of way where possible, and provide for new access opportunities.

Green Infrastructure
The Plan should set out a strategic approach for the creation, protection, enhancement and management of networks of green infrastructure.

Green Space
The Plan should make provision for appropriate quantity and quality of green space to meet identified local needs; link Green Space policies to Green Infrastructure policies; include proposals to remedy deficiencies; and consider the designated of any areas as Local Green Space.

Coastal Change and Coastal Access
The Plan should improve public access to and enjoyment of the coast; and it should include a specific policy/proposals to support creation (or evolution) of the England Coast Path, by seeking opportunities to provide a better coast path when development or redevelopment situations arise in coastal locations. It should also include policies and proposals to manage coastal change.

Soils, including Best and Most Versatile Agricultural Land
The Plan should considers impacts on soils and includes, where appropriate, policies to ensure soils are protected. It should safeguard the long term capability of best and most versatile agricultural land; and make clear that areas of lower quality agricultural land will be sought for development in preference to best and most versatile agricultural land.

This list should be cross-checked against the proposed policies areas, and they cover our answers to questions 22-29.
ISSUE 8: CALL FOR SITES

Natural England has no comments to make on this Issue.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 01206 382751. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Jonathan Bustard
Essex Local Delivery Team
Tendring District Local Plan

Issues and Options Consultation

Response by Colchester Borough Council

1. National policy, best practice, and the practicalities of achieving sustainable development all point to the necessity of close working between authorities. Colchester Borough Council has accordingly established a close working relationship with Tendring District Council on cross-boundary strategic planning issues. This relationship was formalised in an April 2014 Memorandum of Understanding between Essex County Council, the University and Essex and Tendring and Colchester Councils. Tendring has also collaborated on evidence base work with Colchester and other authorities, including the Objectively Assessed Housing Need Study. Mention of Duty to Cooperate in the Issues and Options document, however, is confined to noting cross-authority work on a new settlement (p. 26) CBC would suggest that Tendring could add significant credibility to its proposals from carrying out this joint work and suggests any future documents highlight this relationship given the importance placed by national policy on plans demonstrating they satisfy the Government’s Duty to Cooperate requirement.

2. Colchester BC presented a potential settlement crossing the Colchester/Tendring border as part of its January 2015 Issues and Options document, but made it clear that other growth options were also possible and that a decision would be made following consultation and a Sustainability Appraisal of all potential options. The Council’s position on the most appropriate growth options will not be presented by Colchester BC until the Preferred Options document is published in early 2016. We believe that Tendring accordingly will also need to carry out further work before any strategic cross-boundary growth areas can be assumed.

3. All authorities need to demonstrate that their plans have ‘a clear understanding of housing needs in their area’ (para 159, National Planning Policy Framework). To comply with this requirement, Braintree, Chelmsford, Colchester, and Tendring Councils commissioned consultants to prepare a study on Objectively Assessed Housing Need (OAHN) to establish housing need within their shared housing market area. This report is considered to provide the authorities with a robust factual basis for setting housing targets, and it is a concern for the three authorities outside Tendring that Tendring is not demonstrating equivalent confidence in its results. It is appreciated that the OAHN study’s recommendations for Tendring were not as clear cut as they were for the other three authorities due to statistical discrepancies that arose for Tendring between the 2001 and 2011 Census, but the report did provide Tendring with a clear way to establish its Objectively Assessed Housing Need to deal with this issue using market signal and economic evidence. The other councils covered in the study are concerned that Tendring must use the evidence based approach suggested by the consultants, when setting their housing target, rather than rely on the lowest
housing figure mentioned in the report simply because it is lower than the other choices.

4. The Issues and Options document states that ‘the Objectively Assessed Housing Needs Study (2015) suggests that, to meet projected population growth, ‘our district will need approximately 600 new homes each year over the period of the Local Plan.’ (para 4.2, p. 10). However, the document doesn’t appear to mention that the OAHN report also puts forward a higher option for Tendring of 705 houses which assumes higher levels of economic growth. The OAHN report notes that if the lower figure is used, the figures for the other three authorities would be adjusted upward to meet the demand for housing for workers. Braintree, Chelmsford and Colchester are all basing their figures on this assumption for the distribution between authorities, but there is no evidential basis for Tendring to have an even lower figure than 597. Colchester Borough Council takes housing delivery seriously but will not be able to make up any shortfall in housing delivery in Tendring because of the high targets already being accommodated within the borough.

5. We understand that Tendring’s Local Plan Committee has now queried both the 597 and 705 figures and suggested that the Council should rely on a figure found elsewhere in the report of 479 houses a year. This figure relates back to the options for dealing with the statistical population discrepancies noted for Tendring and does not reflect the necessary adjustments for future employment, past provision, and market signals. It is accordingly difficult to see how this provides a robust basis for the formulation of Tendring’s housing target. Colchester, along with Braintree and Chelmsford Councils, are accepting the higher figure and consider this represents the most robust approach to inform the preparation of the local plan prior to examination.

6. Decisions taken through Tendring’s Local Plan will have many wider implications for housing provision, employment, travel patterns, infrastructure requirements, and the demand for community facilities in Colchester. Colchester BC trusts that the issues raised above can be resolved positively to ensure the councils successfully address the duty to cooperate and the challenges of planning ahead for the sustainable development of the area.
Dear Mr Guiver

**Tendring District Local Plan: Issues and Options Consultation 2015**

Thank you for your letter dated 19 August consulting English Heritage on the above document. Please note that as of April 2015, Historic England is now the statutory planning consultee for planning policy and development management matters. Our contact details are shown below, and we also have a new email address for planning policy consultations which should be used: eastplanningpolicy@historicengland.org.uk

In terms of this consultation, we would like to provide the following comments:

**Issue 1: Jobs**

The historic environment is an important part of the District’s employment, retail and tourism sectors, contributing to attractive places that people want to visit, work and shop. The Local Plan should ensure that new employment and tourism related site allocations to be sustainably located and avoid harm to heritage assets, while existing sites and facilities are carefully managed. Addressing visitor management issues, particularly access and travel issues, needs to be sensitive to the historic environment.

The District’s town and local centres incorporate a rich and varied historic environment with many heritage assets. Efforts to retain and enhance the vitality and viability of the town and local centres should therefore be linked to the conservation and enhancement of its historic environment. In 2013, we published a review of retail and town centre issues in historic areas, which may contain a number of relevant recommendations and case studies for this plan. The review can be downloaded from our website at: www.historicengland.org.uk/images-books/publications/changing-face-high-street-decline-revival/

Two of the district’s town centres contain conservation areas that are on the national Heritage at Risk Register (Clacton Seafront and Dovercourt). There are opportunities for
the Local Plan and town centre strategies to secure both the economic regeneration of town centre as well as the enhancement of the local historic environment.

The Local Plan should ensure that new retail sites are sustainably located and avoid harm to heritage assets, while town and local centres are enhanced and carefully managed. Increasing the diversity of uses within town centres (e.g. residential and employment) can be beneficial to the historic environment if handled carefully, by allowing for a more active and vibrant centre. We would be wary of increasing out of town retail provision as this can have a negative impact on the vitality and viability of town and local centres, with knock-on effects for heritage assets (e.g. vacant units).

**Issue 2: Homes**

We note that the Local Plan will need to identify sufficient land to accommodate approximately 10,000 new homes between now and 2032, at a rate of approximately 600 new homes each year. We also note the number of additional gypsy and traveller pitches required over the same period.

We agree that new homes should be built in the right locations, and the historic environment is an important part of assessing the right locations. A proper understanding of the district’s historic environment, drawn from the evidence base, will highlight where heritage assets are found or likely to be found (in the case of archaeology) and will inform decisions. Please see our comments for Issue 6 in terms of options for growth.

**Issue 3: Infrastructure**

Infrastructure provision has the potential to impact on the historic environment in both a positive and negative way. Upgrades to transport networks for example will need to be carefully planned to avoid harm to heritage assets and maximise opportunities for enhancement. Any schemes promoted through the Local Plan will need to assess the potential heritage impacts.

We welcome the recognition in paragraph 5.11 that green infrastructure provides opportunities for the historic environment, and we hope the Local Plan can address such matters in terms of general policy approach and specific schemes.

**Issue 4: The Environment**

We welcome the discussion in this section, particularly paragraphs 6.6 to 6.8 on the historic and built environment. However, in answer to Question 16, there is no references to scheduled monuments and other archaeological sites, historic parks and gardens (both designated and non-designated) and unlisted historic buildings. Reference should also be included to those heritage assets “at risk” within the district, based on national and
county registers. The review of evidence documents in paragraph 6.21 makes no reference to the historic environment and does not acknowledge the historic environment characterisation study mentioned in paragraph 6.20 (or other documents such as conservation area appraisals).

We agree with Question 13 that protecting and enhancing the environment is an important issue for the Local Plan and that the historic environment is a vital component of the overall environment.

In terms of Question 14 and how the Council should go about addressing this issue, paragraph 126 of the National Planning Policy Framework states that: “local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment”. The NPPF also states that local plans should include strategic policies to deliver the protection and enhancement of the historic environment (paragraph 156) and should identify land where development is inappropriate because of its environmental or historic significance (paragraph 157).

The Local Plan as a whole should be able to demonstrate that it sets out a positive strategy for the historic environment. This means that, on balance, the Local Plan has a positive effect on the historic environment and heritage assets. Different sections of the Local Plan should form part of the overall positive strategy, such as proposals for housing, regeneration, town centres or employment development. Policies throughout the Local Plan should help deliver the conservation of the historic environment with appropriate references where necessary. At the same time, a specific historic environment policy is encouraged as it helps to emphasise and implement the “positive strategy” required by the NPPF.

We support the development of policies relating delivering high quality design, and also advocate policies that set out the Council’s approach to the overall management of the historic environment, in terms of both designated and non-designated heritage assets (including archaeology). Consideration should be given in the emerging Local Plan as to whether it is appropriate to propose any policies specific to addressing the matter of Heritage at Risk, either collectively or targeted at specific assets on the at risk list. We would also ask that an appropriate policy approach is included in the plan to afford an appropriate level of protection to those assets on the Local List, especially where the asset is located outside of a conservation area.

We have attached a copy of our Good Practice Advice Note relating to Local Plans, which can be found on our website via www.historicengland.org.uk/advice/planning/planning-system/. We hope this provides further advice. We would be happy to comment on draft content relating to the historic environment and Tendring Local Plan.

Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk
Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.
Issue 5: Setting out a vision for the future

We welcome references to the historic environment in the vision, but have a number of suggested amendments. In the second sentence of the second paragraph, it should refer to heritage assets explicitly and say that these should be conserved and enhanced (this has already been said for biodiversity). The wording should end with “attractive historic settlements and heritage assets that have been conserved and enhanced”.

In terms of the Seaside Towns paragraphs, reference to the historic environment should be made for every town, not just Frinton. Clacton has a conservation area at risk and a number of listed buildings, as well as a Grade II registered park and garden (the Seafront Gardens). The rejuvenation of the town should include the historic environment and addressing the reasons for the conservation area being at risk. Walton is covered by the same conservation area as Frinton and has a number of listed buildings. Preserving and enhancing the historic character of Walton and Clacton as well as Frinton should be in the vision.

In terms of the Harwich and A120 corridor, the vision helpfully refers to the maritime history of Harwich Old Town, but should acknowledge the wider historic environment including Dovercourt’s conservation area (at risk) and other heritage assets along the A120.

The Colchester Fringe contains heritage assets including Wivenhoe Park (a Grade II registered park and garden which contains Wivenhoe House, a Grade II* listed building). Any vision statement drafted by Colchester Borough Council should acknowledge these assets.

Finally, in terms of the Rural Heartland paragraphs, reference should be made to the historic character and richness of heritage assets found within this part of the district.

Issue 6: Options for growth

Question 20 asks whether we agree with the general assumptions about where most of the district’s 10,000 housing target will go. We assume this refers to paragraph 8.3, which describes different elements of housing distribution. We are concerned that the bullet points run through difference locations for up to 9,200 homes without sufficient mention or appraisal of specific sites. Other than the first bullet point, none of these sites have planning permission and most will need to be included in the Local Plan as allocations (excluding windfall sites).

It is surprising that this consultation does not discuss specific sites included in paragraph 8.3 or how they score within sustainability appraisal tests. We assume that future stages of the Local Plan will have to include specific site allocations in these locations, and that
there will be full appraisal of their potential impacts. The assumptions made for 9,200
houses in these locations must be provisional until further work has taken place to
establish the suitability of sites.

For example, with regards to the proposed settlement east of Colchester, the broad area
indicated on the maps appears to lie immediately north of the A133 (Clacton Road) but
may impact on the significance of Wivenhoe Park (a Grade II registered park and garden
which contains Wivenhoe House, a Grade II* listed building) located immediately south of
the A133 through change within its setting. This is an important consideration and
requires further assessment. Development to the south of the A133 could be particularly
problematic given the historic park and garden. The close proximity of this site to
Colchester means the archaeological potential of the area would also need to be carefully
assessed. We have commented on this location as part of our engagement in the Tendring
Local Borough Plan in February 2014, and have also raised the same comments to Colchester
Borough Council in their Local Plan consultation at the start of 2015.

We would be happy to comment on specific sites, including cross-boundary issues relating
to Colchester. We have recently produced a draft advice note on site allocations in local
plans (attached), which sets out a suggested approach to assessing sites and their impact
on heritage assets. The note is due to be finalised and published this autumn, but can
currently be found at http://www.historicengland.org.uk/about/what-we-do/consultations/guidance-open-for-consultation/closed-guidance-consultations/ It
advocates a number of steps, including understanding what contribution a site, in its
current form, makes to the significance of the heritage asset, and identifying what impact
the allocation might have on significance. This could be applied to the assessment and
selecting of sites within this plan.

Question 19 asks for comments on the four growth options to deliver the remaining 800
homes of the 10,000 target (notwithstanding our concerns about the assumptions made
on the remaining 9,200 homes as outlined above). Our comments are as follows:

**Option 1: Hartley Garden Suburb**

There are listed buildings at Bovill’s Hall and Earls Hall Farm which may be affected by
development in this location. The potential impact on the significance of these listed
buildings will need to be assessed as part of the Local Plan process (see the above advice
note). Should this site be taken forward as an allocation, any heritage impacts would
need to be justified and appropriate development criteria would need to be set.

**Option 2: Weele Garden Village**

The map showing this option does not provide any clear idea of site boundaries, but such
an option could affect listed buildings in Weele and Tendring (including Grade II* churches) and the conservation area in Tendring. The potential impact on the significance of these heritage assets will need to be assessed as part of the Local Plan process (see the
above advice note). Should this site be taken forward as an allocation, any heritage impacts would need to be justified and appropriate development criteria would need to be set.

**Option 3: Tendring Central Garden Village**
The map showing this option does not provide any clear idea of site boundaries, but such an option could affect a number of listed buildings including the Grade II* Copley Dene to the north of the A120. The potential impact on the significance of these heritage assets will need to be assessed as part of the Local Plan process (see the above advice note). Should this site be taken forward as an allocation, any heritage impacts would need to be justified and appropriate development criteria would need to be set.

**Option 4: Higher Urban Densities**
It may be possible in some locations to achieve higher urban densities of around 30 dwellings per hectare. This would need to be based on an assessment of available sites to establish what might be possible. Such an assessment should consider potential impacts on heritage assets. As this option would replace Options 1-3 and result in higher densities on some of the sites assumed to deliver 9,200 homes, our concerns remain about the lack of information on specific sites and assessment of their suitability (see above).

**Issue 7: Planning policies**

It would be helpful to clarify whether the Local Plan will contain a mix of strategic and development management policies. Those topics including under ‘Delivering Sustainable Development’ suggest strategic policies, but this is not clear. As noted above, the NPPF states that local plans should include strategic policies to deliver the protection and enhancement of the historic environment (paragraph 156). The historic environment could be incorporated in a number of the topics within paragraphs 9.3 to 9.9, including the design topic.

The historic environment is relevant to a number of topics in the ‘Planning for Prosperity’ section, including town centres, regeneration and tourism, and to the topic of green infrastructure in the ‘Planning for People’ section. Policies should include reference to the historic environment where applicable.

We welcome the inclusion of heritage in the ‘Planning for Places’ section as a topic that will be covered by specific policies. Historic England has commented on previous versions of draft heritage policies, and we would be happy to advise on any further iterations.

We hope that the above comments are of assistance. We would be happy to discuss the emerging Local Plan in more detail in terms of how it relates to the historic environment.
Yours sincerely

[Name Redacted]

Tom Gilbert-Wooldridge
Historic Environment Planning Adviser
E-mail: [E-mail Redacted]
The Historic Environment in Local Plans

Historic Environment Good Practice Advice in Planning: 1
This document was produced by Historic England in collaboration with the Historic Environment Forum, and with the particular assistance of:

Association of Local Government Archaeological Officers

British Property Federation

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Front cover:

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Introduction

1. The purpose of this Historic England Good Practice Advice note is to provide information to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG). This good practice advice acknowledges the primacy of relevant legislation and the NPPF and PPG. While it supports the implementation of national policy it does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation, national policies and objectives.

2. The advice in this document, in accordance with the NPPF, emphasises that all information requirements and assessment work in support of plan-making and heritage protection needs to be proportionate to the significance of the heritage assets affected and the impact on the significance of those heritage assets. At the same time, those taking decisions need sufficient information to understand the issues and formulate balanced policies (NPPF Paragraphs 157-8, 169-70 and 192).

NPPF requirements

3. The NPPF sets out a number of requirements for Local Plans in respect of the historic environment. Local Plans need to:

1. be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area – which would include the historic environment. In particular this up-to-date evidence should be used to assess the significance of heritage assets and the contribution they make to the environment (NPPF Paragraphs 158 and 169)

2. set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraphs 126 and 157)

3. contain strategic policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 156), and

4. identify land where development would be inappropriate because of its (environmental or historic) significant (NPPF, Paragraph 157)
Gathering evidence

4 When gathering evidence, it is important to bear in mind that this is not simply an exercise in setting out known sites but, rather, in understanding the value to society (ie the significance) of sites both known (such as those on the National Heritage List for England, see www.HistoricEngland.org.uk/listing/the-list) and potential, without which an understanding of the sometimes subtle qualities of the local distinctiveness and character of the local area may be easily lost. In particular:

- In some cases, it might be necessary to identify heritage assets outside a local authority area, eg where there are likely to be setting impacts caused by potential development proposals within that area.

- Some asset types are not currently well-recorded. The Register of Parks and Gardens of Historic Interest in England, for example, is thought to represent only around two-thirds of sites potentially deserving inclusion.

- Evidence gathering can help identify parts of a locality that may be worthy of designation as a Conservation Area, or may merit local listing.

- Assessing the likelihood of currently unidentified heritage assets being discovered, particularly sites of historic and/or archaeological interest, will help to future proof the plan.

5 It may be helpful to collate this information within a Heritage Topic Paper to draw together the evidence prepared and the subsequent implications and actions required.

Sources of evidence

6 Sources of evidence to assist in gathering information include:


- the Heritage Gateway: www.heritagegateway.org.uk/gateway/

- Historic Environment Record (HER): local planning authorities should either maintain or have access to a Historic Environment Record (NPPF, Paragraph 169) – see Heritage Gateway to find your local HER.

- Conservation Area Appraisals and Management Plans – see relevant pages of the local authority website(s)

- Local Lists – as above


- Historic characterisation assessments – see Heritage Gateway to find your local HER

- World Heritage Site Management Plans – see relevant pages of the local authority website(s)

- In-house and local knowledge and other expertise (ie civic societies, local history groups, neighbourhood consultations, the Civic Voice: www.civicvoice.org.uk/)
Where the evidence base for the historic environment is weak, local planning authorities may need to commission proportionate research, for example:

- detailed historic characterisation work assessing the impact of a proposal for a major urban extension or rural development
- visual impact assessments, considering the potential impact of allocations upon the setting of important heritage assets
- seeking the views of the local community about what they value about the historic environment of their local area (NPPF, Paragraph 155)

- an appropriate archaeological assessment to consider whether heritage assets with archaeological potential are likely to be present in areas where the HER indicates that there has been little or no previous investigation

Work in putting together Local Plans will often generate new evidence of the state and significance of the historic environment. Documents, such as historic landscape characterisations, strategic environmental assessments, conservation area appraisals, economic development studies and those supporting supplementary planning documents and local listing assessments, will often contain new evidence. Local planning authorities will find it useful to collect this information and make it publicly available, including through the Historic Environment Record. The information can be invaluable in improving plan-making and decision-making in the future and is of significant public benefit in furthering the understanding of our surroundings and our past.

Application of evidence

- The evidence base for the historic environment may also assist with the preparation of the following:
  - assessments developed to meet the goal of achieving economic, social and environmental gains jointly and simultaneously, ie through land availability, etc (NPPF, Paragraph 8)
  - the Sustainability Appraisal which accompanies the Local Plan, and
  - appropriate indicators for monitoring the delivery of the plan

A positive strategy for conservation and enjoyment of the historic environment

- A positive strategy in the terms of NPPF paragraphs 9 and 126 is not a passive exercise but requires a plan for the maintenance and use of heritage assets and for the delivery of development including within their setting that will afford appropriate protection for the asset(s) and make a positive contribution to local character and distinctiveness.

- This strategic approach can inform all aspects of the planning system by recognising and reinforcing the historic significance of places. As part of a sound conservation strategy, policies for local housing, retail and transport, for example, may need to be tailored to achieve the positive improvements in the historic environment that the NPPF expects (NPPF, Paragraph 8). Conservation is certainly not a stand-alone exercise satisfied by stand-alone policies that repeat the NPPF objectives.
Consequently, the Local Plan might need to consider the inter-relationship of the objectives for the historic environment with the following:

- **Building a strong, competitive economy**
  - How might the plan conserve and enhance the quality of the historic environment in order to encourage tourism, help create successful places for businesses to locate and attract inward investment? What opportunities are there for heritage-led regeneration?

- **Ensuring the vitality of town centres**
  - What role can the historic environment play in increasing the vitality and attractiveness of town and village centres?

- **Supporting a prosperous rural economy**
  - What opportunities does the reuse or adaptation of traditional buildings provide for supporting the rural economy or providing homes for local people? What potential is there for new heritage-led tourism initiatives?

- **Promoting sustainable transport**
  - How might new roads and other transport infrastructure be delivered in a manner which also conserves the historic environment of the area? Could the introduction of sustainable transport initiatives offer related opportunities for heritage through improving street/traffic management or public realm enhancement at the same time?

- **Delivering a wide choice of high quality homes**
  - How might the plan encourage adaptive reuse of historic buildings? How might new residential developments best be integrated into historic areas?

- **Requiring good design**
  - How might the defining characteristics of each part of the plan area be reinforced in the approach to design?

- **Protecting Green Belt land**
  - How might the policies for the Green Belt and the definition of its boundaries be tailored to protect the special character and setting of a historic town?

- **Meeting the challenge of climate change, flooding and coastal change**
  - How might flood prevention measures be provided which also safeguard the heritage assets in the area? How might the strategy for renewable energy developments and associated infrastructure reduce the potential harm to the historic environment?

- **Conserving and enhancing the natural environment**
  - How might the plan best identify, protect and enhance important historic landscapes? What contribution might the strategy for improving the Green Infrastructure network also make to the enhancement of the area’s heritage assets?

- **Facilitating the sustainable use of minerals (see box)**
  - How might any impacts of mineral development on an area’s heritage assets be controlled to acceptable levels? How might the plan safeguard potential sources of building and roofing stone, or improve archaeological knowledge through approved mineral operations?

Further advice is available in *Mineral Extraction and Archaeology: A Practice Guide*, English Heritage on behalf of the Minerals Historic Environment Forum, 2008. As this predates the NPPF, the document is currently under revision.
In formulating the strategy it is advisable and often necessary to consider the following factors:

- How the historic environment can assist the delivery of the positive strategy and the economic, social and environmental objectives for the plan area (NPPF, Paragraphs 126 and 132 and Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990).
- How the plan will address particular issues identified during the development of the evidence base, including heritage at risk and the reuse of buildings.
- The location, design and use of future development and how it can contribute to local identity and distinctiveness.
- The interrelationship between conservation of heritage assets and green infrastructure, landscape, regeneration, economic development, transport works, infrastructure planning, tourism, social and cultural assets, town centres and climate change mitigation/adaptation (NPPF, Paragraph 126).
- The means by which new development in and around World Heritage Sites and other designated heritage assets might enhance or better reveal their Outstanding Universal Value and significance (NPPF, Paragraph 137).
- The means by which new development in Conservation Areas and within the setting of heritage assets might enhance or better reveal their significance (NPPF, Paragraph 137).
- How Article 4 Directions may be employed to provide an additional conservation mechanism.
- How HERs and local lists might assist in identifying and managing the conservation of non-designated heritage assets.
- How the archaeology of the plan area might be managed.
- The possible role for CIL and/or s106 in delivery of required infrastructure.
- Whether master plans or design briefs need to be prepared for significant sites where major change is proposed.
- What implementation partners need to be identified in order to deliver the positive strategy.
- What indicators should be used to monitor the heritage strategy's effectiveness.
- In order to deliver an effective strategy for the conservation of the historic environment, is there a need for the plan to include Development Management Policies and where appropriate specific policies for specific assets or specific areas within the plan area?

**Strategic policies for the conservation of the historic environment**

14. The plan will be the starting point for decisions on planning applications and neighbourhood plans are only required to be in general conformity with the strategic policies of the Local Plan (NPPF, Paragraph 184). Consequently, sustainably managing the historic environment is best achieved by identifying clear strategic policies for heritage, in order to assist those preparing neighbourhood plans.
Identifying inappropriate development

15 The local plan needs to assess whether or not it should identify any areas where certain types of development might need to be limited or would be inappropriate due to the impact that they might have upon the historic environment (NPPF, Paragraph 157). This might include, for example, tall buildings within identified view corridors.

Development Management Policies for the historic environment

16 Specific Development Management Policies may be needed in order for decision-takers to determine how they should react to an application affecting a heritage asset. Such circumstances could include the following:

- Those circumstances where Development Management Policies are needed to address particular cross-boundary issues – such as World Heritage Sites, National Parks and Areas of Outstanding Natural Beauty whose management is carried out by joint working between several local planning authorities or the management of those extensive historic landscapes which run across a number of authority areas

- Those areas where Development Management Policies are necessary to amplify a general, overarching, Strategic Policy for the historic environment within a Core Strategy of the Local Plan – for instance, to deal with particularly distinctive or important historic environment features or significance

- Those areas where further clarity would be useful – for instance, how local planning authorities determine applications affecting archaeological remains of less than national importance

- Those areas where Development Management Policies may be necessary to address the local circumstances of the Plan area – for example, to clarify the approach to development within an Area of Archaeological Importance (see box), or to protect or enhance important views and vistas

Site allocations

17 A conservation strategy can help with site allocations in terms of considering environmental and policy constraints against the evidence in the relevant Strategic Housing Market Assessment (Planning Minister’s letter to Chief Planners 19 December 2014 www.gov.uk/government/publications/strategic-housing-market-assessments).

18 It can identify opportunities to conserve the historic environment, such as site allocations positively addressing heritage assets at risk, and can help to ensure that site allocations avoid harming the significance of heritage assets (including effects on their setting). The strategy can also be used to inform the nature of allocations so development responds to and reflects local character. Site allocations should be informed by an evidence base and an analysis of potential effects on heritage assets. Further advice will be available in the forthcoming Historic England Advice Note on heritage considerations for site allocations in local plans.
Planning across boundaries

19 Conservation of the historic environment may involve cross-boundary issues, where development proposals near the boundary of one local authority area potentially affect the setting of heritage assets in another. In such cases in exercising the Duty to Cooperate both authorities need to take into account the impact on the conservation and enhancement of the historic environment as one of the strategic priorities (NPPF, Paragraphs 156 and 178).

Cumulative impact

20 The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale development. Consequently LPAs may consider covering this issue in a specific Local Plan historic environment policy. In appropriate circumstances this policy could be delivered via an Article 4 Direction in a conservation area.

Nationally Significant Infrastructure Projects

21 There is a separate planning regime for Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008. See http://infrastructure.planningportal.gov.uk/ for further details.

Community Infrastructure Levy (CIL)

23 When preparing a CIL Charging Schedule, local authorities may wish to take account of any impacts of proposed levy rates on the economic viability of the re-use of heritage assets and heritage led regeneration projects.

Section 106 agreements

24 To support the delivery of the Plan’s heritage strategy it may be considered appropriate to include reference to the role of Section 106 agreements in relation to heritage assets, particularly those at risk. Subject to meeting the policy tests in paragraph 204 of the NPPF, types of contribution might include:

- repair, restoration or maintenance of a heritage asset(s) and their setting
- increased public access and improved signage to and from heritage assets
- interpretation panels/historical information and public open days
- production and implementation of up-to-date Conservation Area management plans and appraisals
- measures for investigation, preservation and display of archaeological remains and sites
- provision of local capacity for the storage of, and public access to, archives resulting from archaeological and/or historical investigation
- dissemination of historic environment information for public/school education and research, including museum displays for popularisation of archaeological discoveries
- sustainability improvements (such as loft insulation) for historic buildings
public realm obligations, including enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting, etc

Infrastructure Delivery Plans

25 Investment in infrastructure could assist in the delivery of the plan’s strategy for the historic environment. For example:

- Open space, including wider public realm improvements for historic streets and squares
- Repairs and improvements to and the maintenance of heritage assets, including transport infrastructure such as historic bridges and stations, green and social infrastructure such as parks & gardens and sporting or recreational facilities
- ‘In kind’ payments, including land transfers

Supplementary Planning Documents (SPDs)

26 A heritage SPD brought forward in line with paragraph 153 of the NPPF can be a useful tool to amplify and elaborate on the delivery of the positive heritage strategy in the Local Plan and some local planning authorities may choose to support their conservation strategy within the Local Plan using a topic-specific SPD. There may be heritage considerations in other types of SPDs, for example flood management.

Strategic Environmental Assessments (SEA)/Sustainability Appraisals (SA)

27 In identifying the significant environmental effects that are likely to occur, an SEA/SA will recommend an appropriate response to the conservation and enhancement of the historic environment. English Heritage published revised advice on preparing SEA/SAs in 2013.

Neighbourhood Plans

28 A full and proper understanding of the heritage of the local area is the most appropriate starting point for town and parish councils and neighbourhood forums to both propose boundaries of the neighbourhood plan area and develop policies that support and encourage the conservation and enhancement of the historic environment.

29 Including heritage matters in a neighbourhood plan will help ensure that new development is integrated with what is already exists and can demonstrate where standard design and construction may not be appropriate. This can encourage sensitive development of historic buildings and places that can invigorate an area.

30 Draft neighbourhood plans, neighbourhood development orders and community right to build orders have to meet certain general ‘basic conditions’ before they can be put to an independent examination (having regard to legislation, national policies and advice, being in general conformity with strategic local policies; contributing to the achievement of sustainable development an being compatible with EU obligations and Human Rights).
Neighbourhood development orders and community right to build orders must also meet additional conditions relating specifically to heritage assets through:

- having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, and

- having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area (Schedule 4B of the Town and Country Planning Act 1990 (Schedule 10 of the Localism Act))

31 Attention is also drawn to national policies and advice on the historic environment, such as that contained in the NPPF and the DCMS Statement on Scheduled Monuments & Nationally Important but Non-Scheduled Monuments.

32 Plans need to include enough information about local heritage to guide decisions, in particular, what it is about a local area that people value, and therefore, requires conservation and enhancement. That information will need to be based on robust evidence, such as the relevant HER. Historic England has published advice to assist local communities considering a neighbourhood plan.
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Historic England

We are the public body that looks after England's historic environment. We champion historic places, helping people understand, value and care for them.

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HISTORIC ENGLAND ADVICE NOTE

The Historic Environment and Site Allocations in Local Plans

CONSULTATION DRAFT (8 June 2015)

1. Introduction

1.1 The purpose of this Historic England advice note is to support those involved in the Local Plan site allocation process in implementing historic environment legislation, the relevant policy in the National Planning Policy Framework (NPPF) and the related guidance given in the Planning Practice Guide (PPG). In addition to these documents, this advice should be read in conjunction with the relevant Good Practice Advice and Historic England advice notes. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation and national policy objectives.

1.2 The inclusion of sites within a Local Plan establishes locations for types of development within the authority’s administrative area. A positive strategy for the historic environment in Local Plans can ensure that site allocations avoid harming the significance of heritage assets, which includes effects on their setting. At the same time, the allocation of sites for development may present opportunities for the historic environment. For example, new development may better reveal the significance of heritage assets (NPPF paragraph 137) or may provide an opportunity to tackle heritage at risk through the sensitive development of specific sites. This document offers advice for each of the key stages in the site allocation process consisting of 1) evidence gathering 2) site selection and 3) site allocation policies. All of these stages relate to the normal course of plan preparation, and do not entail any additional tasks, maximising the effectiveness of the work being undertaken, and the likelihood of the Local Plan being found sound.

1.3 In allocating sites, in order to be found sound, it is important to note that as set out in paragraph 182 of the NPPF the proposals are to be positively prepared; justified; effective and consistent with national policy. It is also important to note various legislative and policy requirements:-

• The Local Plan should set out a positive strategy for the conservation and enjoyment of the historic environment, in which the desirability of sustaining and enhancing the significance of heritage assets should be considered (NPPF paragraph 126); the associated statutory duty regarding the desirability of preserving or enhancing the character or appearance of a conservation area must be considered in this regard (S72, Planning (Listed Buildings and Conservation Areas) Act 1990);

• Development will be expected to avoid or minimise conflict between any heritage asset’s conservation and any aspect of the proposal (NPPF paragraph 129);

• Great weight should be given to an asset’s conservation and the more important the asset, the greater the weight to the asset’s conservation there should be (NPPF paragraph 132);

• Harm should always be avoided in the first instance. Only where this is not possible should mitigation be considered (NPPF paragraph 152). Any harm and mitigation proposals need to be fully justified and evidenced to ensure they will be successful in reducing harm.
2. **Stage 1: Evidence Gathering**

2.1 The site allocation process is best informed by an up to date and robust historic environment evidence base. It is important that the gathering of this evidence begins prior to the commencement of work on the Plan, to provide baseline information at all stages in its preparation. The baseline information will help identify heritage assets affected (e.g. desktop analysis) whilst also identifying gaps in the evidence base, where there may be a need to produce further information which will be needed in order to fully understand the potential impacts of potential site allocations on the historic environment. The evidence gathered should relate to both designated and non-designated heritage assets, in accordance with the NPPF. The evidence gathered should be used at all stages of plan making if soundness is to be demonstrated, and inform the Sustainability Appraisal and Strategic Environmental Assessment (include footnote to our SEA Guidance).

2.2 Some of the evidence which may be relevant is listed in GPA 1. The amount and level of further evidence, and who should be responsible for producing it, will vary depending on site specific circumstances, but the advice of appropriate specialists such as local authority conservation and/or archaeological officers is invaluable during the process of gathering evidence, commissioning further work, and undertaking interpretation. The application of evidence could include:

- Characterisation work to understand the potential impact of site allocations on historic places, and inform assessments of an area’s capacity to accommodate development.
- The updating of existing information, or the production of a more detailed study on the significance of heritage assets, including assessment of their setting, or an assessment to understand heritage impacts in greater detail.
- Site specific studies may also be necessary such as archaeological desk based assessment and fieldwork.

3. **Stage 2: Site Selection**

3.1 The site selection process needs to be detailed enough to:

- Support the inclusion of appropriate sites for development (including those which could enhance the historic environment), or;
- Justify the omission of a site where there is identified harm, and;
- Set out clear criteria for sites that are acceptable in principle, within which they can be appropriately developed in terms of impact on heritage assets, for example, its size, design, or density.

3.2 It is important to understand the significance of any heritage assets that would be affected by a potential site allocation. This involves more than identifying known heritage assets within a given distance, but rather a more holistic process which seeks to understand their significance and value. Whilst a useful starting point, a focus on distance or visibility alone as a gauge of impact is not appropriate. Site allocations which include a heritage asset (for example a site within a Conservation Area or World Heritage Site) may offer opportunities for enhancement and tackling heritage at risk, while conversely, an allocation at a considerable distance away from a heritage asset may cause harm to its significance, reducing the suitability of the site allocation in sustainable development terms. The steps in the table below set out the methodology which can assist regarding site selection.

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Site Selection Methodology

STEP 1: Identify which heritage assets are affected by the potential site allocation
- Informed by the evidence base, local heritage expertise and, where needed, site visits.
- Avoiding simply using buffer zones and set distances between the site and the heritage asset.

STEP 2: Understand what contribution the site (in its current form) makes to the significance of the heritage asset(s) including:
- Understanding the significance of the heritage assets, in a proportionate manner, including the contribution made by its setting considering its physical surroundings, the experience of the asset and its associations (e.g. cultural or intellectual).
- Understanding the relationship of the site to the heritage asset, which is not solely determined by distance or inter-visibility (for example, the impact of noise, dust or vibration).
- Recognising that additional assessment may be required due to the nature of the heritage assets and the lack of existing information.
- For a number of assets, it may be that a site makes very little or no contribution to significance.

STEP 3: Identify what impact the allocation might have on that significance, considering:
- Location and siting of development e.g. proximity, extent, position, topography, relationship, understanding, key views.
- Form and appearance of development e.g. prominence, scale and massing, materials, movement.
- Other effects of development e.g. noise, odour, vibration, lighting, changes to general character, access and use, landscape, context, permanence, cumulative impact, ownership, viability and communal use.
- Secondary effects e.g. increased traffic movement through historic town centres as a result of new development.

STEP 4: Consider maximising enhancements and avoiding harm through:

Maximising Enhancement
- Public access and interpretation
- Increasing understanding through research and recording
- Repair/ restoration of heritage assets
- Removal from Heritage at Risk Register
- Better revealing of significance of assets e.g. through introduction of new viewpoints and access routes, use of appropriate materials, public realm improvements, shop front design.

Avoiding Harm
- Identifying reasonable alternative sites through SA/SEA process.
- Amendments to site boundary, quantum of development and types of development.
- Relocating development within the site.
- Identifying design requirements including open space, landscaping, protection of key views, density, layout and heights of buildings.
- Addressing infrastructure issues such as traffic management.

STEP 5: Determine whether the proposed site allocation is appropriate in light of the NPPF’s tests of soundness
- Positively prepared in terms of meeting objectively assessed development and infrastructure needs where it is reasonable to do so, and consistent with achieving sustainable development (including the conservation of the historic environment)
- Justified in terms of any impacts on heritage assets, when considered against reasonable alternative sites and based on proportionate evidence
- Effective in terms of deliverability, so that enhancement is maximised and harm minimised
- Consistent with national policy in the NPPF, including the need to conserve heritage assets in a manner appropriate to their significance

Decisions should be clearly stated and evidenced within the Local Plan, particularly where site allocations are put forward where some degree of harm cannot be avoided, and be consistent with legislative requirements.
4. **Stage 3: Site Allocation Policies**

4.1 Site allocation policies are a positive feature of a Local Plan as they can highlight the specific criteria against which a development needs to be judged and thereby speed up the implementation process, providing clarity for a wide range of audiences. It is recommended that the policy and/or supporting text provides clear references to the historic environment and specific heritage assets where appropriate.

4.2 The level of detail required in a site allocation policy will depend on aspects such as the nature of the development proposed and the size and complexity of the site (NPPF, paragraph 154 and 157). However, it ought to be detailed enough to provide information on what is expected, where it will happen on the site and when development will come forward including phasing. Mitigation and enhancement measures identified as part of the site selection process and evidence gathering are best set out within the policy to ensure that these are implemented.

4.3 Design principles (and design codes) are a helpful way of making development more sustainable and acceptable. These can be set out in a site specific policy or appropriate equivalent and will guide future masterplans and planning applications.
If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:
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20 October 2015

Planning Policy Team
Tendring District Council
Council Offices
Weeley
Essex
CO15 9AJ

BY EMAIL ONLY

Dear Planning Policy Team,

Re: Issues and Options Consultation Document

Thank you for allowing Essex Wildlife Trust the opportunity to respond to the above document. We would like to submit the following comments:

Issue 3 - Infrastructure

Green Infrastructure and Open Space

In producing a Local Plan, local authorities should set out a strategic approach to planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (as required in para. 114 of the NPPF).

Para 5.11

The statements in this section need to demonstrate a clearer and more robust commitment to protecting and enhancing biodiversity; providing strategic green corridors linking larger and smaller designated sites and areas of priority habitat to create a vibrant network of ecologically functional green spaces.

The NPPF emphasises the importance of a robust evidence base to inform successful Local Plan policies on the natural environment. Evidence-gathering should include an assessment of existing and potential components of ecological networks. GI and biodiversity should be core considerations in the preparation of Local Plans.

There are a range of strategic issues and documents that also need to be taken into account in the Local Plan. Such issues include climate change, which over the long-term could impact factors such as flood risk, coastal change, water supply, and changes to biodiversity and landscape. The NPPF stipulates (para. 99) that ‘when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure’.

Strategically planned GI is important for biodiversity and landscape conservation. Over the last hundred years there has been an unprecedented change in the UK countryside, resulting in habitat loss and dramatic adverse impacts on the populations of many species. In securing sustainable development, the planning
A net gain for biodiversity means a sustained increase in abundance, quality and extent of all species and habitats that support healthy ecosystems. Any development should seek to increase an area’s biodiversity assets while guarding against the loss of priority and irreplaceable habitats. This involves safeguarding and enhancing biodiversity already present and/or providing new areas of habitat and features for wildlife appropriate to the landscape and the ecology of that neighbourhood, while providing as many other ecosystem functions as possible. This approach would involve protecting irreplaceable habitat and existing sites of international, national or local importance and landscape character and putting measures in place to optimise their condition and connectivity.

Question 9) Do you agree that the Local Plan will be critical for making sure we have the right infrastructure in Tendring to accommodate the new jobs and homes we will need in the future?

Yes.

Question 10) Do you have any thoughts about how the Council, through the Local Plan, should go about addressing this issue?

It is good practice for a Local Plan to include specific measurable targets that can be monitored — for example net biodiversity gain targets reflecting local priorities for biodiversity (contributing to national targets as appropriate).

At a strategic level, effective local planning for GI requires a strong evidence base to understand both the risks to GI assets and opportunities for enhancement to enable resilient plans to be developed. Evidence-gathering should be informed by local knowledge and expertise and should identify the functions provided by existing and future GI. The gathering of such data, which should include a clear assessment of baseline data, should be embedded in the Strategic Environmental Assessment (SEA) Environmental Report, which requires a holistic assessment of the environmental impacts of plan policies and possible alternatives.

- Comprehensive evidence-gathering will help to inform decisions on the type and location of green space required to complement existing GI, fill gaps, mitigate adverse impacts, and provide additional compensatory measures to ensure a net gain in biodiversity assets and GI.
- It is good practice to carry out context studies to establish where existing or potential GI exists.
- Mapping existing resources and identifying areas of opportunity is an important strategic tool to secure physical and functional connectivity through the restoration and re-creation of habitats and landscapes that have become fragmented.

Local authorities should have access to baseline figures for biodiversity in their area. This information can then be broken down to a more local level to inform developers about site-specific biodiversity issues within a development. The Essex Wildlife Trust Biological Records Centre acts as a key source of evidence and Tendring District Council is urged to consider the benefits of a Service Level Agreement to enable access to ecological data and site records (see below).

11) Do you have any other comments or suggestions about infrastructure in Tendring?

Targets can be set to link fragmented habitats and landscape features to increase species viability, by restoring degraded sites and habitats and by providing new spaces for recreation to reduce human impact on sensitive sites. Mapping the existing resource will help to identify areas of fragmented habitat where connections can be made. Through the provision of bigger, better and more joined-up sites and green space, GI networks can support the dispersal and migration of individual species, either as part of a regular movement pattern or through migrations in response to climate change.

Some elements of GI resource will be sensitive to too much human activity and recreational disturbance. Recreational disturbance of vulnerable habitats can lead to a loss of vegetation, disturbance of ground-nesting birds (affecting their breeding and survival), and increased predation of
birds and wild mammals by domestic cats. These sensitive areas should be protected from human disturbance.

By providing additional 'suitable accessible natural green space' (SANS), local authorities can help to divert visitors away from sites that are sensitive to recreational disturbance. Natural England has produced useful guidance and a checklist for the creation of SANS in the Thames Basin Heaths Planning Zone, and many of the principles will apply to the creation of SANS elsewhere (although they may not be suitable for all locations and habitats).

12) Have we missed any issues that ought to be covered?

Biodiversity targets, data gathering and monitoring as outlined above.

**Issue 4 – The Environment**

**Question 13) Do you agree that protecting and enhancing the environment is an important issue for this Local Plan?**

Yes.

The NPPF states that:

"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to)...moving from a net loss of bio-diversity to achieving net gains for nature"

Paragraph 114 continues:

"Local planning authorities should...set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity...”

Paragraph 109 includes the following:

"The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

Paragraph 110:

"In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework."

Paragraph 117:

"To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan..."
14) Do you have any thoughts about how the Council, through the Local Plan, should go about addressing this issue?

There are four designated sites of international importance in the Tendring district:

- Colne Estuary (Mid-Essex Coast Phase 2) SPA
- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water SPA
- Stour and Orwell Estuaries Special Protection Area (SPA)

To ensure the protection of these Natura 2000 sites in the district the local plan should undergo screening in accordance with the Conservation of Habitats and Species Regulations 2010.

It is the duty of the local authority to ensure that all designated sites, including SSSI’s and Local Wildlife Sites, and areas of Priority Habitat, are identified and clearly mapped in the local plan. Strategically planned green infrastructure should aim to increase areas of priority habitat, protect, enhance and link up existing designated sites and areas of good quality habitat.

Designated sites (including local wildlife sites) and areas of priority habitat, should be robustly protected from development in strict accordance with the mitigation hierarchy, as outlined in the NPPF, paragraph 118:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- planning permission should be refused for development that results in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development there clearly outweigh the loss

Question 15) Do you have any other comments or suggestions about protecting and enhancing the environment in Tendring?

The NERC Duty

Local authorities in England and Wales have a legal duty to conserve biodiversity. This is recognised and formalised within Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, which states:

(1) “Every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”

(2) “Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.” (This is significant as it places a duty on all local authorities to conserve wider biodiversity in addition to the statutory protection given to certain sites and species.)

Planning authorities must take protected species and habitat conservation into account when considering planning applications. Local authorities also have important obligations in implementing the national Biodiversity Action Plan.

Under Section 41 of the NERC Act 2006 the Secretary of State must, for England, publish a list of habitats and species which in the Secretary of State’s opinion are of principal importance for the purpose of conserving biodiversity. The Secretary of State must keep this list under review. This S 41 provision reappplies Section 74 of the Countryside and Rights of Way Act 2000. This means that a local authority is required to demonstrate that:
biodiversity conservation and enhancement is appropriately integrated throughout all departmental policies and activities
all staff, managers and elected members understand how biodiversity issues relate to their own decisions and actions
it provides sustained support to local biodiversity initiatives, such as Local Biodiversity Action Plans, Biological Records Centres and Local Site systems
biodiversity, in particular Species and Habitats of Principle Importance, is properly protected and enhanced in line with statutory nature conservation obligations
it has access to professional ecological expertise and up-to-date biodiversity information
it reports on progress towards national and local biodiversity targets.

Evidence and Records

Compliance with the requirements of the NERC Act can only be achieved if local authorities have access to up to date information from Biological Records Centres, and there is a system in place for monitoring and recording species and their habitats. In order to ensure compliance with the requirements of the NERC Act, local authorities should ideally sign up to a data exchange agreement with EWT Biological Records Centre. This will ensure ease of access to the most up to date species records and other biological data.

The maintenance of a register of important wildlife sites with up to date information about them as a robust evidence base is a NPPF requirement. In order to maintain a robust evidence base into the future, an on-going Local Wildlife Site review programme is recommended, which engages the relevant land owners in managing their sites in an economically viable way that remains sensitive to the important wildlife they support. This review should periodically refresh the information held about LoWS and their nature conservation merits.

Living Landscapes

It should also be stressed that the role of a Local Authority should not be restricted to minimising or preventing environmental degradation through the planning process. The NPPF (para. 109) refers to the planning system providing net gains in biodiversity, thereby contributing to enhancement of the natural environment.

This responsibility can be dispensed at the largest scale of strategic planning across an entire borough, by embracing Essex Wildlife Trust’s Living Landscapes ethos. However, it can also be applied to every planning application considered by local authority officers, by having an input into landscaping proposals (the extent, location and species used (native versus non-native), appropriate use of green roof technology to compensate for the loss of the development’s footprint and other habitat creation possibilities.

Built environment and new developments

The built environment should be permeable to wildlife. Owing to habitat loss, some species are almost solely dependent on our built structures to roost or nest. Of particular note are bats, barn owls, house martins, house sparrows, starlings, swallows and swifts (whose numbers have experienced startling declines in recent years).

All UK species of bat have been recorded in buildings, and the built environment provides essential roost places for several species. In order to ensure that development integrates and enhances biodiversity within urban environments, planning conditions could require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment. It is important to note that provision for species should be guided by what is locally appropriate, and ecological advice should be sought regarding the amount, location and siting of nest boxes and bat roosts.

As an integral part of a successful development, the natural environment needs to be a key theme within the masterplan for any new development. The early planning of resilient GI will contribute to the creation of a sense of place, the provision of ecosystem services, access, the conservation of existing
habitats, and the creation of new habitats – providing the framework around which the remainder of a development is designed.

Masterplans should characterise the local habitats and key fauna and flora populations, and should include provision for additional areas of habitat, which reflect locally agreed spatial habitat targets and contribute to national and local biodiversity targets. The master-planning process should also increase biodiversity generally. Masterplans should identify:

- the existing key habitat areas to be protected, restored, enhanced and expanded;
- transitional and supplementary habitats as part of the wider green space resource, sustaining more widespread habitats and species;
- measures for maximising the contribution of the built and historic environment to biodiversity;
- existing access and rights of way provisions that are to be protected, enhanced and expanded without compromising the preceding measures.

Some elements of GI resource will be sensitive to too much human activity and recreational disturbance. Recreational disturbance of vulnerable habitats can lead to a loss of vegetation, disturbance of ground-nesting birds (affecting their breeding and survival), and increased predation of birds and wild mammals by domestic cats. These sensitive areas should be protected from human disturbance.

By providing additional ‘suitable accessible natural green space’ (SANGS), local authorities can help to divert visitors away from sites that are sensitive to recreational disturbance. Natural England has produced useful guidance and a checklist for the creation of SANGS in the Thames Basin Heaths Planning Zone, and many of the principles will apply to the creation of SANGS elsewhere (although they may not be suitable for all locations and habitats).

**Issue 5: Setting out a vision for the future**

**Question 17** Do you agree with the vision for the future of Tendring set out above?

No.

**Question 18** If not, do you have any alternative thoughts or ideas about the vision for the future and what we should be aiming to achieve?

Essex Wildlife Trust supports and endorses the alternative wording for paragraph 2 as recommended by Mark Nomers of the RSPB in his response to this consultation, dated 20/10/2015.

**Issue 6: Options for growth**

**Colchester/Tendring development**

Essex Wildlife Trust strongly objects to this option for growth. The Salary Brook valley and nature reserve forms a crucial wildlife corridor comprising a number of priority and irreplaceable habitats and protected species, including otters, water voles, dormice and bats.

The ecological importance and significance of this area cannot be overstated and it is absolutely vital that its ecological integrity is protected from damage, pollution and increased recreational disturbance.

This accords with the requirements of the NPPF, which states:

"local authorities are required to promote the preservation, restoration and re-creation of priority habitats (...) and the protection and recovery of priority species populations (linked to national targets) and identify suitable indicators for monitoring biodiversity in the plan." (paragraph 117)
Issue 7: Planning Policies

Delivering sustainable development

A topic statement should be included to demonstrate a clear commitment to protecting and enhancing biodiversity, a key component of sustainable development.

Para. 9.3 Development strategy

As described earlier, built development should be designed around a prior GI framework comprising a green infrastructure masterplan based on Living Landscapes principles. This will help to ensure that new development fulfils all the criteria for sustainability.

Thank you for providing this opportunity to engage with the Tendring planning policy development process. We would be happy to provide further advice and input if required.

Kind regards,

Dr Annie Gordon
Conservation Officer
Essex Wildlife Trust
Tel: 01621 862953
Mob: 07771 967907

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Dear Sir/Madam

Tendring District Local Plan: Issues and Options Consultation Document

Thank you for your consultation on the Issues and Options for your new Local Plan and for allowing us extra time to respond. We have provided our comments below in the same format as the draft plan for ease.

1. Jobs

1) Do you agree that creating the conditions for economic growth and creating new jobs should be a top priority for the Local Plan?

We do agree that creating the conditions for economic growth and creating new jobs should be a top priority for the plan.

2) Do you have any thoughts about how the Council, through the Local Plan, should go about addressing this issue?

We consider that there are essential evidence base documents that should be used to help with the understanding of environmental factors that we believe will have an increasing influence over the Plan period and beyond (some useful documents are attached for ease). The use of these documents can help you in determining the right locations for development and in the delivery of development that should be sustainable for its lifetime.

The Issues and Options consultation document puts a lot of focus on facilitating policies that will encourage the expansion of the tourism facilities within the District. We understand the drive behind this given the existing worth of this sector to the local economy in Tendring (for both income and employment), particularly in coastal areas, such as Clacton.
However, many holiday parks are currently located within identified areas of flood risk close to the coast, estuaries and inland watercourses. Whilst many of these parks currently benefit from historic investments in flood defence infrastructure (sea walls and embankments), these assets will require further investment into the future to either replace or enhance them. The investment is needed to address declines in the structural condition of these assets and to maintain the effectiveness of the defence standard, given that sea level rise as a function of climate change could increase the likely frequency of defence overtopping over the next 100 years. Such works can only be undertaken where the Shoreline Management Plan policy aspiration is to "Hold the Line" into the future. Other policies relating to future flood defence management are "Managed Realignment", which means that the defences may not be present at the current location in future years or "No Active Intervention", which means that the defences are unlikely to be maintained in future. These policies and the economic factors in supporting infrastructure improvements to deliver the policy should be fully understood by the Council when considering developments on lands areas that are dependent upon the functionality of this infrastructure.

Your Strategic Flood Risk Assessment (SFRA) and the Essex and South Suffolk Shoreline Management Plan (SMP) are fundamental in providing you with the evidence base to make site level or community based assessments of issues relating to future flood risk management. The SFRA helps to demonstrate the potential change in flood risk over the next 100 years, while the SMP spells out the policy aspirations to manage or adapt to increasing flood risks over this timeframe and also looks at the affordability challenges to the delivery of infrastructure to support the chosen policy aspiration. The SMP policies relate to a specific length of coast or estuary frontage (known as a Policy Development Zone/PDZ) and extend over a timeframe stretching to the year 2105.

The stated SMP policy for each Policy Development Zone is the starting point, but the most important consideration is to consider the affordability of delivering this policy to a particular section of shoreline over the 3 epochs of the Plan (up to the year 2105). Issues relating to affordability (on a cost-benefit basis) are available in Appendix H of the SMP, titled "Economics". This Appendix details whether the delivery of the policy aspiration is "Clearly viable", "Marginally viable" or "Challenging" in economic terms and should form the basis of the consideration of the potential need to support the delivery of replacement flood risk management infrastructure through CIL or other funding mechanisms.

It would be prudent for you to consider the need to support future Flood Defence Infrastructure requirements through mechanisms such as the Community Infrastructure Levy (CIL), where these features are importance in order to maintain the sustainability of communities and the current and future land uses in these zones. This will help to support Partnership Funding of Flood Risk Management which is the Government’s mechanism for the delivery of future flood risk management infrastructure. The Council should contact our Coastal Partnerships and Strategic Overview team to discuss aspirations and constraints relating to future flood risk management for the coast, estuaries and tidal in the Tendring District.

The plan aims to promote offshore renewable energy as a targeted growth sector,
which we are supportive of. However, off shore wind farms often pose large risks for the environment and will need to be considered carefully. There is often mitigation work required on the land fall infrastructure due to the nature of works required to be undertaken. We would therefore encourage early consultation with the Environment Agency on any planned offshore wind farms.

3) Do you have any other comments or suggestions about growing the economy and creating jobs?

Water supports economic growth by supporting households, industries, agriculture, recreation and tourism. A high quality water environment makes places attractive to live in, providing a valuable local amenity with related physical and mental health benefits.

4) Have we missed any issues that ought to be covered?

No.

2. Homes

5) Do you agree that we need to plan for the right number of new homes, of the right size, type and tenure to be built and in the right locations for current and future generations?

Yes, we agree with the importance of planning for the right number of new homes and in the right locations.

6) Do you have any thoughts about how the Council, through the Local plan, should go about addressing this issue?

There should be a robust application of the National Planning Policy Framework’s Sequential and Exception Tests at the Local Plan level to provide the weighting of the assessment of flood risk issues when considering site allocations for new strategic housing developments in the District.

The affordability of and the future policies for managing, maintaining and improving flood defences to support both new and existing developments should be fully considered and understood by the Council during the process of the Local Plan’s development.

7) Do you have any other comments or suggestions about housing development in Tendring?

We suggest the Council uses the SFRA, SMP and Catchment Flood Management Plan as evidence base documents, to assist with the consideration of locations for new development, and consider the application of CIL with reference to the dependence of some of the District’s key settlements on Flood Risk Management infrastructure. The DEFRA document “Flood and Coastal Resilience Partnership Funding – DEFRA policy statement on an outcome-focused, partnership approach to funding flood and coastal erosion risk management” is another useful document to
support evidence base with regard to funding deliverability of new and replacement flood defence infrastructure, in communities where housing growth may be sought.

8) Have we missed any issues that ought to be covered?

No.

3. Infrastructure

9) Do you agree that the Local Plan will be critical for making sure we have the right infrastructure in Tendring to accommodate the new jobs and homes we need in the future?

We agree that the Local Plan will be critical to ensure the right infrastructure is in place to accommodate future growth.

10) Do you have any thoughts about how the Council, through the Local plan, should go about addressing this issue?

Waste water treatment and the quality of the water environment should be addressed in the Local Plan to ensure there is infrastructure to support sustainable growth and ensure there is no deterioration of water quality. We are pleased that waste water infrastructure is referenced in the Utilities section. Local Plan policies should encourage all developments to connect to the public sewerage system rather than allowing a proliferation of private treatment plants. If capacity is an issue and any upgrades are likely to be needed to accommodate growth, the Council should check that water quality improvement schemes can be included in AMP business plan delivery for the appropriate periodic review.

We note the section on Green Infrastructure and Open Space and are pleased that the plan recognises the multi-functional benefits of these spaces. Policies should promote Sustainable Drainage Systems (SuDS) as the first method of surface water disposal and Green Infrastructure as part of this, for example, promoting de-culverting, creation and management of ecological buffer strips and corridors, new wetland areas to help manage flood risk and reduce diffuse pollution, whilst reconnecting people with nature. We recommend you refer to the Biodiversity Planning Toolkit. The Toolkit provides information on the issues to be considered at the forward planning stage, including gathering a sufficient evidence base, biodiversity opportunity mapping, green infrastructure provision, setting spatial biodiversity objectives and targets and identifying potential for biodiversity enhancements.

Website: http://www.biodiversityplanningtoolkit.com/
Website: http://www.biodiversityplanningtoolkit.com/stylesheets.asp?file=1011_introduction_-_biodiversity_and_your_plan

We suggest the Council considers the use of CIL for assisting in the delivery of future Flood Risk infrastructure for places such as Harwich, Parkeston and Dovercourt, Manningtree, Jaywick, Point Clear and Brightlingsea, which significantly
benefit from and depend upon this infrastructure, both now and with an increasing dependency into the future.

In the context of Partnership Funding it is worth noting the approach that was taken to delivering Holland on Sea's coastal erosion defences collaboratively (funding-wise), given that this could not be wholly supported by central Grant-in-Aid funding and required significant local contributions to deliver. Many future schemes are likely to need similar collaborative funding approaches to bring about aspirational outcomes.

11) Do you have any other comments or suggestions about infrastructure in Tendring?

Significant areas within key towns such as Harwich, Manningtree, Walton on the Naze and Brightlingsea, and communities such as Point Clear and Jaywick, are dependent upon effective Flood Risk Management infrastructure (coastal and estuary sea walls and flood embankments) to maintain their sustainability and viability both now and into the future. There are many challenges such as sea level rise and structural deterioration of flood defence assets that the Council should fully appreciate along with the funding challenges to deliver these important infrastructure assets to support viability of these communities.

The SMP policies and the economic delivery challenges to support the delivery of required flood risk management infrastructure should be fully understood by the Council when making decisions over CIL and its future application.

Tendring’s SFRAs are useful supporting documents to understand the potential requirements of flood risk management infrastructure needed to manage flood risk into the future. The DEFRA document “Flood and Coastal Resilience Partnership Funding – DEFRA policy statement on an outcome-focused, partnership approach to funding flood and coastal erosion risk management” is another useful document to support evidence base with regard to funding deliverability of new and replacement flood defence infrastructure.

12) Have we missed any issues that ought to be covered?

No.

4. The Environment

13) Do you agree that protecting and enhancing the environment is an important issue for this Local Plan?

Yes.

14) Do you have any thoughts about how the Council, through the Local Plan, should go about addressing this issue?

The plan should take a holistic catchment-based approach to the water environment. Policies should aim to prevent inappropriate development in the floodplain. New
development should be resilient to flooding and provide opportunities to improve river environments.

Local Plans can help to ensure that new developments are resilient over their lifetime and help improve the sustainability of existing communities. Managing flood risk and coastal change can also improve the economic prospects of communities and improve the environment. There needs to be a robust application of the Sequential Test to avoid development in areas of flood risk wherever possible and to maintain the function of these land areas for natural processes. The Climate Change, Flooding and Renewable Energy section does not discuss managing the potential increase in tidal flood risk, but it does recognise that areas vulnerable to flooding to use Green Infrastructure and SuDS to manage the impacts of fluvial and surface water flooding.

We recommend that reference is made to the to North Essex Catchment Flood Management Plan and that you liaise with Essex County Council, in their role as Lead Local Flood Authority, to identify potential opportunities to reduce and manage surface water flooding.

We would expect regard to be given to the Water Framework Directive (WFD). The WFD, through the River Basin Management Plans, sets out the environmental objectives which will need to be met for surface and ground water bodies. In addition, any opportunity to enhance the aquatic environment should be taken and enforced through the planning process, especially when watercourses are within allocated sites. Guidance has been produced that provides useful advice on how planning can help meet WFD objectives – Planning Advice for Integrated Water Management.

Whilst the 2
d River Basin Management Plan (2RBMP) covering Tendring is still draft, it will become final on 22 December 2015. It is strongly recommended that this forms part of the evidence base included within this section as the planning system offers significant opportunities to improve water quality and achieve WFD objectives. We would encourage equal regard for the aquatic environment as there currently is for the terrestrial environment and the inclusion and commitment to help deliver measures included within the 2RBMP through the planning application process or partnership works with ourselves, local wildlife trusts and other stakeholders.

In addition, we would encourage you to sign up for the Data Share service, registering as a WFD Co-deliverer, to access data on local waterbodies: http://www.geostore.com/environment-agency/

Water resources are critical to sustainable economic growth and housing development, as well as supporting the natural environment. As with water quality, planning for water resources and water supply in the Local Plan should be on a catchment scale and should reflect the plans of neighbouring local councils and water company resource zones. Watercourses in Tendring fall within the Anglian River Basin and the Combined Essex rivers catchment. Key centres of growth are planned within this catchment, placing cumulative pressures on water resources and the estuaries into which they discharge treated effluent. Policies will need to help these rivers achieve good ecological status and prevent any deterioration of
waterbodies in the catchment. The Haven Gateway Water Cycle Study may be a useful reference to ensure that water resources and flood risk management issues can be addressed in a sustainable way to accommodate growth.

Where you have justification through your evidence base, we recommend policies that require all new homes to minimise internal water use based on local pressures. These policies will need to be consistent with the Housing Standards review. In addition, your policies could require new commercial buildings to meet the BREEAM ‘very good’ standard for water efficiency.

15) Do you have any other comments or suggestions about protecting and enhancing the environment in Tendring?

We welcome holistic approaches to be explored; there is a current pilot project in Suffolk (Deben holistic project) which may be a useful case study.

16) Have we missed any issues that ought to be covered?

Waste does not appear to have been considered. Improved waste management can contribute to reducing greenhouse gas emissions and can also provide a boost to economic growth through new business opportunities in material recovery and recycling. However, care should be taken in the location of these operations and policies should steer higher risk waste disposal and treatment facilities away from sensitive receptors such as housing and communities.

We trust this advice is useful.

Yours faithfully

Miss Lizzie Griffiths
Sustainable Places - Planning Advisor

Direct dial 01473 706820
Direct e-mail planning.ipswich@environment-agency.gov.uk
Flood and Coastal Resilience Partnership Funding

Defra policy statement on an outcome-focused, partnership approach to funding flood and coastal erosion risk management

23 May 2011
Introduction

This policy statement sets out the arrangements that will apply for the allocation of capital Flood Defence Grant-in-Aid (FDGiA) to flood and coastal erosion risk management projects from now until the end of the 2012/13 financial year. This should be treated as a transition period, with arrangements for 2013/14 and beyond to be finalised based on the lessons of the coming months. The total amount of FDGiA being made available by Defra is unaffected by the new arrangements. The new approach applies in England only, as flood and coastal erosion risk management is a devolved matter.

Flood and Coastal Resilience Partnership Funding

Flood and Coastal Resilience Partnership Funding will form part of Environment Agency’s overall capital allocation to grant fund flood and coastal erosion risk management projects in the 2012/13, 2013/14 and 2014/15 financial years. All projects supported by partnership funding will need to meet the criteria set out here, and as a minimum in every case, demonstrate that in present value terms the expected whole-life benefits exceed the whole-life costs of the scheme.

What will Government funding pay for?

There are four categories under which projects can attract FDGiA. These are:

- All benefits arising as a result of the investment, less those valued under the other outcome measures (Outcome Measure 1).
- Households moved from one category of flood risk to a lower category (Outcome Measure 2)
- Households better protected against coastal erosion (Outcome Measure 3)
- Statutory environmental obligations met through flood and coastal erosion risk management (Outcome Measure 4)

In the new system, there are important things that will be counted and used for performance management (outcome measures), and there are things that Government will explicitly fund at certain payment rates (outcomes and qualifying benefits). These are closely related, but not necessarily the same in all cases. A full table of the outcome measures (OMs) and benefits under each that will qualify for national funding can be found at the end of this document. Details and the rationale for payments under each category are set out below.

For all outcome measures, benefits in relation to any new properties (residential or non-residential) or existing buildings converted into housing after 1 January 2012 will not be counted. To qualify under OM2 and OM3, households must be permanent
dwellings, e.g. not temporary or seasonal accommodation including mobile or static caravans.

How much national funding might a project attract?

The maximum amount of funding on offer to each project will be based on the value of qualifying benefits under Outcome Measures 1, 2 and 3, plus the number of environmental outcomes achieved under Outcome Measure 4, each multiplied by the relevant payment rate. Dividing this amount by the whole life costs of the project determines the share of project costs justifiable to national budgets. This is expressed as a percentage score; the OM Score.

All projects supported under the new approach will need to achieve an OM Score of 100% or above. Many projects will achieve this, and qualify for full funding. In other cases, cost savings and/or other sources of funding may need to be found. Both of these reduce the whole-life costs of the project to national budgets. Where an OM Score is below 100%, the deficit describes the amount of cost savings and/or contributions necessary in order for the scheme to proceed.

The OM Score calculation will differ slightly if ongoing maintenance costs are to be met by parties other than the Environment Agency, if costs relate to scheme development only, or where costs for approval exceed the present value of expected whole-life costs. In these cases, the actual costs being approved become an important consideration.

Detailed guidance for practitioners will be made available by the Environment Agency. A spreadsheet tool will also be available to make the calculation of national funding levels, OM Scores and potential contributions a relatively straight-forward and transparent process.

The maximum grant rate to each project will be capped at 100% of allowable costs. Allowable costs will be restricted to those that deliver the flood and coastal erosion risk management benefits of an investment over a scheme’s lifetime. Where there is not a clear strategic approach setting out how benefits are apportioned to individual investments within a system of assets, the maximum grant rate allowable will be reduced to 45%. This means that all risk management authorities, including internal drainage boards, could receive up to 100% grant levels. The reduced grant rate, relevant for all risk management authorities, helps preserve value for money in cases where investments may only score well because benefits are being double-counted.

National funding will be allocated to project appraisal reports and other pre-delivery phase stages on the same basis as the construction or delivery phase itself – in line with the expected costs and benefits of the scheme being investigated. Project development for schemes expected to score 100% or above can be fully supported by partnership funding.
All funding approvals will be subject to a) the consent of the relevant Regional Flood and Coastal Committee (RFCC) and b) the overall availability of funding from all potential sources. Money raised using the existing RFCC local levy will count as a local contribution even though levy costs are subsidised by central Government through Formula Grant. If the demand for partnership funding outstrips its supply in any one year, the RFCC may decide to raise local levy to supplement partnership funding, in order to avoid any projects having to be deferred.

Qualifying household benefits under Outcome Measure 2

Qualifying benefits under OM2 relate to the reduction in direct damages to residential properties and their contents as a result of the measures being taken. Payment rates are described per £1 of present value whole-life benefit, with benefits in future years discounted in accordance with HM Treasury guidance. Payment rates for protecting households will be higher in deprived areas, so that schemes in these areas are more likely to be fully funded by Government. Levels of deprivation will be assessed using the existing Index of Multiple Deprivation, commissioned by the Department for Communities and Local Government.

*Table 1: Payment rates per £1 of qualifying benefit, for each level of deprivation*

<table>
<thead>
<tr>
<th>Qualifying beneficiaries</th>
<th>Payment rate, per £1 of present value benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Households in the:</td>
<td></td>
</tr>
<tr>
<td>• 20% most deprived areas</td>
<td>45p per £1</td>
</tr>
<tr>
<td>• 21-40% most deprived areas</td>
<td>30p per £1</td>
</tr>
<tr>
<td>• 60% least deprived areas</td>
<td>20p per £1</td>
</tr>
</tbody>
</table>

The value of qualifying benefits will be based on the number of households expected in each flood risk category before and after investment takes place. The value of qualifying benefits will also relate to how long the scheme is expected to last, the duration of benefits, i.e. the useful life of the asset before its next major capital investment, if it is maintained properly.
Table 2: Flood risk categories and assumed annual flood probabilities

<table>
<thead>
<tr>
<th>Risk category</th>
<th>Annual chance of flooding</th>
<th>Assumed annual chance of flooding for the purposes of national funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very significant risk</td>
<td>5% or greater (1 in 20)</td>
<td>5% (1 in 20)</td>
</tr>
<tr>
<td>Significant risk</td>
<td>Greater than 1.3% (1 in 75) but less than 5%</td>
<td>2.5% (1 in 40)</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>Greater than 0.5% (1 in 200) but less than or equal to 1.3%</td>
<td>1% (1 in 100)</td>
</tr>
<tr>
<td>Low risk</td>
<td>0.5% or less</td>
<td>0.5% (1 in 200)</td>
</tr>
</tbody>
</table>

The risk categories before and after investment, and the duration of benefits, need to take account of any defences already in place, and how climate change in the region is expected to reduce the effective standard of protection over time. Unless climate change allowances are made, the effective duration of benefits will be reduced.

In all cases the expected damages per household flooded will be £30,000. It is recognised that in reality some floods will cause more damages than this, and others less. This assumption is being used in order to keep the calculation of national funding relatively simple and transparent for all projects. As part of project appraisals it will remain important to understand the actual nature and characteristics of flooding in each case in order to design an appropriate approach to flood alleviation.

Property-level protection can be funded under OM2. Households need to be assessed as being in the very significant risk category in order to qualify.

Qualifying household benefits under Outcome Measure 3

Qualifying benefits under OM3 relate to the reduction in direct damages to residential properties caused by eroding coastlines. Coastal erosion is a natural process, and protection against it will only be temporary unless defences are sustainable (and are sustained) over the long-term. By delaying the processes of erosion, properties can be occupied for longer. The additional number of years of occupancy - the duration of benefits - will depend on the expected useful life of the coastal defence being built or upgraded.

The payment rates described are per £1 of present value whole-life benefit. These are the same as for OM2, including in deprived areas.
Table 3: Payment rates per £1 of qualifying benefit, for each level of deprivation

<table>
<thead>
<tr>
<th>Qualifying benefits</th>
<th>Payment rate, per £1 of present value benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Households in the:</td>
<td></td>
</tr>
<tr>
<td>• 20% most deprived areas</td>
<td>45p per £1</td>
</tr>
<tr>
<td>• 21-40% most deprived areas</td>
<td>30p per £1</td>
</tr>
<tr>
<td>• 60% least deprived areas</td>
<td>20p per £1</td>
</tr>
</tbody>
</table>

The value of qualifying benefits will be based on whether a household is expected to be lost or damaged within 20 years, or after 20 years, if nothing further is done. For simplicity, and to treat all households equally for the purposes of national funding, an average annual loss of £6,000 per household is assumed. This is based on the average annual rental income of property in the UK. As the actual losses are not expected until sometime in the future, the £6,000 annual figure per household will be discounted based on when the losses are assumed to occur. This will be in year 20 if damages are expected within 20 years, and in year 50 if expected later.

Payments available under Outcome Measure 4

The connection between flood and coastal erosion risk management and the state of the natural environment at the coast, in river corridors and for wetlands is well established. To encourage every project to seek to deliver important environmental outcomes, standard payment rates per unit of outcome will be available as set out below. In some parts of the country these rates may be above the actual costs involved, and in others, where for example land is more expensive, it may be lower. The Environment Agency may vary from these standard rates on a project by project basis as long as the average cost per unit is at or below these levels.

Table 4: Payment rates per £1 of qualifying benefit, for each level of deprivation

<table>
<thead>
<tr>
<th>Outcomes qualifying for national funding</th>
<th>Payment rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>4a - Hectares of water-dependent habitat created or improved to help meet the objectives of the Water Framework Directive</td>
<td>£15,000 per hectare</td>
</tr>
<tr>
<td>4b - Hectares of inter-tidal habitat created to help meet the objectives of the Water Framework Directive for areas protected under the EU Habitats or Birds Directive</td>
<td>£50,000 per hectare</td>
</tr>
<tr>
<td>4c Kilometres of river protected under the EU Habitats or Birds Directive improved to help meet the objectives of the Water Framework Directive</td>
<td>£80,000 per kilometre of river bed</td>
</tr>
</tbody>
</table>
The Environment Agency will continue to report to Defra on the area of biodiversity habitat created or improved through its flood and coastal erosion risk management functions. The first priority will be to meet the statutory objectives for areas protected under the Habitats and Birds Directives by 2015 - a requirement of the Water Framework Directive.

The Environment Agency, Natural England and Defra will work closely together to agree exactly what needs to be done to meet statutory objectives and establish a cost effective programme of work meet these requirements, based on the best available information. The programme will include creating sufficient intertidal habitat to offset losses in protected sites, rivers restoration work, and any other measures necessary to ensure that protected sites continue on a positive trajectory from recovering to favourable condition.

The Environment Agency will work with and through third sector bodies to meet these objectives and further enhance the natural environment through its flood and erosion risk management functions where opportunities allow, even where there is no specific payment rate for non-statutory habitat creation.

Qualifying benefits under Outcome Measure 1

Flood and coastal erosion risk management provides many benefits for the wider economy and society and it is important that risk management authorities continue to ensure these impacts are properly valued in accordance with HM Treasury and Defra appraisal policy. All such benefits arising, where not valued and paid for under OMs 2, 3 and 4, will be rewarded under OM1. Such benefits might include protection for businesses and in terms of enhancing agricultural productivity, ecosystem services, and avoided damages to public and private infrastructure. Guidance is already available to risk management authorities on how all such benefits should be valued as part of project appraisals.

Table 5: Payment rate for all other whole-life benefits

<table>
<thead>
<tr>
<th>Benefits qualifying for national funding</th>
<th>Payment rate, per £1 of present value benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present value of whole-life benefits of the current investment, less benefits paid for, or payments made under the other outcome measures.</td>
<td>5.56p per £1</td>
</tr>
</tbody>
</table>

For example, farming and food production should be taken into account through the economic appraisal of damages avoided to agricultural land and productivity together with impacts on infrastructure and other assets which play a role in growing food and
making it available to consumers. Similarly the value of damages avoided to other business premises, impacts on community infrastructure and ecosystems should continue to be assessed and valued through project appraisal. Payments under OM1 recognise the value of these benefits to the wider community as well as to the individual parties concerned.

Encouraging long-term management of flood and coastal risk as part of each local strategy

Risk management authorities should be encouraged to consider all future investment needs, for all sources of flood risk (and coastal erosion if appropriate), as part of the local flood risk management strategy required under the Flood and Water Management Act. Some investments within a local strategy will score more highly than others against the new funding criteria, with some projects qualifying for 100% funding, and others less.

To help meet any funding shortfalls for lower scoring projects, risk management authorities could seek to leverage external contributions from all investments that proceed, including those qualifying for full funding. Any contributions secured towards projects scoring 100% or above can either a) reduce the cost of the scheme to the national taxpayer, making it more likely to go ahead sooner rather than later, or b) be used to help fund other schemes in the local strategy that score less than 100%. In this way, more schemes can proceed than otherwise would be the case, and the costs and benefits of all the investments within an area or region can be spread more evenly between groups and sectors.

Transparency and accountability for the data used in determining funding levels

Openness and transparency are important aims of the new system. The approach to national funding means it should be straightforward to understand why some projects are fully funded and others only part funded by the Environment Agency. To help with this, in addition to data published as part of the Environment Agency’s Medium-Term Plan, a summary of the data used in calculating national funding levels and contributions will be published for each project seeking support. Detailed appraisal documents, prepared by all risk management authorities, will also be readily available to those who wish to see them.
The Environment Agency’s delegated authority for spending decisions

Defra currently has a delegated spending limit from HM Treasury of £100 million for major projects, £20m for PFI projects, £5m for IT-enabled business change projects, and £1m for back-office IT projects. Defra will continue to pass on its full delegation for major flood and erosion risk management projects to the Environment Agency subject to compliance with the terms of the financial memorandum. This includes a requirement for the Environment Agency to refer to Defra any novel or contentious project, as well as regional flood and coastal management strategies that point towards future public expenditure of £250 million or more in whole life costs.

No commitment must be made to projects above the delegated limits (which may be subject to Defra or HM Treasury variation at any time) without the approval of Defra and HM Treasury. These delegations are also conditional on the Environment Agency reporting quarterly on expenditure and outcomes to the agreed format, and co-operation in any scrutiny exercises that Defra considers appropriate. Delegations are also subject to co-operation with any National Audit Office or Major Projects Authority review that may from time to time be required.

Testing and refinement of the new approach

During the coming months the Environment Agency will work with Defra to test and refine aspects of the new approach in consultation with the Regional Flood and Coastal Committees, other risk management authorities, partners and community groups. This will allow final arrangements to be confirmed in advance of the 2013/14 financial year.
### Table 6: Summary of outcome measures

<table>
<thead>
<tr>
<th>OM no.</th>
<th>Outcome Measure definition</th>
<th>Benefits and outcomes qualifying for national funding</th>
<th>Payment rate</th>
<th>Examples of funding levels from Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>OM 1</td>
<td>Average benefit to cost ratio of schemes delivering OMs</td>
<td>Under OM1, present value of whole-life benefits of the current investment, less benefits paid for or payments made under the other outcome measures.</td>
<td>5.56p per £1 of qualifying benefit (i.e. seeking an 18 to 1 return from national investment)</td>
<td>These include avoidance of damages to e.g. business, agriculture, local government, communications, infrastructure, utilities and public health</td>
</tr>
<tr>
<td>OM 1a</td>
<td>Present value of whole-life benefits per £1 of FOGIA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OM 2</td>
<td>Households moved from one category of flood risk to a lower category</td>
<td>Under OM2, present value of direct damages to residential properties and their contents avoided, in the:</td>
<td>45p per £1; 30p per £1; 20p per £1</td>
<td>Based on moving a single household from very significant risk to low risk for a duration of 50 years</td>
</tr>
<tr>
<td></td>
<td>Households must be at direct risk of flood damage and have been built or converted into housing before January 2012 to be counted.</td>
<td>- 20% most deprived areas</td>
<td></td>
<td>£15,399 per household protected</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 21-40% most deprived areas</td>
<td></td>
<td>£10,266</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 60% least deprived areas</td>
<td></td>
<td>£6,844</td>
</tr>
<tr>
<td>OM 3</td>
<td>Households better protected against coastal erosion.</td>
<td>Under OM3, present value of the reduction in direct damages to residential properties, in the:</td>
<td>45p per £1; 30p per £1; 20p per £1</td>
<td>Based on protecting a single household at risk of loss within 20 years, for a period of 50 years</td>
</tr>
<tr>
<td></td>
<td>Households must be at direct risk of damage from coastal erosion and have been built or converted into housing before January 2012 to qualify.</td>
<td>- 20% most deprived areas</td>
<td></td>
<td>£35,601 per household protected</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 21-40% most deprived areas</td>
<td></td>
<td>£23,734</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 60% least deprived areas</td>
<td></td>
<td>£15,822</td>
</tr>
<tr>
<td>OM 4</td>
<td>Statutory environmental obligations fully met through flood and coastal erosion risk management</td>
<td>Outcomes specifically funded under OM4:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OM 4a</td>
<td>Hectares of water-dependent habitat created or improved to help meet the objectives of the Water Framework Directive</td>
<td>Water-dependent habitat created or improved</td>
<td>£15,000 per hectare</td>
<td></td>
</tr>
<tr>
<td>OM 4b</td>
<td>Hectares of inter-tidal habitat created to help meet the objectives of the Water Framework Directive for areas protected under the EU Habitats or Birds Directive</td>
<td>Inter-tidal habitat created</td>
<td>£50,000 per hectare</td>
<td></td>
</tr>
<tr>
<td>OM 4c</td>
<td>Kilometres of river protected under the EU Habitats or Birds Directive improved to help meet the objectives of the Water Framework Directive</td>
<td>Protected rivers improved</td>
<td>£80,000 per km of river bed</td>
<td></td>
</tr>
</tbody>
</table>
Partnership Pays

An introduction to the future funding and management of flood and coastal erosion management projects for Local Authorities and Internal Drainage Boards

Councillor Roy Whitehead, Leader of Chelmsford Borough Council:

"Chelmsford is committed to the delivery of new homes and jobs, but recognises that this can only be delivered effectively if appropriate investment in infrastructure is secured. I am delighted that we are making significant progress with our partners. Our biggest priority is to ensure that the Town Centre has improved protection from flooding."

Councillor Jeff Reid, leader of Northumberland County Council:

"This is an incredibly important scheme for the community of Morpeth and the Council is pleased that, despite tough economic times, it has been able to commit funding to ensure that it goes ahead. We are working in partnership with the Environment Agency to develop a detailed design, and look forward to final confirmation of the Agency's funding - which we expect to receive early in 2012."

The way flood and coastal erosion risk management (FCERM) projects will be run and funded has changed, and Local Authorities and Internal Drainage Boards (IDBs) will play a bigger role. From April 2012 projects will be assessed under the new Government policy of Flood and Coastal Resilience Partnership Funding ('partnership funding'). Under the new approach every worthwhile project has the potential to be supported by national funding over time. In future, projects will be either fully-funded or part-funded based on the benefits a scheme provides. These benefits will include the protection of households, commercial properties, public buildings, infrastructure and agricultural land, and the creation or improvement of water or tidal dependent habitat.

This guide covers:

- the principles of the new approach;
- how local authorities are already working in partnership;
- the benefits of setting up funding partnerships;
- where you can go for information and advice.
This guide is aimed at those who promote and manage projects, both elected members and officers. Local Authorities, Internal Drainage Boards and Regional Flood & Coastal Committees are encouraged to apply the approach described in this guide.

Defra, the Environment Agency, Lead Local Flood Authorities (LLFAs), other Risk Management Authorities (RMAs) and Regional Flood and Coastal Committees (RFCCs) have specific roles and responsibilities in relation to managing flooding and coastal risks. They work together in various ways from developing policy and high level plans through to strategic investment programming and delivering individual projects. Their role is to provide as much protection as possible to communities, businesses and other interests on the flood plain or around the coast, and deliver the greatest overall benefit in terms of flood and coastal erosion risk management with the funding and other resources at their disposal.

What is the new approach to funding?

Partnership Funding will now apply to all Flood & Coastal Erosion Risk Management (FCERM) projects seeking national flood defence grant in aid funding in England. The objective is to allow more schemes to go ahead and give each community more say in how flood and coastal risk is managed.

FCERM partnerships will be closely aligned to local strategies and development plans produced by local authorities, in consultation with communities or local flood action groups. As long as minimum criteria are met, all new defences and capital maintenance projects are eligible for partnership funding, as are those protecting individual properties and managing risk from surface water and groundwater.

Under partnership funding arrangements, the central government funds available will be calculated based on the outcomes a project is expected to achieve. This amount, together with other sources of funding, is the “Partnership Funding Score”. It is expressed as the percentage of project costs and all projects must score a minimum of 100% to be eligible for central funding. It is important to note that, whilst central funding will be more in some years based on the number of projects coming forward, the funding is limited and payments are subject to availability.

This new system allows local authorities and IDBs to calculate the cost of achieving the outcomes they want. More information about the funding process is available on the Environment Agency’s website, and specially trained Environment Agency staff can also help.

The new approach means government could potentially support more worthwhile schemes over time, rather than fully funding some and others not at all. Projects will go ahead if costs can be reduced or if other money can be found to meet shortfalls in central funding. If a scheme qualifies for partial funding, then local partners including local authorities or IDBs can decide what to do. For example, a project qualifying for 90% funding can still go ahead if costs are reduced by 10%, or a 10% contribution is found, or a combination of the two.

FCERM projects, on average, prevent damages worth eight times the cost of the investment over the lifetime of a scheme, so even a small contribution would deliver a significant return on the level of local investment.

In some cases these contributions will better protect areas that would not have attracted funding in the past. There is also an opportunity for local authorities and
IDBs to make economic, social and environmental improvements which would not happen without partnership funding.

Case Study 1: Morpeth, Northumberland

Northumberland County Council is contributing up to £12 million towards a scheme to reduce the risk of flooding to more than 1,000 homes and businesses in Morpeth. The scheme will also create around 15 hectares of priority wildlife habitat and, in partnership with Northumberland County Council and Northumbrian Water, will identify ways of reducing flood risk from surface water and drainage in the town. The total cost of the scheme is estimated at approximately £21 million and has involved extensive engagement with local residents.

Funding from: Northumberland County Council, Environment Agency

Working in partnership is not new and this leaflet highlights where some jointly-funded projects have already been successful. What is new is negotiating investment commitments from partners at the start of a project to close gaps in funding.

How will funding partnerships benefit local authorities and others?

It is easier to achieve results working together than alone. Investments to reduce flood and coastal risk can deliver a range of other benefits such as increasing tourism and amenities as well as enabling regeneration. This means land values increase, infrastructure develops and the future of a community is more secure.

Funding partnerships have the potential to:

➢ Develop good relationships with at risk communities so that people are better informed and involved in the decisions which affect them. This can result in projects delivering the right solutions in ways that everyone can support and understand. The partnership can also be more successful in raising awareness of flood and coastal erosion risks and be more effective at encouraging individuals and communities at risk to take action such as sign up for warnings or prepare a flood plan. Better relationships created through FCERM engagement can yield benefits for other community issues.

➢ Foster the trust and co-operation necessary to develop effective joint work programmes.

➢ Bring different funding streams, skills, knowledge and resources together to deliver the right results for a community. More and wider interests buying into a scheme opens up the possibility for more and wider local benefit.

Case Study 2: Happisburgh Emergency Works, Norfolk

A £200,000 North Norfolk District Council (NNDC) scheme to protect cliff-top properties from coastal erosion has allowed the local community to adapt and prepare for longer term coastal change. An additional £30,000 was provided by the Coastal Concern Action Group which allowed the works to be extended and enhance the protection provided by NNDC.

Funding from: North Norfolk District Council (£200,000) and Coastal Concern Action Group (£30,000)

➢ Increase the funding opportunity and the project’s priority, making it more likely to go ahead sooner rather than later. If not all the contribution is used in accordance with the project agreement, the excess will either be returned to the contributor or, alternatively, help fund other schemes in the local authority area that score less than 100%.
Allow complex issues - funding and approvals processes can sometimes be difficult - to be discussed together and offer a link across a wider partnership base to maximise available funds.

Allow partners to share the risks and burdens amongst those best able to deal with them.

What makes FCERM funding partnerships effective?

Partnership projects are most effective when:

- **Objectives are agreed early** so that projects meet all the partners’ needs and there is time to resolve issues.

- **They create wider benefits** as well as reducing the risk of flooding and coastal erosion. For example, this might include enhancing a beach front to stimulate regeneration, attracting new businesses and creating jobs, aligning Local Development Framework policies with investment needs.

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**Case Study 3: Chelmsford, Essex**

Chelmsford Borough Council wanted to regenerate the town to meet job and housing targets in the Regional Spatial Strategy. The Environment Agency wanted to reduce the flood risk to existing properties, but the proposed scheme was not a priority for FOGIA and could not be afforded through the local levy. A significant borough council contribution towards the scheme reduced the flood risk at many unused and under-used sites in the town centre that have now been regenerated which allowed the scheme to go ahead. Each partner’s contribution was negotiated in proportion to the benefits each would gain from the scheme, taking into account likely income from future development (new housing and jobs) and the increased value of the land better protected from flooding by the new scheme.

Funding from: Chelmsford Borough Council (£5 million) and Environment Agency (£2.5 million)

- **They pool money and expertise together** and achieve outcomes that they could never deliver alone.

- **Partners work collaboratively**, sharing knowledge, responsibility and risks, playing to each others’ strengths.

- **They grow over time**, with more partners and greater contractual commitment, so that the whole process represents the correct level of investment - time and money - by each partner.

- **Flood risk management is integrated** with local development plans and supplementary planning guidance. This helps to raise money through tariffs, Section 106 agreements, the Community Infrastructure Levy and land transfers. By getting involved early on in a project, decision-making partners are more likely to attract funding and in-kind contributions through the benefit of local knowledge.
Case Study 4: Parrett Estuary Strategy, Somerset

A partnership approach between The Environment Agency and Sedgemoor District Council formed an agreement to improve development plans for Bridgwater with a £25 million investment in flood risk management. The flood risk management work is part financed by a 'roof tax' on new builds through Section 106 agreements. The developer will contribute £9 million to the cost of the scheme.

Funding from: Sedgemoor District Council, Environment Agency and private investment
Where is more information and support available?

- Defra flood and coastal resilience [website](#).

- Talk to your local Environment Agency contacts or risk management authorities. Schemes that are approved or planned, shown in the Environment Agency's *Medium Term Plan* and Local Authority and IDB *Sanctioned List*, are more likely to secure funding. Showing flood and coastal risks visually using maps and other tools can be a powerful way of communicating and engaging with communities.

- Discuss with your local authority colleagues who have prepared preliminary flood risk assessments and surface water management plans, and who are developing local flood risk management strategies and local development, infrastructure and resilience plans.

- Engage communities and professional partners in your area, and discuss priorities with them while you develop your local FCERM strategy or community resilience or flood plan.

- There are a number of useful documents on the Environment Agency's website to help those working in partnerships, ranging from the principles expected of a partnership approach and the roles and responsibilities of parties through to advice on legal agreements, managing risk and case studies. Please visit our [website](#) for more information.
Dear Sir/Madam,

Re: Tendring District Local Plan – Issues and Options Consultation Document

Thank you for allowing us the opportunity to respond to this document and for permitting a short extension to the consultation deadline to the 20th October as agreed by email on the 7th October.

The RSPB is keen to work together in supporting the Council to develop a comprehensive evidence base for conserving and enhancing biodiversity and which recognises the potential capacity for renewable energy, which takes a landscape-scale approach and delivers an integrated network of Green Infrastructure (GI) across the district for the benefit of people and wildlife.

We have the following comments:

**Introduction**
The RSPB welcomes the commitment of the Council to “protect the environment” (paragraph 1.1, line 3), however in order to “comply with government planning policies” (paragraph 1.2, line 2) the Council must commit to protect and enhance the environment.

**Issue 3: Infrastructure**

Question 9: Do you agree that the Local Plan will be critical for making sure we have the right infrastructure in Tendring to accommodate the new jobs and homes we will need in future?

Yes.

**Question 10: Do you have any thoughts about how the Council, through the Local Plan, should go about addressing this issue?**

**Green Infrastructure**
The RSPB welcomes reference to GI in paragraphs 5.10/5.11, our detailed position on this subject can be found in the attached annex.

In accordance with the National Planning Policy Framework (NPPF), local authorities are required to:

- Plan for biodiversity at a landscape scale across local authority boundaries (paragraph 117);

- Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat
restoration and recreation (paragraph 117);

- Plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure and (paragraph 114);

- Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations (linked to national targets) and identify suitable indicators for monitoring biodiversity in the plan (paragraph 117).

Given the above, we would urge the Council to prepare a GI strategy that protects and enhances green spaces and improve the management and/or targeting of priority habitats and species. This strategy must be reflected in the Local Plan. Currently, we consider that the summary in paragraph 5.11 does not demonstrate this adequately.

The most important wildlife sites (see our response to Q14 below) need to be mapped to ensure clarity on pathways for impacts to occur. For example, where a new car park or metalled surfaces are proposed could this increase run-off to water courses and thus affect water quality entering designated sites at distance? The RSPB recommends a protected area map be added to ensure the any GI plan provides a complete evidence base for future project evaluation.

Community Infrastructure Levy (CIL)

We note that "The Council would be justified in applying CIL as a means of securing financial contributions from developers towards the infrastructure that is needed" (paragraph 5.18).

The RSPB is concerned that sufficient information must be provided to demonstrate how projects will be maintained in the long term. A clear mechanism for funding the management of any projects into the future must be outlined or developed.

Whilst there may be groups/organisations that could take on management responsibility, if GI is linked to new development ongoing funding must sit with the Council and the developers. In particular, charitable monies cannot be used to facilitate new development, which also includes ongoing management.

A key principle of effective delivery of GI projects is that they will be sustained and this must be addressed early in the planning process. The RSPB seeks clarity on how GI management will be maintained in perpetuity.

Issue 4: The Environment:

Question 13: Do you agree that protecting and enhancing the environment is an important issue for this Local Plan?

Yes. The DEFRA Study - Biodiversity 2020: A strategy for England’s wildlife and ecosystem services\(^1\) recognises that the planning system has a key role to play in halting the loss of England’s habitats and species and contribute to the following outcomes:

- 90 per cent of priority habitats to be in favourable or recovering condition and at least half of Sites of Special Scientific Interest to be in favourable condition by 2020;

- An extra 200,000 hectares of priority habitats to be created;

- At least 15 per cent of degraded ecosystems to be restored by 2020 to help climate change mitigation and adaptation.

As such the NPPF requires local plans to:

- include strategic policies to deliver conservation and enhancement of the natural environment (paragraph 156);

- include planning policies to minimise impacts on biodiversity and geodiversity (paragraph 117);
- aim to minimise pollution and other adverse effects on the local and natural environment (paragraph 110);
- Identify land where development would be inappropriate because of its environmental significance (paragraph 117).

In order to halt the loss of our habitats and species, local planning authorities will need to "move from a net loss of biodiversity to achieving net gains for nature" as identified in paragraph 9 of the NPPF.

Question 14: Do you have any thoughts about how the Council, through the Local Plan, should go about addressing this issue?

**Designated Sites**
The RSPB is pleased that "the protection and enhancement of the natural and historic environment is a key priority for the Council" (paragraph 6.1). In order to deliver this, we would recommend the following actions:

- The Council must screen the Local Plan in accordance with the Habitats Regulations\(^2\) to identify whether it risks harming any Natura 2000 site, i.e:
  - Stour and Orwell Estuaries Special Protection Area (SPA)
  - Hamford Water SPA
  - Colne Estuary (Mid-Essex Coast Phase 2) SPA
  - Essex Estuaries Special Area of Conservation (SAC)
  - Hamford Water cSAC (c = candidate);

- Where “likely significant effect (LSE)” is identified, measures must be put forward to ensure adverse effects on integrity (AEOI) of a Natura 2000 or Ramsar site will be avoided. Where it is not possible to avoid AEOI then the project should not be taken forward;

- All of the above Natura 2000 sites, together with all Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites (LoWS) within the District, including coastal designations should be clearly mapped. This exercise will identify land where development would be inappropriate because of its environmental significance;

- Cross boundary issues/implications for SPAs/SACs should be mapped and highlighted.

- Work together with other local planning authorities to address strategic mitigation issues on SPAs/SACs.

- **Little Terns**
Two of the Natura 2000 sites within Tendring District – Hamford Water SPA and Colne Estuary SPA are designated (in part) for breeding Little Terns – one of rarest breeding seabirds. These birds are present during the summer months and nest on beaches. One of the major limiting factors in their breeding success is recreational disturbance, e.g. from walkers, dogs off leads, watercraft being landed. Within the Local Plan, the Council will need to demonstrate, that they are working together with other local planning authorities to address strategic mitigation issues on SPAs/SACs that will conserve and enhance all designated species and habitats. Clearly the housing need identified in the consultation document will have an impact on these sites.

**Sustainable Drainage Systems (SuDS)**
The RSPB welcomes the Council’s commitment in paragraph 6.19 to “seek to enhance biodiversity and the environment by providing at-surface SuDS solutions.”

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\(^2\) In accordance with The Conservation of Habitats and Species Regulations 2010 (the ‘Habitat Regulations’).
We strongly support the adoption of a landscape-led approach to SuDS planning and the creation of locally appropriate habitats through SuDS.

Many existing drainage systems cause problems of flooding and/or pollution. Traditionally, underground pipe systems drain surface water and prevent flooding locally by quickly conveying away water. Such alterations to natural flow patterns can lead to flooding downstream and reduced water quality. The impact of climate change could see even greater pressure placed upon our drainage systems. SuDS provide a solution to mitigate and manage this challenge. They can provide cost effective and resilient drainage without causing the problems associated with traditional piped drainage. They also provide the ideal opportunity to bring urban wetlands and other wildlife-friendly green spaces into our towns and cities and link these with existing habitats creating blue and green corridors. Well-designed SuDS should also be an amenity and education resource for the community, providing high-quality public green space in which to relax, play and enjoy wildlife. If designed innovatively and correctly they can provide the community with a healthy and aesthetic environment that they will feel proud to live in and which wildlife will colonise naturally.

SuDS often have cost benefits in comparison to traditional pipe drainage systems. These benefits have been widely reported, including in the ‘Lamb Drove Sustainable Drainage Systems (SuDS) Monitoring Project’ report’ commissioned by Cambridgeshire County Council. This report states that the capital costs of the SuDS scheme were £314 per property cheaper than the alternative pipe drainage system.

The RSPB has previously worked with Exeter City Council on their ‘Residential Design’ Supplementary Planning Document (SPD) by providing biodiversity advice which is incorporated into the SPD. The RSPB is also cited as an additional source of information within this document.

In addition, we would draw your attention to the following document produced in conjunction with the Wildfowl and Wetlands Trust (WWT) - ‘Sustainable Drainage Systems - maximising the potential for people and wildlife’.

The RSPB supports the development of an SPD as a useful tool for Local Planning Authorities (LPAs) to engage with developers about flood and water management from the earliest pre-application stage. However, any document should be strengthened to ensure that the maximum benefits of SuDS schemes are delivered. Given concerns regarding increased flooding and water quality issues in Tendring (paragraph 6.21) currently, and the potential increased pressures from climate change, the RSPB recommends such an SPD be used as a catalyst to adopt stronger flood and water management requirements within the Tendring Local Plan.

The RSPB strongly recommend that the role of source control within SuDS systems is clearly demonstrated within an SPD to highlight its importance (e.g. green roofs, living walls, rain gardens, permeable surfaces, filter strips and bio-retention areas) for delivering SuDS with high wildlife and amenity value. The most important component of SuDS if they are to deliver for wildlife is source control. Poor water quality reduces the likelihood of creating valuable wildlife habitats. The more effort invested in features at the point at which rain lands the better the regional control of detention and retention basins will be for wildlife. Further information on this can be found on pages 15-21 of the aforementioned guidance.

Priority species and habitats
We are unclear as to the definition of “home living landscapes” referred to in paragraph 6.2 (line 4). Does this relate to Essex Wildlife Trust’s Living Landscapes?

In this section, the RSPB would recommend explicit reference is made to “priority species and habitats”.

It is the duty of the Council to ensure that priority habitats outside of designated sites which will require specific protection are identified and mapped. This would accord with the Council’s obligations under the following paragraphs of the NPPF:

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• Local authorities are required to promote the preservation, restoration and re-creation of priority habitats (...) and the protection and recovery of priority species populations (linked to national targets) and identify suitable indicators for monitoring biodiversity in the plan (paragraph 117);

• Planning permission should be refused for development that results in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development there clearly outweigh the loss (paragraph 118).

The Tendring Local Plan should:

• Increase the number of sites for priority habitats and protected species that are given some form of protection;

• Specify actions to promote the preservation, restoration and re-creation of priority habitats, and the protection and recovery of priority species populations;

• Contain specific policies that will contribute to the conservation and enhancement of species populations in the wider environment (i.e. outside Natura 2000 sites), in order to help deliver the overall objectives of the Birds and Habitats Directives. In this instance, we would

  a) refer you to paragraph 2.4 of our previous correspondence (dated 24 July 2015) relating to the nationally important population of Corn Buntings present in the Tendring District, and

  b) mention the RSPB's landscape-scale conservation initiative for the Greater Thames Futurescape, whose boundary extends to Tendring.

• Outline the legislative background to species protection and highlight developer requirements to conform to species protection provision or use planning obligations/conditions to secure protection;

• Have policies that would enable the Council to secure the long-term maintenance of sites that were created following the granting of planning permission, either as mitigation/ enhancement, or as additional new sites. Further details on the best way to do this may be appropriately located in a SPD;

• Refer to management plans for all publicly owned sites supporting priority habitats and species, working with Natural England.

**Biodiversity in the built environment**

The built environment should aim to be permeable to wildlife and to incorporate design which helps to sustain and increase particular species and habitats. Such measures will also play a significant role in helping people and wildlife adapt to climate change. There are many approaches that can be included in the detailed design of development, whether residential or business, to help achieve permeability.

We note that there is no clear recognition in this section regarding biodiversity in the built environment. **There are three bird species which have undergone steep declines in numbers** (Starling, House Sparrow and Swilt)\(^5\) whose breeding success and conservation is intimately linked to the built environment. Simple measures as part of the GI network, can be incorporated within an SPD to benefit these species (and many species of bats and hibernating insects). We refer you to Appendix 2 of Exeter City Council's award-winning residential design SPD.\(^6\)

The conservation of these species has inadvertently suffered with the commendable improvements in home insulation, but future "sustainable construction techniques" (paragraph 6.13), must plan with the conservation of these species fundamentally embedded in their planning.


The RSPB would welcome the adoption of similar measures to the Exeter Guide in the Tendring Local Plan to require both extensions to existing properties and all new developments to provide integrated nest sites for these species.

**Issue 5: Setting out a vision for the future**

**Question 17:** Do you agree with the vision for the future of Tendring set out above?

No.

**Question 18:** If not, do you have any alternative thoughts or ideas about the vision for the future and what we should be aiming to achieve?

Based on our previous extensive and we hope helpful, comments, the RSPB would like to see the wording...

"...a wealth of wildlife areas where biodiversity has been conserved and enhanced..." in paragraph 2 amended to read:

"...an integrated network of protected wildlife-rich areas which are conserved and enhanced..."

**Issue 6: Options for growth**

**Colchester/Tendring development**

With respect to the new development proposed on the Colchester/Tendring border, we wish to remind the Council of their obligations under paragraph 117 of the NPPF which states "local authorities are required to promote the preservation, restoration and re-creation of priority habitats (...) and the protection and recovery of priority species populations (linked to national targets) and identify suitable indicators for monitoring biodiversity in the plan." We understand that Water Voles, Dormice and a number of bat species are all present along the Salary Brook river valley and nature reserve and must be managed accordingly.

**Option 1 – Hartley Gardens Suburb**

We refer you to our earlier point in response to Question 14 and the designation of Little Terns on the nearby Colne Estuary SPA. Measures must be put forward by the Council to ensure adverse effects on integrity (AEOI) of a Natura 2000 or Ramsar site will be avoided.

**Issue 7: Planning Policies**

**Delivering Sustainable Development**

**Question 23:** Are there any other policies the Council should consider?

The RSPB would urge the Council to present a clearly worded planning policy that would capture its aforementioned commitment to protecting and enhancing the environment, with explicit reference to designated sites, priority species and habitats, Green Infrastructure and SuDS.

**Planning for People**

**Question 26:** Are these the right planning policies to help the Council plan for people?

The RSPB welcomes the recognition of GI in Policy 9.28, however, we feel that the wording falls short of the Council's obligations required in paragraph 114 of the NPPF which states Council's must "Plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure".

**Planning for Places**

**Question 28:** Are these the right planning policies to help the Council plan for places?

It is important that the biodiversity benefits of SuDS are captured in Policy 9.32, as previously outlined in response to question 14.

The RSPB welcomes the clear identification of Nature Conservation in a planning policy, but the wording of
this must be amended to demonstrate the Council’s obligations to protect and enhance the environment

We trust that all of this information is helpful. Please do not hesitate to contact me should you need further clarification on any of the matters which we have raised.

Yours faithfully,

Mark Nowers
Conservation Officer
Email: [redacted]
Annex

The RSPB’s position on green infrastructure

Green infrastructure can be defined as a carefully planned network of high quality natural and semi-natural areas, designed to manage and deliver biodiversity conservation and an array of benefits for people, in both rural and urban landscapes.

This is planned and managed alongside the built infrastructure, such as roads and housing, which can often fragment our landscapes if green infrastructure is not included in more joined-up planning approaches.

Green infrastructure provision is therefore an important solution to delivering the Lawton principles of “more, bigger, better and joined”. Since 2011, they have been widely adopted in England and to some extent across the rest of the UK. They reflect the need to combat biodiversity loss by creating more nature conservation sites, increasing their size, improving their quality through better habitat management, and enhancing connections between these sites. When this is achieved across a whole landscape, they can be called “ecological networks”, which are vital components of green infrastructure. Landscape-scale conservation is also about people and nature, so the definition of “joined” can include connecting local people and communities to their landscapes.

Ensuring high quality green infrastructure projects are delivered effectively requires the following (taken from summary of conference on landscape-scale conservation project success¹):

- **Engaging**: Good quality engagement is vital. Engage the wider public, as well as partners, throughout the process.

- **Planning**: Good planning at the outset will ensure appropriate funds and skills are available to carry out the project. Consider where you are going to work, how you will fund your project (in both the short and long term), and then what skill set you and your partners will need.

- **Doing**: This is the practical work that will achieve your vision. Success will ensure resilient landscape-scale conservation that works across different scales.

- **Evaluating**: Once the evidence base has been established, it will provide a baseline against which the effects of short, medium and long-term actions can be monitored.

- **Sustaining**: Don’t leave thinking about the legacy of a project until the end. Keep it in mind throughout, but particularly when establishing the partnership.

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Town and Country Planning Association Guidance on GI

The Town and Country Planning Association’s (TCPA’s) Guidance on Green Infrastructure⁸ (Section 1.2, pp. 4-5) provides a good summary of the full benefits that Green Infrastructure can deliver:

"It is important to recognise the value of the natural environment in planning for our future, not least because of the crucial role it plays in sustaining human life. The natural environment delivers essential 'ecosystem services' (life-support systems) such as the recycling of air and water; capturing and storing carbon in peat, woodland and soil; flood protection; and waste purification—along with many others. The natural environment underpins our economy, providing an enormous range of products and services worth many billions of pounds to local, regional and national economies.⁷ In addition, a well-planned and managed natural environment is key in shaping the character and quality of places in which people live and work. Finally, the natural environment is fundamental to human well-being. Contact with nature and active recreational use of natural green spaces contributes to people's psychological well-being and physical health—and so helps to reduce sick days, increasing business productivity and staff retention.⁹) Nature is a valuable resource for the whole community, providing opportunities for learning, artistic expression, spiritual refreshment, research, outdoor education, exploration, recreation, exercise, and play."

Box 2 (p.4) of the TCPA guidance also highlights the full range of assets that could be considered for creating or enhancing a GI project plan:

- "Natural and semi-natural rural and urban green spaces— including woodland and scrub, grassland (for example downland and meadow), heath and moor, wetlands, open and running water, brownfield sites, bare rock habitats (for example cliffs and quarries), coasts, beaches, and community forests.
- Parks and gardens— urban parks, country and regional parks, formal and private gardens, and institutional grounds (for example at schools and hospitals).
- Amenity green space— informal recreation spaces, play areas, outdoor sports facilities, housing green spaces, domestic gardens, community gardens, roof gardens, village greens, commons, living roofs and walls, hedges, civic spaces, and highway trees and verges.
- Allotments, city farms, orchards, and suburban and rural farmland.
- Cemeteries and churchyards.
- Green corridors— rivers and canals (including their banks), road verges and rail embankments, cycling routes, and rights of way.
- Sites selected for their substantive nature conservation value— Sites of Special Scientific Interest and Local Sites (Local Wildlife Sites and Local Geological Sites).
- Nature Reserves (statutory and non-statutory).
- Green space designations (selected for historic significance, beauty, recreation, wildlife, or tranquillity).
- Archaeological and historic sites.
- Functional green space such as sustainable drainage schemes (SuDS) and flood storage areas.
- Built structures— living roofs and walls, bird and bat boxes, and roost sites within existing and new-build developments."

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¹⁰ SuTrans (2008). Active Travel and Healthy Workplaces. Sustrans Active Travel Information Sheet FH06. Bristol: Sustrans
Dear Sir/Madam,

Please find below comments on behalf of Chelmsford City Council in respect of Tendring’s Issues and Options Consultation Document:

Chelmsford City Council would expect to see a Sustainability Appraisal to sit alongside this consultation document to ensure that the potential options have been fully considered.

Section 4, paragraph 4.1 refers to ‘Chelmsford Borough Council’, this should be amended to read ‘Chelmsford City Council’.

In respect of housing need, all authorities need to demonstrate that their plans have ‘a clear understanding of housing needs in their area’ (para 159, National Planning Policy Framework). To comply with this requirement, Braintree, Chelmsford, Colchester, and Tendring Councils commissioned consultants to prepare a study on Objectively Assessed Housing Need (OAHN) to establish housing need within their shared housing market area.

This report is considered to provide the authorities with a robust factual basis for setting housing targets, and it is a concern for the three authorities outside Tendring that Tendring is not demonstrating equivalent confidence in its results. It is appreciated that the OAHN study’s recommendations for Tendring were not as clear cut as they were for the other three authorities due to statistical discrepancies that arose for Tendring between the 2001 and 2011 Census, but the report did provide Tendring with a clear way to establish its housing target to deal with this issue using market signal and economic evidence. The other councils covered in the study are concerned that Tendring members are not forming their views using the evidence based approach suggest by the consultants, but are instead seeking to rely on the lowest housing figure mentioned in the report simply because it is lower than the other choices.

The Issues and Options document states that ‘the Objectively Assessed Housing Needs Study (2015) suggests that, to meet projected population growth, our district will need approximately 600 new homes each year over the period of the Local Plan.’ (para 4.2, p. 10). However, the document doesn’t appear to mention that the OAHN report also puts forward a higher option for Tendring of 705 houses which assumes higher levels of economic growth. The OAHN report notes that if the lower figure is used, the figures for the other three authorities would be adjusted upward to meet the demand for housing for workers. Braintree, Chelmsford and Colchester are all on record indicating their willingness to do so, but they do not have any evidential basis for accepting an even lower figure than 597. We understand that Tendring’s Local Plan Committee has now rejected both the 597 and 705 figures and suggested that the Council should rely on a figure found elsewhere in the report of 497 houses a year. This figure relates back to the options for dealing with the statistical population discrepancies noted for Tendring and does not reflect the necessary adjustments for future employment, past provision, and market signals. It is accordingly not considered to provide a robust basis for Tendring’s housing target.

Chelmsford City Council trusts that the issues raised above can be resolved positively to ensure the Councils successfully address the duty to co-operate and the challenges of planning ahead for the sustainable development of the area.

Kind regards
Laura Percy
Senior Planning Officer (Planning Policy)
Directorate of Sustainable Communities
Chelmsford City Council

www.chelmsford.gov.uk

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