

## Appendix – 1

### 1 Presumption in Favour of Sustainable Development

#### **1.1 Presumption in Favour of Sustainable Development**

1.1.1 The authorities will apply a presumption in favour of sustainable development in accordance with guidance in the National Planning Policy Framework.

#### **Policy SP 1**

##### **PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.

1.1.2 A Habitats Regulations Assessment (HRA) was completed for Section 1 of the Plan. The loss of off-site habitat, water quality and increased recreational disturbance were identified as issues with the potential to result in likely significant effects on European Sites, without mitigation to address the effects.

1.1.3 The Appropriate Assessment (AA) identified a number of avoidance and mitigation measures to be implemented, to ensure that development proposals in the Plan will not result in adverse effects on the integrity of any Special Area of Conservation, Special Protection Area or Ramsar site, and are HRA compliant.

1.1.4 To mitigate for the loss of off-site habitat, the AA identified the need for wintering bird surveys for the Tendring/Colchester Borders Garden Community as part of any project level development proposals and masterplanning (see also paragraph 8.3 and Policy SP8 paragraph F.20).

1.1.5 To protect water quality, the AA recommended the inclusion of policy safeguards to ensure that adequate water and waste water treatment capacity or infrastructure upgrades are in place prior to development proceeding.

1.1.6 Recreation activities can potentially harm Habitats Sites. The AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.

1.1.7 To mitigate for any increases in recreational disturbance at Habitats Sites, the AA identified the need for a mitigation strategy. Natural England's West Anglian Team identified the Essex coast as a priority for a strategic and proactive planning approach as it is rich and diverse ecologically, and many of the coastal habitats are designated as Habitats Sites. Consequently, 12 local planning authorities in Essex have prepared an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

1.1.8 The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provide certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and is supported by an SPD.

**Policy SP 2**

**Recreational disturbance Avoidance and Mitigation Strategy (RAMS)**

Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).

## **Appendix – 2**

### **2 Infrastructure and Connectivity**

2.0.1 A coordinated and integrated approach to infrastructure planning and delivery is required to implement the vision for North Essex. Provision of appropriate and timely infrastructure to support growth will be central to the area's continuing prosperity, attractiveness and sustainability. Section 1 of the Local Plan highlights strategic and cross-boundary infrastructure, identifying the strategic transport infrastructure projects required to underpin delivery of the planned growth in the area including the proposed Garden Community, and sets priorities for other infrastructure requirements such as education, healthcare, digital connectivity, water supply and wastewater infrastructure and treatment. Section 2 of the Local Plan contains the infrastructure requirements for allocations made in that section of the plan. The Infrastructure Delivery Plan (IDP) provides the phasing and costing of infrastructure requirements for the Garden Communities and the Section 2 allocations required within the plan period. The infrastructure planning process will include the identification of funding sources, and may include using appropriate mechanisms of shared public sector delivery financing mechanisms and the implementation of a strategic infrastructure tariff or other suitable mechanisms to apply across North Essex.

#### **2.1 A Garden Community**

2.1.1 The challenge in the Garden Community will be to create a community in which people move around in a different way to most of the existing towns in North Essex. Networks need to give priority to people for short everyday trips to link people to work, education, retail, leisure, creating an independent safe environment.

2.1.2 The new garden community will seek to manage travel demand, providing retailing, jobs, services and facilities within the site to help reduce the need to travel, and integrate and connect with the rest of North Essex and beyond through transport infrastructure and measures that promote sustainable travel patterns and reduce adverse impacts on the highway network. The North Essex Garden Communities Charter seeks to ensure that land use planning of the new community maximises the provision and use of sustainable transport internally and connects externally to key urban centres. Given the Charter's commitment to the timely delivery of infrastructure, policies SP8-9 will ensure that key transport projects align with housing and employment delivery.

2.1.3 To maximise the use of public transport new forms of high quality rapid transit networks will be provided to serve existing urban centres such as Colchester; key destinations such as the University of Essex; and key transport interchanges in North Essex. To achieve the desired step change in sustainable transport, policy will require that this infrastructure will be funded and its delivery phased to align with the development phases.

#### **2.2 B Transportation and Travel**

2.2.1 North Essex is well placed in the context of connections by road, rail, air and sea to the wider region and beyond, and these connections will need to be strengthened as part of developing sustainable transport networks.

2.2.2 The challenge is to provide North Essex with a sustainable transport system that provides good access to jobs and services, to support economic growth. Growth promoted

through the new Local Plans, particularly via large scale new developments where delivery will extend beyond the plan period, provides an opportunity to prioritise, facilitate and deliver larger scale transport infrastructure projects that can significantly improve connectivity across and within the area. A focus on sustainable transport in and around urban areas and the Garden Community will positively alter travel patterns and behaviour to reduce reliance on the private car.

2.2.3 The Local Plans seek to improve transport infrastructure to enable the efficient movement of people, goods and ensure that new development is accessible by sustainable forms of transport. Measures designed to encourage people to make sustainable travel choices such as better public transport provision, car clubs, electric vehicle charging points and provision of cycle links and foot ways will also be required to achieve such a change. It will also help to enhance air quality and improve health and well-being.

2.2.4 Braintree, Colchester and Tendring will continue to work closely with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to better integrate all forms of transport and improve roads and public transport and to promote cycling and walking. Key projects during the plan period will see improvements to the A12, A120, Great Eastern Main Line including rail services, and provision of rapid transit connections in the Garden Community and the adjacent urban areas. An integrated and sustainable transport system will be delivered that supports economic growth and helps deliver the best quality of life.

### **2.2.5 The Inter-Urban Road Network**

2.2.5.1 The A12 is set to have major improvements as part of the Government's Roads Investment Strategy (RIS1 and RIS), with the aim of improving capacity and relieving congestion. The A12 is being widened between junction 19 (Chelmsford) and junction 25 (A120 interchange) to increase safety, improve journey time reliability, provide a benefit to the local road network, and in doing so support long term sustainable growth. Highways England (HE) has announced its preferred route between junction 19 and 23 (October 2019) and between junction 23 and 25 in August 2020. The A12 J19 to J25 widening scheme will go ahead as part of the Road Investment Strategy 2 (RIS2) programme, and is now a fully funded scheme. It is expected the route will be open for traffic in 2027 – 2028. RIS2 stated that the A12 scheme will need to take account of the evolving proposals for the A120 Braintree to A12 improvements, and any potential future road link to the improvements for the A120 will be incorporated into the A12 scheme.

2.2.5.2 The A120 is a key east-west corridor across Essex providing access to London Stansted Airport in the west to the Harwich ports in the east and serving the economies of Braintree, Colchester and Tendring, with links to Chelmsford via the A130.

2.2.5.3 Consultation on A120 route improvement options between Braintree and the A12 ended in March 2017. ECC has identified a favoured route which has been recommended to Highways England and the Department of Transport for inclusion in Road Investment Strategy 2 (RIS2), which is the next funding period for the strategic road network and will run from 2020 to 2025. In addition a series of short term interventions will be delivered along the route to improve safety and relieve congestion. The A120 from the A12 to Harwich is subject to a Highways England Route Based Strategy and improvements to this section of road are expected over the plan period. ECC and Highways England have progressed work with regards a new and improved A120 between Braintree and the A12. The new A120 is necessary to help address the volume of existing A120 movements which by far exceeds the current standard of carriageway provision. The route will be instrumental in catering for growth in the corridor and will provide a better route for freight traffic, improve safety and relieve existing

communities from a range of externalities such as through traffic, noise, severance and poor air quality. ECC has identified its favoured Route D which would join the A12 south of Kelvedon. In March 2020 the government announced its Road Investment Strategy (RIS2) which included a commitment to progressing further development work on the A120 dualling to prepare the scheme for delivery. The A120 dualling scheme will be considered for inclusion in the RIS3 programme (2025 – 2030), and is now considered a pipeline project to be progressed by Highways England.

## **2.2.6 Rail**

2.2.6.1 The Anglia Route Study prepared by Network Rail (March 2016) shows that while capacity varies along the Great Eastern Main Line, capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London. Improvements are required along the line to accommodate growth and provide a faster more competitive service across the region.

2.2.6.2 The Study identifies a package of improvements necessary to respond to the need for increased capacity, which are seen as priorities to enable growth, improve services and journey reliability.

2.2.6.3 A franchise was awarded to Greater Anglia for passenger services in the region which commenced in 2018 followed by the replacement of the entire fleet of trains to add capacity.

## **2.2.7 Public Transport, Walking and Cycling**

2.2.7.1 Alternative forms of transport to the private car (public transport, walking, and cycling) to travel to work and other trips are essential in managing congestion and to accommodate sustainable growth. The levels of growth proposed in the Local Plans will require that the consequent need to travel is managed. Travel planning and smarter choices initiatives will be promoted to ensure that all residents have good access to local jobs, services and facilities, preferably by either walking or cycling. For longer trips and in rural areas where there are fewer local services and employment opportunities, public transport will be promoted.

2.2.7.2 Essex County Council prioritises passenger transport (bus, minibus, taxi and community transport) according to the 'Getting Around in Essex Strategy'. The County Council will work in partnership with stakeholders to improve bus services and their supporting infrastructure to provide a real alternative to the private car. This will be achieved by identifying opportunities for a better bus network (routes, frequency, community based services); integrating school and commercial bus networks; the implementation of travel planning (work, business, school and health); provision of digital information measures; provision of park and ride; and supporting the growth in key commuter and inter urban routes. Conventional local bus services, and in particular improving existing services, will be an important part of promoting sustainable travel across North Essex, and will complement the new high quality rapid transit network.

2.2.7.3 Through implementation of the Essex Cycling Strategy (2016), Cycling Action Plans have been prepared in all the NEAs to increase cycle levels; identify safety issues; identify gaps on key routes; identify ways of closing gaps; and create better cycle connectivity to key employment areas, development zones and schools. The provision of continuous cycle routes and a coherent cycle network will encourage people to make short trips by bicycle rather than by car.

## **2.2.8 Policies and Delivery Mechanisms for Sustainable Transport**

2.2.8.1 Creating development that is accessible by different modes of transport, especially walking and cycling and the use of public transport is essential to promoting sustainable development as it

reduces car dependency. An important policy tool to achieve this is a people orientated transport hierarchy i.e. prioritising walking and providing access for people with mobility impairment; cycling; public transport; cars (for occupiers on site and visitors); powered two wheelers; and commercial vehicles). The modal hierarchy will be used to ensure that if not all modes can be satisfactorily accommodated, those towards the top of the hierarchy are considered first and given greater priority.

2.2.8.2 Sustainable transport management will be based on promoting modes which minimise environmental impact and promote social inclusion. It is important that developments are well located in relation to existing walking, cycling and public transport networks, and where appropriate provide enhanced facilities, as this will ensure that there is the maximum potential to use these modes as attractive alternatives to cars.

## **2.3 C Social Infrastructure**

### **2.3.1 Education**

2.3.1.1 New development must provide for the educational needs of new communities and this is set out in more detail within the Infrastructure Delivery Plan. This will involve the expansion of existing schools where feasible and the construction of new schools, together with provision for special educational needs, early years and childcare places. Education requirements will need to be based on a strong understanding of future pupil numbers, with co-operation between county, district and borough councils. A range of educational opportunities will need to be addressed as part of a sustainable growth strategy, including practical vocational training, apprenticeships, and further and higher education.

2.3.1.2 New schools are an important place-making component of Garden Communities where early provision is usually critical in providing core social infrastructure to help a new community thrive, improve social integration and support the creation of sustainable travel patterns and a healthy environment.

### **2.3.2 Healthcare**

2.3.2.1 Local authorities have a role in creating a healthy community. The North Essex Authorities will work closely with relevant stakeholders such as the NHS, Public Health and local health partnerships, developers and communities to ensure that future development in North Essex takes into account the need to improve health and wellbeing of local residents (and workers) including access to appropriate health and care infrastructure to support new and growing communities. Requirements are set out in more detail within the Infrastructure Delivery Plan. This will be particularly important given the ageing profile of existing and future residents. There is already a need for more and better quality health care facilities across North Essex with some areas having relatively poor access to health care facilities. The Garden Community will provide the conditions for a healthy community through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and which is accessible by walking and cycling and public transport. Support will be given to meet cross-boundary need for hospice facilities.

## **2.4 D Digital Connectivity**

2.4.1 The NPPF indicates how high quality communications infrastructure is essential for economic growth and social well-being. The availability of high speed and reliable broadband, particularly in

rural areas, is a key factor in unlocking new development opportunities and ensuring that people can access services online and work from home. The Government is committed to making gigabit-enabling connectivity available to all premises in the UK by 2025 and the Local Plan can contribute towards achieving this goal by requiring developers to ensure such technology is in place.

2.4.2 Fast broadband connections and telecommunications are an increasingly important requirement to serve all development. New development should contribute to the creation of a comprehensive and effective network in both urban and rural areas to promote economic competitiveness and to reduce the need to travel. The priority is to secure gigabit-enabling connectivity to all existing and new developments. Developers are encouraged to engage with communication network providers at the earliest opportunity. Where provision is possible preference is indicated for open-access infrastructure, enabling multiple service providers access to end users.

## **2.5 E Water Supply and Wastewater**

2.5.1 The authorities will need to work with Anglian Water, Affinity Water, Environment Agency and developers to ensure sufficient capacity and provision of an adequate water supply and foul drainage and wastewater treatment to support growing communities as outlined in the Integrated Water Management Strategy and Infrastructure Delivery Plan. This will be particularly important as water supplies continue to be threatened by climate change and pressures from continuing growth and development. Water provisions need to be protected and it is essential for adequate water and wastewater infrastructure to be in place to accommodate the demands of growth and development in accordance with the Water Framework Directive and the Habitats Directive. The new Garden Community has the opportunity to minimise demand and wastewater generation, through exploring opportunities at both the strategic and local level.

### **Policy SP 6**

#### **INFRASTRUCTURE & CONNECTIVITY**

All development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities area.

#### **A. Tendring / Colchester Borders Garden Community**

1. The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:

- a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;
- b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and
- c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.

2. Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:

- a) A120-A133 link road: and
- b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).

3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.

4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP9, and will be further defined in the DPD for the garden community.

### **B. Transportation and Travel**

The local planning authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following;

- Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles;
- A comprehensive network of segregated walking and cycling routes linking key centres of activity;
- Improved urban and inter-urban public transport, and new and innovative ways of providing public transport, including:
  - high quality rapid transit networks and connections in and around urban areas with links to the new garden community;
  - maximising the use of the local rail network to serve existing communities and locations for large-scale growth;
  - a bus network providing a high-frequency, reliable and efficient service, integrated with other transport modes serving areas of new demand;
  - promoting wider use of community transport schemes;
- Increased rail capacity, reliability and punctuality, and reduced overall journey times by rail;
- New and improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133, specifically:
  - Improved access to and capacity of junctions on the A12 and other main roads;
  - A dualled A120 from Braintree to the A12.
- Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of electric car charging points.

### **C. Social Infrastructure**

The local planning authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.

#### **Education**

- Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required.
- Practical vocational training, apprenticeships, and further and higher education will be provided and supported.

#### **Health and Wellbeing**

- Healthcare infrastructure will be provided as part of new developments of appropriate scale in the form of expanded or new facilities including primary and acute care; pharmacies; dental surgeries; opticians; supporting community services including hospices, treatment and counselling centres.



- Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable.
- The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport.

#### **D. Digital Connectivity**

Comprehensive digital access to support business and community activity will be delivered through the roll-out of ultrafast broadband across North Essex to secure the earliest availability of full fibre connections for all existing and new developments (residential and non-residential). All new properties will allow for the provision for ultrafast broadband in order to allow connection to that network as and when it is made available.

#### **E. Water & Waste water**

The local planning authorities will work with Anglian Water, Affinity Water, the Environment Agency and developers to ensure that there is sufficient capacity in the water supply and waste water infrastructure to serve new development. Where necessary, improvements to water infrastructure, waste water treatment and off-site drainage should be made ahead of the occupation of dwellings to ensure compliance with environmental legislation.

## Appendix – 3

### 3 Creating Quality Places

3.1 The North Essex area has a great variety of natural environments, and wonderful towns and villages. It is critical that new development must incorporate high standards of place-making along with urban and architectural design to respect the character of these environments. Major new developments will be planned carefully with the use of masterplans and design codes where appropriate.

3.2 Networks of green and blue infrastructure should be provided across new developments, linking new developments within existing networks of open space. These areas can be multi use, providing space for natural species and habitats as well as space for informal recreation, walking, cycling and equestrian links.

3.3 This requirement for high design standards will apply across all scales of new development as well as to infrastructure projects. Enhancements to the public realm, landscaping measures and attention to architectural detail will be important features that the authorities will wish to see included in new developments. Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity gains, alleviating recreational pressure, and health outcomes if properly integrated into the design and delivery of new development. The Defra biodiversity accounting metric 2.0, or future iterations of this, can be used to accurately assess habitat impacts. Sustainable Drainage Systems (SuDS) provide abundant opportunities to introduce wildflower strips and soft landscaping to a development or urban area. This not only brings an attractive feature to the area for people but acts as a wildlife corridor, connecting the rivers, ditches, hedges, verges and gardens, allowing movement of wildlife throughout an area, connecting to the wider environment and therefore greatly enhancing the biodiversity value of the site.

#### **Policy SP 7**

##### **PLACE SHAPING PRINCIPLES**

All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.

All new development should reflect the following place shaping principles, where applicable:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Incorporate biodiversity creation and enhancement measures;
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;
- Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;

- Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and
- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

## **Appendix – 4**

### **4 Settlement Development Boundaries**

4.1 To achieve a sustainable increase in housing stock, a significant number of new homes will come forward on sites which at April 2020 already had extant planning permission for new housing. The remaining requirement will be delivered on sites that are specifically allocated for housing or mixed-use development, supplemented by other suitable sites within the Settlement Development Boundaries in this Local Plan. Alongside the planned developments, it is likely that a number of currently unidentified ‘windfall’ sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. However, there are certain forms of development that can and sometimes need to take place in these areas, some of which can bring about positive outcomes for the rural economy.

#### **Policy SPL 2**

##### **SETTLEMENT DEVELOPMENT BOUNDARIES**

To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a ‘Settlement Development Boundary’ as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

An exemption to this policy is provided through the Rural Exception Site Policy LP6.

The Tendring Colchester Borders Garden Community will be the subject a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the broad location identified on Diagram 10.2 in Section 1 of the Local Plan and Map B.7

**This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.**

## Appendix – 5

### 5 Sustainable Design

5.1 Policy SPL3 contains the design criteria against which every planning application for development will be considered. Part A of the policy provides the local planning criteria for ensuring development is well designed and relates well to its surroundings. Part B ensures that practical requirements have been addressed and Part C ensures that any potential impacts on surrounding uses and/or the local environment are identified and measures are put in place to ensure any adverse impacts are minimised.

#### **Policy SPL 3**

##### **SUSTAINABLE DESIGN**

**Part A: Design.** All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character.

The following criteria must be met:

- a. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- b. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- d. the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity value; and
- e. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species.

**Part B: Practical Requirements.** New development (including changes of use) must meet practical requirements. The following criteria must be met:

- a. access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact;
- b. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments;
- c. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;
- d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the Building Regulations prevailing at the time and policies and requirements in this plan;
- e. buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents;
- f. provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking; and g. the development reduces flood risk and integrates sustainable drainage within the development, creating amenity and enhancing biodiversity.

**Part C: Impacts and Compatibility.** New development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts.

The following criteria must be met:

- a. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;

- b. the development, including any additional road traffic arising, will not have unacceptable levels of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance;
- c. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use; and
- d. all new development should have regard to the most up to date adopted Essex Mineral Local Plan; and
- e. during the construction phase, developers must comply with a 'considerate constructors' scheme' which employs reasonable measures and techniques to minimise and mitigate impacts and disturbance to neighbours and the existing wider community and any damage to public and private property.

All new development (including changes of use), should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate.

When considering new development, applicants and developers should avoid adverse impacts upon the environment. Where this is not possible, mitigation measures should be put forward. As a last resort, compensate for adverse environmental impacts.

Any measures necessary to meet the above requirements are to be established by the applicant/developer.

**This Policy contributes towards achieving Objectives 6, 7 and 8 of this Local Plan**

## Appendix – 6

### 6 Healthy Places

#### **6.1 Improving Health and Wellbeing**

6.1.1 The Local Plan's strategic objectives for Healthcare Needs are "To work with partners in the National Health Service, local health organisations and local community groups to ensure adequate provision of healthcare facilities to support growing communities."

6.1.2 Good health and wellbeing means that wherever possible people are free of illness or disability and they have a positive physical, social and mental state. The Council wants people in Tendring District to have healthier, happier and longer lives with less inequality. Health and Wellbeing has been a priority for a number of years to the partners in Tendring District.

6.1.3 Tendring District has a higher than average proportion of older and disabled people and, for many, the provision of health services is an essential part of everyday life. For our residents, being able to access primary health care is one of the biggest concerns for the future with many people worried that more housing developments and an increasing population could have significant impact upon over-stretched health services.

6.1.4 The Essex Joint Strategic Needs Assessment (JSNA, 2016) stated that in Tendring District:

- 68.3% of adults are classified as overweight or obese compared to the national average of 64.6%.
- 2,980 people aged over 65 are thought to have dementia. This figure is estimated to rise to 3,995 by 2025. The rising number of people with dementia will impact on future housing stock where consideration needs to be given to the availability of supported and sheltered housing and care homes.

6.1.5 In 2014, Tendring District had 29 GP surgeries located in Ardleigh, Alresford, Brightlingsea, Clacton, Frinton, Great Bentley, Great Oakley, Harwich, Lawford, Manningtree, Thorpe-le-Soken and Walton.

6.1.6 However, in recent years, resources particularly in the Clacton, Frinton and Walton areas have become stretched by the growing ageing population alongside difficulties in recruiting GPs and other medical professionals. Applicants for planning permission may be required to contribute towards the provision of new or improved health care facilities. The need for such facilities and the type of provision will be determined by the Health Care Commissioners and providers.

6.1.7 Through the proposals in this Local Plan, the Clacton, Frinton and Walton areas are expected to accommodate more than 3,000 new homes between them and the vision is to promote active retirement and the provision of care and assisted living. It will therefore be essential to ensure that current deficiencies in primary health care provision are addressed in partnership with Healthcare Commissioners.

6.1.8 The Council will work with its Health Sector partners to deliver new and improved facilities.

6.1.9 For secondary health care, the District hospitals at Clacton and Harwich provide a range of services including cardiology, diabetic medicine, minor injuries, podiatry, physiotherapy and urology but for other services many residents have to travel to Colchester General Hospital which, itself, is

under pressure from a growing population. In recognition of Tendring District's ageing population and the levels of housing development proposed for the Clacton area, of which a large proportion will cater for older people wishing to retire, the Council is also working with the NHS to explore the opportunities to increase and improve care closer to home services in the area, particularly those services of importance to an ageing population.

6.1.10 Primary care is adopting a Digital First approach to primary care investment. An agreed Integrated Care System Road map for Suffolk and North East Essex was introduced in 2019, many of the initiatives were brought forward as a result of the response to Covid 19 and have already proven successful. GP practices, care homes and community service providers have been using telephone/video consultations, smartphone applications to enable patients to request prescriptions and appointments. Practices within Primary Care networks will enable digital first options to improve fast access to primary care, reducing waiting and travelling time for patients, services will include outpatient follow up appointments and medication reviews. Consequently, the need for high speed broadband access and flexibility in terms of the provision of digital health infrastructure to any new housing development is crucial in order to ensure the success of the Digital First approach.

6.1.11 Most development has a potential impact upon the health services and facilities in the District but good design can help to promote healthy living. These impacts and opportunities need to be assessed to ensure that adequate health and services are provided for the community as a whole. Local authorities across Essex are in agreement that applications for residential developments over 50 dwellings, all development in Use Class C2 (Residential Institutions) and non-residential developments involving the creation of 1,000 square metres or more floor space should be accompanied by a 'Health Impact Assessment' (HIA). A screening process will take place to determine the extent and detail/complexity of HIA required based on the type of development proposed and whether evidence demonstrates the development impacts can be expected to be significant on sensitive receptors.

6.1.12 This Local Plan has a vital role to play in ensuring that the opportunities exist for people to be able to make healthier life choices and addressing health inequalities across the District. Resilient local health policies will create and support vibrant, sustainable and healthy communities. By promoting and facilitating healthy living and creating an environment which offers opportunities for healthy choices.

6.1.13 The National Planning Policy Framework (paragraphs 69-70) acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It is imperative to ensure that the design of the built environment and new development does not increase health inequalities and make it harder for people to live healthy lives.



## **Policy HP 1**

### **IMPROVING HEALTH AND WELLBEING**

The Council will work to improve the health and wellbeing of residents in Tendring by:

- a. working in partnership with the NHS and Public Health to ensure that our residents can access high quality primary and secondary health care services and that new and improved services are put in place, where appropriate, to serve the growing population;
- b. supporting the NHS (including local GP Surgeries) and Public Health to deliver a service which meets the needs of residents in Tendring District;
- c. working with stakeholders on projects that provide better service integration, locating services where access can be improved, particularly for vulnerable groups and communities;
- d. encouraging healthier communities through targeting of unhealthy lifestyles such as smoking and those which cause obesity as identified in the Joint Strategic Needs Assessment. The Council will work in collaboration with partners, including Public Health, to avoid a concentration of fast food takeaways, where the number of outlets would be likely to harm public health objectives, particularly in deprived communities; local areas of poor health and near schools;
- e. requiring a Health Impact Assessment (HIA) on all development sites delivering 50 or more dwellings, all development in Use Class C2 (Residential Institutions) and all non-residential developments delivering 1,000 square metres or more gross internal floor space. The HIA should be carried out in accordance with the advice and best practice published by Public Health England and locally through the Essex Planning Officers Association;
- f. seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision; and
- g. ensuring increased contact with nature and access to the District's open spaces and offering opportunities for physical activities through the Haven Gateway Green Infrastructure and Open Space Strategies.

**This Policy contributes towards achieving Objectives 5 and 6 of this Local Plan.**

## **Appendix – 7**

### **7 Community Facilities**

7.0.1 Community facilities (sometimes referred to as Community assets) provide for health and wellbeing, recreational and leisure and education and culture. They can include for example, community halls, libraries, museums, arts venues, post offices, public houses, places of worship, sports halls, health and fitness facilities, swimming pools and other facilities of community value. They are a key part of sustainable communities and contribute to their self-reliance.

7.0.2 It is important that local communities are supported by a range of community facilities as they provide local employment opportunities, are a focal point for community life and can help reduce the need for people to travel long distances for essential goods and services.

#### **7.1 Retention, Improvement and New Community Facilities Provision**

7.1.1 The loss of community facilities can have a substantial impact on people's quality of life, wellbeing and overall viability of the local area. With the growing number of older people in Tendring District, access to locally based facilities will become increasingly important to ensure sustainable communities.

7.1.2 The Council will expect new development to retain, and where possible, improve existing local community facilities. It is important that these are integrated into the design of new development where possible.

7.1.3 For existing community facilities, the Council will work with its partners to secure future improvements and will protect them against redevelopments for alternative uses, particularly housing. Public houses, in particular, perform a useful social role in rural communities and are a source of local employment. They frequently occupy historic buildings and make a significant contribution to the character of the locality.

7.1.4 The viability of community facilities is an important consideration for a sustained local area. Planning applications that would result to the loss of community facilities should be accompanied by marketing information to show why existing use is not viable and information to show why the facilities are no longer needed by the community it serves or that the facility is being suitably relocated to meet local needs.

#### **7.2 Assets of Community Value**

7.2.1 Part 5 Chapter 3 of the Localism Act 2011(Act) provides for a scheme called 'assets of community value'. This requires District and unitary councils to maintain a list of 'community assets'. It has also become known as the 'community right to bid'.

7.2.2 Under the Act and through the Community Rights to Challenge and Build, parish councils, voluntary groups, neighbourhood forums, and other community organisations can consider the opportunity to develop or establish new community facilities. Local groups have the right to nominate a building or land for listing by the Council as an Asset of Community Value.

7.2.3 The National Planning Policy Framework (NPPF) paragraph 70 states that planning policies and decisions should: guide against unnecessary loss of valued community facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and

ensure that established community facilities and services are able to develop and modernise in a way that is sustainable, and are retained for the benefit of the community.

**Policy HP 2**

**COMMUNITY FACILITIES**

The Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by:

a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.

The loss or change of use of existing community or cultural facilities will be resisted unless:

b. 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; or

c. it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site.

**This Policy contributes towards achieving Objectives 4, 5 and 6 of this Local Plan.**

## Appendix – 8

### **8 Green Infrastructure**

8.1 The National Planning Policy Framework states that Green Infrastructure (GI) is 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. It includes 'blue infrastructure' comprising watercourses and wetlands, which provides a range of ecosystem services.

8.2 Ecosystem services are the benefits that the natural environment provides to humans, including the production of clean water and many raw materials used for economic activities and cultural benefits such as aesthetic value and recreational opportunities.

8.3 A good green infrastructure network provides opportunities to enhance tourism in the Tendring District, while ensuring that its most sensitive assets are protected. As well as the obvious benefits to the natural environment, such measures can also provide an economic boost by helping to attract more visitors and improve residents' health and wellbeing by creating a more attractive environment for people to actively use. The network should be made as accessible as possible to all users.

8.4 The National Planning Policy Framework (NPPF) requires planning to encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for recreation, wildlife, carbon storage and food production).

8.5 Throughout our District, there are a number of existing areas of green infrastructure falling into the various different categories which are important to the character of our towns, villages and rural areas and provide valuable space for formal and informal recreational activities in our communities. Areas of existing green infrastructure, including open space, sports and recreational facilities, will be protected from development, are shown on the Policies Map.

8.6 Development on these sites will only be allowed where it will result in an equivalent or larger area of green infrastructure of equal or better quality being provided in a location that will benefit more residents.

8.7 The Haven Gateway Green Infrastructure Study (2008) and the Open Space, Sport and Recreation study (2017) identified Tendring District as an area deficient in green infrastructure. The Council will work with its partners to resolve existing deficiencies and, where appropriate, secure developer contributions towards Green Infrastructure both as an integral part of major developments and through financial contributions to ensure that deficiencies are not exacerbated by future population growth.

8.8 The provision of high quality accessible green infrastructure is seen as increasingly important to regeneration and creating places that are based upon local distinctiveness. Quality environments also attract quality investment in terms of housing, jobs, skills and visiting attractions.

8.9 The Council's Open Spaces Strategy (2017) identified the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of this Local Plan.

8.10 Investment in Green Infrastructure for Tending will help to tackle existing deficiencies of accessible green space, and help provide and protect wildlife corridors, open space and accessible land.

**Policy HP 3**

**GREEN INFRASTRUCTURE**

Green Infrastructure will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

All new development must be designed to include and protect and enhance existing Green Infrastructure in the local area, as appropriate.

Green Infrastructure as identified on the Policy Map, will be protected, managed and where necessary enhanced by:

- a. managing development to secure a net gain in green infrastructure;
- b. supporting investment priority projects set out in the Green Infrastructure Delivery Plan;
- c. not permitting development that compromises the integrity of the overall Green Infrastructure networks;
- d. investing in enhancement and restoration where opportunities exist; and
- e. using developer contributions to facilitate improvements to their quality and accessibility.

The Council will work with all sectors and interest groups to help deliver Green Infrastructure projects. Developers should use the guiding principles set out in the Green Infrastructure Delivery Plan to influence all development proposals from an early stage in the design process. Any new Green Infrastructure proposed must be accompanied by a plan for the long-term sustainable maintenance and management of these assets, as well as phasing plans to demonstrate how they are to be delivered. New Green Infrastructure should incorporate semi-natural habitats and provide net gains in biodiversity wherever possible. The long-term management of assets should include biodiversity recording/monitoring to verify/ensure the ecological integrity of GI networks. Green Infrastructure should, where appropriate, include access for the widest range of user groups.

**This Policy contributes towards achieving Objectives 6 and 8 of this Local Plan.**

## Appendix – 9

### **9 Open Space, Sports and Recreation Facilities**

9.1 The National Planning Policy Framework (Annex 2) defines open space as ‘all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and act as a visual amenity’.

9.2 The Council’s Open Space Strategy (2017), prepared by Knight, Kavanagh and Page Ltd, identified the following typologies of open spaces across the District:

- parks and gardens;
- natural and semi-natural greenspaces; and
- amenity greenspace.

9.3 Amenity space including:

- provision for children and young people;
- allotments;
- cemeteries/churchyards; and
- Playing pitches and Outdoor Sports Facilities.

9.4 The above typologies are protected by Policy HP4 and are shown on the Policies and Local Maps collectively as Safeguarded Open Space. The Neighbourhood Planning process allows Town and Parish Councils or other nominated bodies to identify open spaces of particular local value as ‘Local Green Space’ which are afforded an additional level of protection, ruling out new development other than in very special circumstances. In line with the requirements of the National Planning Policy Framework, this additional level of protection can only be applied to green spaces where they are in reasonably close proximity to the community they serve, are demonstrably special to the local community and hold a particular significance and are local in character, rather than an extensive tract of land.

9.5 Open Spaces in towns and rural areas are essential in improving public health, well-being and quality of life. Attractive, safe and accessible parks and green spaces contribute positively to social, economic and environmental benefits and promote sustainable communities. Major new housing and mixed-use developments should include new and improved access to schools, to enable children to walk or cycle from their homes.

9.6 Well-used and maintained open spaces make considerable contribution to the quality of life of residents and visitors and promote sustainable communities. Each type of open space has various benefits, for example parks for recreation and play and social events, children’s play and playing pitches for formal sports events and allotments for growing produce.

9.7 It is important to provide a balance between different types of open space in order to meet local needs. For example, not all residents living in every area will have a demand for open space in the form of playing pitches or allotments. In some areas there will be a specific local demand for ‘green corridors’ such as nature walk or bridleways.

9.8 The National Planning Policy Framework, Planning Policy Guidance and the North Essex Strategic Plan, Section 1 of this Local Plan provide a context for the protection of existing open space. The

NPPF (paragraph 74) suggests that existing open space, sports and recreational buildings and land, including playing fields should be protected unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity, quality and in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

#### **Policy HP 4**

##### **SAFEGUARDED OPEN SPACE**

Development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:

- a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;
- b. it is demonstrated that there is no longer a demand for the existing site;
- c. the site is not appropriate for other open space functions; and
- d. the development of the site would not result in the loss of an area important to visual amenity.

Land is also allocated for the future expansion of the Weeley Crematorium, the Burrs Road Cemetery (Clacton), Dovercourt Cemetery and the Kirby Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted on existing private land providing that relevant Local Plan policies are satisfied.

9.9 Locally based open space standards have been developed in the Tendring Open Spaces Strategy, and proposals for new residential development should contribute to the provision and/or enhancement of open space in areas where there is a deficiency in provision, or poor quality of, open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area.

9.1.10 This Local Plan, requires that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable open space should be less than 0.15 hectares.

## **Appendix – 10**

### **10 Protected Places**

10.0.1 It is very important to protect the quality of the District's most special natural and built environments. There are many reasons for this, including the international importance and vulnerability of its extensive coastal and estuarine areas and the historic quality of its numerous designated conservation areas and listed buildings. Protecting the quality of both the natural and built environments is necessary to ensure that the Council meets its legal obligations in those regards and that the District is a safe and attractive place to live, work and visit, thereby helping to underpin the local economy and attract inward investment seeking a quality environment. To ensure that new development is sustainable, it is essential that proposals have regard to, amongst other things, the need to avoid causing harm to sensitive areas and that it takes the opportunities available to enhance the quality of places.

10.0.2 In order to deliver a positive future for the District's environment, the policies in this chapter will focus upon:

- minimising the risk to human life and property from flooding and coastal erosion, taking into account the likely effects of climate change;
- protecting and enhancing the District's biodiversity, countryside and its coastal assets;
- expanding the District's network of Green Infrastructure, to encourage a net gain for nature, achieve sustainable drainage and deliver green corridors and open spaces to improve the quality of the natural environment;
- conserving natural resources through the promotion of low-carbon energy and water-efficiency in new development and local renewable energy; and
- preserving the District's historic assets.

### **10.1 Development and Flood Risk**

10.1.1 The Local Plan's strategic objective for Water and Climate Change is "To reduce the risk of flooding by securing the appropriate location and design of new development, having regard to the likely impact of climate change." 7.1.2 As a peninsula, Tendring District has coastal and estuarine water on three sides. With over 37miles/60km of coastline, many parts of the District are at risk of tidal flooding, including some very built-up areas. The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided. New development should be directed away from areas at highest risk of flooding, but where such development is necessary it should be made safe – without increasing flood risk elsewhere. The policies and proposals in this Local Plan have therefore been informed by the national planning policy requirements, the findings of the Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.

10.1.2 The areas of the District considered to be at greatest risk of flooding according to the Environment Agency's flood risk maps are shown within a 'Flood Zone' on the Policies Maps and Local Maps. This information should be used only as a guide, as areas at risk may change during the Local Plan period. The Environment Agency Flood Risk Maps should always be used for the latest flood risk information and to distinguish between Flood Zones 2 and 3. The government's 'Technical Guidance to the National Planning Policy Framework' provides more detail on how the 'Sequential Test' should be applied to new development proposals. The Council will work with the Environment



Agency to consider how existing development and proposed new development, in flood risk areas, including in Jaywick Sands, can be made more flood-resilient and sustainable.

10.1.3 Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change.

10.1.4 New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).

#### **Policy PPL 1**

##### **DEVELOPMENT AND FLOOD RISK**

All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Where development is classified as “more vulnerable” the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a “design event flood”. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level. All development classified as “More Vulnerable” or “Highly Vulnerable” within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity, unless there is compensation on site or, if not possible, adjacent off site capacity. Where possible opportunities should be sought to achieve an increase in floodplain storage.

All major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.

All development proposals will be considered against the National Planning Policy Framework’s ‘Sequential Test’, to direct development toward sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.

Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework so that it is safe and meets wider sustainability needs.

**This Policy contributes towards achieving Objective 9 of this Local Plan.**

## Appendix – 11

### **11 The Rural Landscape**

11.1 In order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land.

11.2 The Landscape Character Assessment (2001) identified 30 areas with different landscape characteristics and highlighted key sensitivities which need to be considered when assessing development proposals in the rural area. Proposals within the rural landscape should have regard to the Landscape Character Assessment (and any subsequent updates) and protect and re-inforce historic landscape features and important characteristics identified within it.

11.3 As a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services.

11.4 Parts of the District to the north are designated as Areas of Outstanding Natural Beauty (AONB) – The Dedham Vale and the recently extended Suffolk Coast and Heaths which are therefore subject to special landscape protection. On 7th July 2020 the Secretary of State confirmed the designation of three extensions to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SC&H AONB). The three new boundary extensions will increase the size of the existing AONB by approximately 38 sq. km or 9.5%. The areas now confirmed as forming part of the SC&H AONB are:

- the Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes in Essex;
- the Freston Brook Valley, a tributary of the Orwell Estuary which extends inland from the existing AONB boundary westwards and includes surrounding plateau woodlands; and,
- the Samford Valley, a tributary of the Stour Estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring Shotley Peninsula Plateau

The newly extended AONB can be seen as a single designation on the proposals maps within this Local Plan.

11.5 Tendring has four Registered Parks and Gardens (see Appendix D) lie within the rural area and are particularly sensitive to change. Planning proposals which might affect them and any other Registered Park and Garden that is designated during the plan period should therefore have regard to their history and the reason for inclusion on the Historic England Register.

### **Policy PPL 3**

#### **THE RURAL LANDSCAPE**

The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- a. estuaries, rivers and undeveloped coast;
- b. skylines and prominent views including ridge-tops and plateau edges;
- c. traditional buildings and settlement settings;
- d. native hedgerows, trees and woodlands;
- e. protected lanes, other rural lanes, bridleways and footpaths; and
- f. designated and non-designated heritage assets and historic landscapes including registered parks and gardens.

Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings, including any relevant AONB Management Plan objectives. Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.

New development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

**This Policy contributes towards achieving Objectives 7 and 8 of this Local Plan**

## Appendix – 12

### **12 Biodiversity and Geodiversity**

12.1 Tendring District includes a wide range of habitats, including (in part) the Stour, Orwell and Colne Estuaries and Hamford Water which are recognised as wetlands of international importance for endangered and migrating birds. Hamford Water is a designated Special Area of Conservation for Fisher's Estuarine Moth. At the international level, the Ramsar Convention requires the conservation and wise use of wetlands, as a contribution towards achieving sustainable development. European legislation requires the establishment of Special Protection Areas (SPAs) for birds, under the Birds Directive, and Special Areas of Conservation (SACs) for other species and habitats, under the Habitats Directive. SPAs and SACs together form 'Natura 2000' sites, which themselves create a European-wide network. The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') apply both in the terrestrial environment and territorial waters out to 12 nautical miles. Marine Protected Areas (MPA) exist offshore beyond 12 nautical miles. The Blackwater, Crouch, Roach and Colne Marine Conservation Zone includes the Clacton Cliffs and foreshore, a geological feature of international importance.

12.2 It is necessary to apply the 'precautionary principle' to new development, as a matter of law, and assess new projects or plans for any impacts upon any of the above sites – both alone and in combination. Proposals and plans with the potential to have a significant impact upon such sites will need to be supported by a Habitats Regulation Assessment (HRA) to provide the information necessary for the decision makers to establish the likelihood and nature of impacts before a decision is taken. If significant impacts are identified, an 'Appropriate Assessment' may be necessary to assess whether the proposals would adversely affect the integrity of a site, having regard to its conservation objectives. The Council will only grant planning permission where there would be no adverse effects on biodiversity (including any mitigation), unless there is considered to be an overriding public interest (such as the port expansion at Bathside Bay, Harwich) – in which case a compensatory habitat must be provided. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document was adopted in 2019. The Essex Coast RAMS aims to deliver the mitigation necessary to avoid adverse effects on integrity from the in-combination impacts of residential development in Essex. The Essex Coast RAMS identifies a detailed programme of strategic avoidance and mitigation measures which are to be funded by developer contributions from all residential development within the Zones of Influence.

12.3 Sites of Special Scientific Interest (SSSI) are protected under the Wildlife and Countryside Act 1981, as amended, and the Countryside and Rights of Way Act 2000 and are shown on the Policies Map.

12.4 The Colne Estuary and Hamford Water are designated as National Nature Reserves (NNR). At the local level, the Council has worked with the Essex Wildlife Trust to identify over 100 'Local Wildlife Sites' (LoWS) within the District, along with 'Special Roadside Verges', managed by Essex County Council specifically to conserve rare plant species and support a wider variety of plants. This benefits local fauna, providing food and shelter and can help to create 'wildlife corridors', allowing species to move between different sites. LoWS are not protected by law but, being worthy of conservation, are protected by this Local Plan, along with irreplaceable habitats, including unimproved grasslands and veteran trees.

12.5 All areas designated for their value to biodiversity and/or geodiversity are shown on the Policies Maps. A site does not have to be designated, however, to have importance to nature conservation. All new development proposals should have regard to a 'mitigation hierarchy' approach, which requires consideration to be given: firstly, to avoiding environmental harm; then mitigating for any adverse impacts; and then, as a last resort; compensating for residual impacts alongside the need to seek environmental enhancement and a 'net gain' in biodiversity in line with latest Natural England advice. The need to consider alternative options, particularly options that are less damaging to the environment, is relevant to all these steps, as options can be either strategic or more detailed in nature. Where a proposed development might harm biodiversity on the site, an Ecological Appraisal will be required to be undertaken and the potential for harm should be considered and addressed in the application. Appraisals should be undertaken in accordance with nationally recognised guidance, by a suitably qualified ecologist.

12.6 Conservation work now considers whole landscapes as the way to conserve biodiversity, and the Council is working with Essex County Council, Essex Wildlife Trust and other partners on projects to benefit habitats and species across Essex. The Biodiversity Framework and Living Landscapes Project seek to improve the wider countryside for wildlife, rather than just concentrating on small nature reserves, and this will bring benefits for Priority Habitats and Priority Species.

#### **Policy PPL 4**

##### **BIODIVERSITY AND GEODIVERSITY**

Sites designated for their international, European and national importance to nature conservation: including Ramsar sites; Special Protection Areas (SPAs); Special Areas of Conservation (SACs); Marine Conservation Zones (MCZs); National Nature Reserves (NNRs); and Sites of Special Scientific Interest (SSSIs) will be protected from development likely to have an adverse effect on their integrity.

Where proposals for development are likely to significantly impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed 'Appropriate Assessment' of the impacts. An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in RAMS.

As a minimum, there should be no significant impacts upon any protected species, including European Protected Species and schemes should consider (and include provision, as may be relevant for) the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. Proposals for new development should also have regard to any published local Recreational Disturbance Avoidance and Mitigation Strategies and include any measures which may be necessary to support the aims of the strategy, to help to mitigate any likely recreational impacts arising from the development. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.

Sites designated for their local importance to nature conservation, including Local Wildlife Sites (LoWS), Ancient Woodlands Protected Verges and aged or veteran trees will be protected from development likely to have an adverse impact on such sites or features. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.

Proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure a net gain, in biodiversity.

Proposals for new infrastructure and major development should consider the potential for enhanced biodiversity, appropriate to the site and its location, including, where appropriate, within Green Infrastructure.

Any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

**This Policy contributes towards achieving Objective 8 of this Local Plan.**

## Appendix – 13

### **13 Water Conservation, Drainage and Sewerage**

13.1 Although Tendring District has to manage issues of ‘excess’ water causing coastal erosion and flooding, it also experiences the lowest average level of annual rainfall in the country and therefore maintaining a supply of fresh water for drinking and the irrigation of crops is a high priority. It follows that the provision of an adequate water supply, and appropriate methods of disposal of water and sewage, are very important considerations when planning for growth and central to the need to deliver sustainable development. Changes in climate also can cause sudden and intense rainfall causing localised flooding which will be made worse if new development does take account of the need to lessen its impact.

13.2 Major new developments may require upgrades to existing sewage treatment works, known as Water Recycling Centres, which may be funded by Anglian Water. Such works will need to be planned and funded through Anglian Water’s 5-year business plans and approved by the regulator (OFWAT). The Council is committed to ensuring that critical infrastructure is delivered at the right time to support development on allocated sites, in particular at Hartley Gardens (Policy SAMU2) and Oakwood Park (Policy SAMU3) where reinforcements and additional infrastructure will be required.

13.3 The National Planning Policy Framework requires local planning authorities to mitigate and adapt to climate change, which includes having pro-active strategies in respect of water supply and demand. Development proposals should therefore include a plan to conserve water supplies by managing demand and ensure its appropriate disposal at all stages of development, including construction and after occupation, using Sustainable Drainage Systems (SuDS) where possible. SuDS are designed to replicate natural drainage systems, to drain surface water run-off, ideally as part of a Green Infrastructure network and can also have significant benefits for amenity and biodiversity.

13.4 SuDS techniques may not be appropriate in circumstances where infiltration may cause a hazard to groundwater quality, such as groundwater source protection zones, on known contaminated land and on sites with a shallow water table. The Environment Agency’s Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality. Surface water treatment will be required before infiltration to groundwater is permitted. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.

**Policy PPL 5**

**WATER CONSERVATION, DRAINAGE AND SEWERAGE**

All new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. Applicants should explain and justify the reasons for not using SuDS if not included in their proposals, which should include water inputs and outputs designed to protect and, where possible, enhance the natural environment. New dwellings will be required to incorporate measures to achieve a water consumption rate of not more than 110 litres, per person, per day. Proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).

Applicants should explain their approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' within their development, to help maintain the supply of drinking water. The Council will require such measures to be implemented in all new development.

Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

Proposals for agricultural reservoirs may be permitted, subject to a detailed assessment against relevant policies in this Local Plan.

**This Policy contributes towards achieving Objectives 8 and 9 of this Local Plan.**



## Appendix – 14

### **14 The Historic Environment**

14.1 The Local Plan's strategic objective for Cultural Heritage is "To conserve and enhance Tendring District's heritage, respecting historic buildings and their settings, links and views."

14.2 Tendring District has a truly rich and diverse history, reflected in archaeological deposits and features and much of its built heritage, which includes: the early planned development of the District's major town, Clacton-on-Sea, as a Victorian seaside holiday resort; the later select development of Frinton-on-Sea with its many examples of notable Arts and Crafts architecture and Modernist houses; the historic port of Harwich and town of Manningtree, England's smallest; or the District's most important single group of listed buildings at St Osyth's Priory and its Registered Historic Park and Garden.

14.3 The Council has specific legal duties to preserve and enhance the historic environment. Proposals affecting buildings listed for their special architectural or historic interest ('listed buildings') or designated Conservation Areas, or their settings, Scheduled Monuments, archaeology, or Registered Historic Parks and Gardens will therefore be subject to particular scrutiny. The setting of a heritage asset may include sites or areas a considerable distance away from the boundary of an application site and it is necessary, therefore, to consider the potential for development to have an effect upon the wider setting of a Conservation Area or listed building. Protection of the District's heritage assets is crucial to its cultural identity and the quality of life and can help to sustain its economic attraction for new investment by both residents and businesses. The Council will seek to reduce the number of heritage assets included in the Heritage at Risk Register and will consider designating additional heritage assets which are of local importance. The Council will seek to manage change within the Historic Environment by: requiring proposals to respond appropriately to the significance of any affected heritage assets; identifying where interventions within the Historic Environment would be beneficial to it; and by working with partners to secure sources of funding to aid delivery of enhancements to heritage assets.

14.4 The best way to ensure the future preservation of a listed building is often by ensuring an appropriate beneficial use of the heritage asset, which may be its original intended use. Sometimes an appropriate new use will be needed to ensure preservation and this might also present opportunities for the enhancement of significance of the heritage asset. Historic buildings may also evolve over time and sometimes it can be those distinct elements of change which are particularly valued. Although the preservation of unique historic assets is crucial to connect with the past and maintain a high quality environment there may be the opportunity for a high quality contemporary design solution in an historic context. It might, therefore, be appropriate in this Local Plan period to propose a development 'of its time' - much will depend on the expertise of the designer. However, the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character, fabric, or appearance.

14.5 As with listed buildings, a contemporary design might, be appropriate in a Conservation Area. Such solutions can help to avoid pastiche or the potential 'confusion' of new and can misinform an understanding of place. However, particular skill is required of the designer to ensure that new development is appropriate to its site and setting. New development which would affect a Conservation Area should always pay regard to any relevant Conservation Area Character Appraisal

and Conservation Area Management Plan. This includes proposals for new development within the District's four Registered Historic Parks and Gardens: Clacton Seafront (owned and managed by the Council); St Osyth Priory; Thorpe Hall and Beth Chatto Gardens all which (except Beth Chatto) are within Conservation Areas. The Council will review all designated Conservation Areas early in the plan period and consider whether any new areas should be designated. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

14.6 Some parts of the District are known for their particular importance to archaeology and the Council will protect those areas from harmful development. However, new development can provide an opportunity to discover, record and protect evidence of the District's history in the form of archaeological deposits. Where the archaeological record indicates the likely presence of deposits or features, the Council will be advised by Essex County Council and the developer will be required to carry out any necessary survey work, excavation and recording in that regard, before and/or after any planning permission is granted. New development may be required to respond to archaeological finds uncovered during the construction process.

14.7 The National Planning Policy Framework sets out government policy for conserving and enhancing the historic environment. The following policies PPL7, PPL8 and PPL9 will be applied alongside and having regard to the specific requirements of the Framework in respect of development affecting designated and non-designated heritage assets including Archaeology, Conservation Areas and Listed Buildings.

14.8 Within Tendring District there is a wealth of historic structures, landscapes and other features which are not formally designated as heritage assets on the national list prepared by Historic England. The Council does however recognise their local historic significance. These kinds of 'non-designated' heritage assets can be 'locally listed' by the Council. The Council has therefore commenced work on a 'local list' which will identify and protect these assets of local importance. The Council will work with community groups, landowners and Historic England to prepare a local list for the district.

**Policy PPL 7**

**ARCHAEOLOGY**

Any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority.

Proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.

Proposals will be treated favourably where they:

- a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting); and
- b. are of a scale, design and use materials and finishes that respect the heritage asset.

Within the District the Council keeps a record of scheduled monuments at risk of degradation. The Council will support proposals that protect and enhance heritage assets at risk.

Proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted.

**This Policy contributes towards achieving Objective 7 of this Local Plan.**

## Appendix – 15

### **Policy PPL 8**

#### **CONSERVATION AREAS**

New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a. scale and design, particularly in relation to neighbouring buildings and spaces;
- b. materials and finishes, including boundary treatments appropriate to the context;
- c. hard and soft landscaping;
- d. the importance of spaces and trees to the character or appearance; and
- e. any important views into, out of, or within the Conservation Area.

Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.

Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

Within the District the Council keeps a record of conservation areas that are at risk of degradation.

The Council will support proposals that protect and enhance the conservation areas at risk.

Development should conserve or enhance the significance of the registered parks and gardens (noting that significance may be harmed by development within the setting of an asset).

In collaboration with community groups and other interested parties, the Council will consider and support the designation of new Conservation Areas in line with the relevant criteria as set out within the NPPF and legislation. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

**This Policy contributes towards achieving Objective 7 of this Local Plan.**

## Appendix – 16

### **16 Renewable Energy Generation and Energy Efficiency Measures**

16.1 The National Planning Policy Framework requires local planning authorities to adopt proactive strategies to mitigate climate change and promote sustainable development. By effectively exploiting the free resources of wind and sun, in particular, renewable energy can reduce the demand for fossil fuels, which are a finite resource and release carbon into the atmosphere and accelerate global warming.

16.2 Tendring District supports renewable energy generation in terms of wind energy, solar energy and biomass installations. It currently has one wind farm comprising five large-scale wind turbines at Earls Hall Farm, west of Clacton, and a number of medium and small-scale turbines throughout the District. Several solar farms are concentrated in the northern part of the District, with smaller arrays adjacent to several farms. A significant biomass generator also exists at Elmstead. The Council has supported the offshore windfarm at Gunfleet Sands which required on-shore infrastructure. Subsequent changes in government policy, both in respect of planning and subsidies for renewables, mean that applications for new large-scale renewable energy schemes might not come forward in this Local Plan period. However, it remains necessary to plan for renewable energy generation, in order to meet national climate-change commitments and to this end the Council may prepare a further development planning document (DPD) identifying how such development can be supported.

16.3 In 2019, the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030 and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change. Policy PPL10 below requires proposals for new development to consider the potential for a range of renewable energy solutions and for proposals for residential development in particular to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how different measures have been considered and incorporated which could and should include:

- Triple Glazing;
- Solar Roof Panels or Solar Tiles;
- Air Source Heating Systems;
- Ground Source Heating Systems; Super Insulation (walls and loft void)
- Rainwater Capture System;
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through and appropriate communal facility);
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;
- Mechanical Heat Recovery Ventilation
- Solar Thermal Systems;
- Solar and Battery Storage Systems; and where appropriate
- Any other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.

16.4 The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable. To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.

16.5 Given the importance of tackling climate change and promoting renewable energy and energy efficiency measures and the rapid speed in which technology is evolving and improving, the Council may provide further guidance in the form of a Supplementary Planning Document (SPD) to assist in the implementation of Policy PPL10, which can be updated as necessary to future changes in approach.

#### **Policy PPL 10**

##### **RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES**

Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations.

For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

Planning permission will only be granted where the applicant can demonstrate that all reasonable renewable energy and energy efficiency measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.

**This Policy contributes towards achieving Objectives 6 and 9 of this Local Plan.**

## Appendix – 17

### **17 Sustainable Transport and Accessibility**

17.1 The National Planning Policy Framework promotes sustainable transport solutions. It states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice over how to travel. The Council will work with its partners, including Essex County Council, bus and train operators and the development industry, to improve accessibility, promote sustainable means of transport and reduce dependence upon private car transport.

17.2 To achieve sustainable communities, homes, jobs, services and facilities should, ideally, be accessible by a variety of different modes of transport, including: walking; cycling; and public transport – not just private cars. Locating development in accessible places gives people the option to use more sustainable modes of transport, which contribute less to global warming, and benefits those members of society who do not have access to a car. Additionally, there are public health and safety benefits to walking and cycling.

17.3 The Essex Transport Strategy (2011) is the Local Transport Plan (LTP) and includes Tendring District within the 'Haven Gateway'. It sets out the transport priorities for the area, which include 5 key outcomes to be achieved:

1. Provide connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration;
2. Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology;
3. Improve safety on the transport network and enhance and promote a safe travelling environment;
4. Secure and maintain all transport assets to an appropriate standard and ensure that the network is available for use; and
5. Provide sustainable access and travel choice for Essex residents to help create sustainable communities. The Local Transport Plan (LTP) is supported by a suite of more specific documents including the Bus Strategy, the Cycling Strategy, the Sustainable Modes of Travel Strategy, and implementation plans that are also periodically updated by Essex County Council.

17.4 To reduce greenhouse gas emissions, the Council will support development which uses sustainable modes of transport. Whilst most journeys are made by road, Tendring District is served by 14 railway stations, providing a range of electrified London main line and local branch line services, with regular services from Clacton, Walton and Harwich/Dovercourt to the Colchester railway stations and beyond. The railway is important as both a public transport mode which can provide a sustainable alternative to private car use for work and leisure purposes and an alternative to HGV use for freight transport to and from Harwich International Port.

17.5 The Council will support and encourage measures which will make rail use a more attractive and sustainable alternative to the use of private cars for both local journeys and longer commutes and to the use of HGVs for freight transportation. The Council will work with Network Rail to improve rail connectivity in the context of their Industrial Rail Strategy/Route Strategy. Specific infrastructure projects will be integrated into the Infrastructure Delivery Plan.

17.6 The main urban areas within the District are located along the coastal fringes and the area has a strong rural heartland where the main means of sustainable transport is by bus. Local buses running

within and between settlements are crucial to providing access to jobs and services for many people in towns, villages and rural areas.

17.7 The Council will work with Essex County Council and bus operators to ensure coverage across the District, improve services and frequency and seek opportunities to improve bus-stop facilities and provide additional services to support new major development.

17.8 Cycling and walking should also be seen as transport modes in their own right and an integral part of the transport network. Increasing the options for travelling by those modes can benefit both the environment and public health, reducing pollution and increasing fitness levels. In this way, planning and transportation outcomes can help to support the wider health and wellbeing agenda. Many car journeys are over short-distances which could be travelled on foot or by cycle if these are attractive options, possibly as part of longer journeys.

17.9 Proposals for new development will be required to take account of the need to ensure accessibility, having regard to its location in relation to existing services and facilities, and by providing safe pedestrian and cycle connections to existing networks. As the Tendring District is mainly rural, reliance upon private cars will be inevitable to some extent within its remoter parts. However, the Council will require that measures for sustainable travel at all new developments are investigated and implemented where practicable.

17.10 As the Highway Authority for the area, Essex County Council is a consultee in regard to many planning applications. New developments will be required to be acceptable in terms of highway capacity, safety and convenience and to meet the requirements for access and parking which are contained in the latest version of the Essex County Council Development Management Policies, Travel Plan and Parking Standards, or equivalent amended or replacement policies or standards, or any overriding policies in this Local Plan, along with relevant Essex Accessibility strategies and Design guides. To be sustainable, developments should also be accessible by public transport, cycling and walking.

17.11 Parking standards can support measures which promote sustainable transport choices and help to protect amenity. The Council will work with Essex County Council to ensure that local parking standards are fit for purpose and that its assessment of planning applications takes account of factors such as: the accessibility of development, the type, mix and use of development; the availability of and opportunities for public transport.

#### **Policy CP 1**

##### **SUSTAINABLE TRANSPORT AND ACCESSIBILITY**

Proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Providing options for non-motorised vehicles is especially important for the large-scale developments at Clacton and the Tendring Colchester Borders Garden Community.

Planning applications for new major development likely to have significant transport implications will normally require a Transport Statement. If the proposal is likely to have significant transport implications or a Transport Assessment, the scope of which should be agreed in advance between the District Council and the applicant, in consultation with Essex County Council as the Highway Authority. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for walking and cycling routes and new or improved bus-stops/services.



Where relevant, improvements to railway station passenger facilities should be included and greater connectivity between places and modes of transport demonstrated.

Travel Plans and Residential Travel Information Packs should be provided as appropriate and in accordance with Essex County Council published guidance.

The Essex Cycling Strategy will be used as a guide to ensure the provision of appropriate cycling infrastructure.

**This Policy contributes towards achieving Objectives 4 and 6 of this Local Plan.**

## Appendix – 18

### **18 Improving the Transport Network**

18.1 An efficient and effective strategic transport network is critical for achieving economic growth, supporting trade and attracting inward investment, and reducing carbon emissions to help to reduce increases in global warming. Conversely, a network which is unsafe, slow or inconvenient can deter business investment and could harm the area's tourist economy, which attracts many thousands of visitors, particularly during the main summer holidays.

18.2 The Council will work with its partners, including Highways England, Essex County Council, bus and train operating companies, Network Rail and landowners, to safeguard and to explore opportunities to improve the District's strategic transport network. It will seek to make the transport network safer and more efficient, in order to: facilitate growth, trade and inward investment; help to improve the quality of life for local residents; and improve the experience for visitors to the District and will encourage improvements to the quality and frequency of rail and bus services and station facilities and their appearance.

18.3 The major roads forming part of the District's strategic transport network are the A120 and A133. Both routes include sections which require upgrading in order to improve safety and convenience and to function efficiently in the context of significant future housing growth. For the A133, between Colchester and Clacton, the Council will work with Essex County Council (the Highway Authority) to identify the nature and cost of improvements needed, seek sources of public funding and consider the use of the Community Infrastructure Levy (CIL) to secure contributions towards these works. An upgrade of the A120 is a requirement of the planned port expansion at Bathside Bay, Harwich although this is not expected to take place early in the plan period. The Council will work with Highways England and other partners to investigate ways of funding and delivering possible early improvements and will resist any development proposals in the vicinity of the A120 which could jeopardise its upgrading, widening or re-routing.

18.4 Major growth areas in West Tendring/East Colchester and Clacton will require new strategic highway and public transport infrastructure, which will not only serve the development areas themselves but also provide for two major new roads, to ensure that traffic is able to move through and between settlements efficiently, thereby helping to ease traffic congestion that otherwise would occur. A strategic link road between the A120 and A133 and Rapid Transit System will be required to support the Tendring Colchester Borders Garden Community. Strategic access improvements will be required in Clacton to connect the A133 to the western area of the town improving accessibility and circulation around the town and supporting further planned growth. The agreed route and specification of this connection/s (including for public transport and active travel) will be subject to further transport planning and assessment with Essex County Council and its planning and delivery detailed in future plans.

18.5 The Council will explore, in partnership with Essex County Council, Suffolk County Council, Babergh District Council and Network Rail, opportunities to improve the A137 and railway crossing/underpass at Manningtree Station. Any new developments likely to increase use of this route may be required to contribute towards such improvements.

## **Policy CP 2**

### **IMPROVING THE TRANSPORT NETWORK**

- Proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport.
- The Tendring Colchester Borders Garden Community will require a strategic link road between the A120 and A133 and a Rapid Transit System to support the new Garden Community. These infrastructure works have secured funding from the Housing Infrastructure Fund and are currently subject to further and more detailed planning and delivery. Further transport assessment work will be undertaken by Essex County Council (the highway authority) and Tendring District Council to identify the optimal route, specification and design of access improvements (including public transport and active travel) to Clacton from the A133 to the western side of the town. This will improve existing accessibility and support new growth areas and future development.
- Proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

**This Policy contributes towards achieving Objectives 4 and 6 of this Local Plan.**

## **Appendix – 19**

### **19 Delivering Infrastructure**

19.0.1 This chapter explains how the policies and proposals within this Local Plan will be implemented, how the Council will monitor their effectiveness in bringing positive changes to the District, how the Council may use its enforcement powers to deal with unauthorised development and how the Council may choose to review the Local Plan to respond to changes in the economy and deal with longer-term development requirements.

#### **19.1 Implementation**

19.1.1 This Local Plan will form the ‘Development Plan’ for the District against which all applications for new development will be judged. The Council will use the Local Plan in determining planning applications alongside the National Planning Policy Framework and will take into account any other material considerations.

19.1.2 The implementation of the policies and proposals detailed within this Local Plan will be achieved in a variety of ways. As the Local Planning Authority, Tendring District Council will play a key role. However, the Council will also work with a number of bodies to ensure the implementation of this plan in an integrated and efficient way.

19.1.3 The National Planning Policy Framework emphasises that plans must be deliverable. Local Planning Authorities need to demonstrate, within reason, that infrastructure is provided to support the delivery of the development planned. The infrastructure planning process seeks to:

- identify infrastructure needs and costs (including where possible phasing of development, funding sources and responsibilities for delivery);
- improve lines of communication between key delivery agencies and the Local Planning Authority, including identifying opportunities for integrated and more efficient service delivery and better use of assets;
- provide evidence for the setting of a Community Infrastructure Levy (CIL);
- be a ‘live’ document that will be used as a tool for helping to deliver infrastructure; and
- set out a process for policy monitoring and review.

19.1.4 In order to ensure that new development delivers sustainable communities, the facilities and service needs must be planned for and monitored. A document called the ‘Tendring - Infrastructure Delivery Plan’ sits alongside this Local Plan. It reviews Tendring’s infrastructure needs for the plan period to 2033. Monitoring of the Local Plan is carried out (at least) annually, through the ‘Tendring District – Authority Monitoring Report’.

19.1.5 The following organisations will be involved in the implementation of this Local Plan:

**Table 19.1 Implementation**

<b>Organisation</b>	<b>Involvement in the Implementation of this Local Plan</b>
Tendring District Council Braintree, Chelmsford, Colchester, Essex and Tendring Councils	<ul style="list-style-type: none"> <li>• Determining planning applications in accordance with the Local Plan and any other material considerations.</li> <li>• Preparing and implementing Supplementary Planning Documents and design briefs.</li> <li>• Publishing of registers, schedules, leaflets etc. as appropriate and as resources permit.</li> <li>• Responding to suspected breaches in planning control, investigating alleged cases of unauthorised development and taking action where appropriate.</li> <li>• Liaising and co-operating with statutory undertakers, including Essex County Council as the Highways and Transport Authority and other appropriate agencies (including those listed below) to aid the integration of services and facilities and to ensure sustainable development.</li> <li>• Ensuring evidence across the Housing Market Area is up to date.</li> <li>• Facilitating growth through Local Delivery Vehicles as appropriate.</li> <li>• Preparing joint Development Plan Documents, Masterplans, Supplementary Planning documents as appropriate.</li> </ul>
Essex County Council (ECC)	<ul style="list-style-type: none"> <li>• Road and transport matters as the Highways and Transport Authority, including the provision of new facilities, on-street parking, road closures, highway safety and other traffic management.</li> <li>• Education and Social Services.</li> <li>• Minerals and waste management as the Minerals and Waste Planning Authority and the Waste Disposal Authority.</li> <li>• Liaising with TDC to aid the integration of services between the two authorities.</li> <li>• Lead Local Flood Authority.</li> <li>• Lead advisors on Public Health.</li> </ul>
Public utilities including: British Gas, electricity providers, British Telecommunications plc and Anglian Water	<ul style="list-style-type: none"> <li>• Taking account of the proposals within this Plan in the provision of their services and facilities, which are essential to sustainable, well planned developments.</li> <li>• Liaising with TDC regarding their proposals.</li> </ul>
Health authorities including the North East Essex Clinical Commissioning Group and any future health bodies	<ul style="list-style-type: none"> <li>• The provision of health facilities in the District.</li> <li>• Liaising with TDC regarding the various proposals for new facilities in the District.</li> </ul>

<b>Organisation</b>	<b>Involvement in the Implementation of this Local Plan</b>
Environment Agency	<ul style="list-style-type: none"> <li>• The protection and improvement of the environment.</li> <li>• Controlling pollution.</li> <li>• Implementing environmental legislation.</li> <li>• Regulating the environmental effects of industry.</li> <li>• Advice and guidance as statutory consultee to the local planning authority.</li> <li>• Advice and guidance in relation to drainage and flood protection implications of new development.</li> </ul>
Highways England	<ul style="list-style-type: none"> <li>• Improvements / new connections to the A120.</li> </ul>
Network Rail	<ul style="list-style-type: none"> <li>• Implementation of rail infrastructure.</li> <li>• Liaising with TDC regarding their proposals.</li> </ul>
Conservation Organisations including Historic England, Natural England and others	<ul style="list-style-type: none"> <li>• The protection and improvement of the historic / natural environment.</li> <li>• Implementing historic / natural environment legislation.</li> <li>• Advice and guidance in relation to listed buildings, conservation areas and other heritage assets / environmental designations and other important habitats.</li> </ul>
Town and Parish Councils	<ul style="list-style-type: none"> <li>• Providing and managing recreation and community facilities.</li> <li>• Providing an important link between the local community and TDC.</li> </ul>
The Private Sector	<ul style="list-style-type: none"> <li>• Majority of development carried out during the Local Plan period, including development of new residential properties, new employment and commercial development, and tourist and leisure facilities.</li> </ul>

19.1.6 The Local Planning Authority appreciates that the delivery of new homes and jobs needs to be supported by necessary infrastructure, including a wide range of transport options, utilities, and community facilities. Throughout the consultation of this Local Plan, this issue has been of particular concern to our residents and businesses. The Local Planning Authority has commissioned an Infrastructure Delivery Plan (IDP), to inform the Local Plan, based on other evidence work; studies prepared for the Garden Communities; relevant, topic based national and local studies; and discussions with infrastructure providers. The IDP will sit alongside this Plan and provide specifics on the main items of infrastructure required for larger sites, when they are likely to be provided and who will pay for them. Additionally, the policies within Chapter 9 of this Plan highlight essential pieces of site specific infrastructure as relevant for certain sites.

The broad categories of necessary infrastructure covered in the IDP include:

- Water and drainage - water supply, waste water, flood risk management and resilience, and water quality.

- Energy - electricity, gas and renewable energy.
- Communications - broadband coverage and provision.
- Leisure and green infrastructure - sport, open space and community facilities.
- Education - early years and childcare, primary, secondary, further education, and higher education.
- Health - hospitals, health centres, GP surgeries, dentists, public health and preventative health care.
- Transport - highways, cycle and pedestrian facilities, rail, bus, park and ride, travel management and car parking.

19.1.7 Infrastructure and community facilities are mainly provided by partner agencies and service providers, such as water and energy provision by the utility companies; highways and social services by Essex County Council; education by a range of public and private sector providers; healthcare services and facilities by the North East Essex Clinical Commissioning Group and National Health Service England Midlands and East (NHSE) England. The IDP identifies the different investment and development time scales for these providers allowing us to work with them to help deliver a co-ordinated approach to new infrastructure delivery.

19.1.8 Telecommunications and digital infrastructure technologies are evolving rapidly, and proposals will need to enable sites to access high quality digital infrastructure including fibre and wireless services (5G and Long Term Evolution i.e. successor technologies) which are accessible from a range of providers.

19.1.9 Developers will be expected to contribute towards meeting appropriate infrastructure costs, having regard to overall consideration of viability. This will include contributions to both on-site costs and strategic off-site infrastructure costs. Contributions will be secured under S106 of the Town and Country Planning Act 1990 (as amended) and/or secured through a Community Infrastructure Levy (CIL) as appropriate. CIL will complement and not duplicate planning obligations. A CIL charging schedule linked to this Plan would stipulate a charge, per square metre of gross internal floorspace, for relevant classes of development. A proportion of CIL funds would be passed to Parish/Town councils.

19.1.10 In the event that essential infrastructure cannot be appropriately delivered to support new development despite best efforts to secure it, this policy will be used to restrict development from being commenced or, in certain cases, from being permitted, in the absence of proven infrastructure capacity. When infrastructure cannot be provided within, or is not appropriate to be located on, the development site itself, developers will be expected to make a contribution to the cost to provide what is necessary to support new development.

19.1.11 Policy DI1 below sets out generic infrastructure requirements for new development within the District.

## **Policy DI1**

### **INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION**

All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity, as is required, will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include (not exclusively):

- a. financial contributions towards new or expanded facilities and the maintenance thereof;
- b. on-site construction of new provision;
- c. off-site capacity improvement works; and/or
- d. the provision of land.

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Developers and land owners must work positively with the Local Planning Authority, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with published policies and guidance. Exceptions to this policy will only be considered whereby:

- a. it is proven that the benefit of the development proceeding, without full mitigation, outweighs the collective harm;
- b. a fully transparent, open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum appropriate level of developer return and land owner receipt necessary for the development to go ahead, having regard to Planning Practice Guidance and noting that this will be lower for any affordable portion of the development,
- c. full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts; and
- d. obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.

The Council may consider introducing a Community Infrastructure Levy (CIL) and may implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL. For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.

**This Policy contributes towards achieving Objective 4 and 5 of this Local Plan.**



## Appendix – 20

### **Norwich to Tilbury- statutory public consultation by National Grid Energy Transmission Limited.**

20.1 Thank you for consulting and providing briefing sessions for Essex County Council (ECC), councillors and officers in relation to the 2024 preferred route draft alignment and detailed design for the proposed nationally significant infrastructure project (NSIP) Norwich to Tilbury (N2T). ECC welcomes first sight of the draft Order limits and Preliminary Environmental Impact Report (PEIR). However, ECC retains our position of having strong ‘in-principle’ objections which have not been addressed.

Project description: a new 400 kV electricity transmission connection of approximately 184 kilometre (km) overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation comprising:

- approximately 159 km of new overhead line supported on approximately 510 steel lattice pylons (approximately 50 m in height) some of which are gantries (typically up to 15m in height) within proposed cable sealing end (CSE) compounds, or existing or proposed substations.
- approximately 25 km of 400 kV underground cabling through the Dedham Vale Area of Outstanding Natural Beauty (AONB). In Essex, the proposed alignment crosses the border north from Suffolk into Colchester, running east of Langham and crossing the A12 into Tendring. Once in Tendring, it would run east to the Tendring Peninsula, pass north of Ardleigh, and cross the railway to the site of the proposed new connection node.
- six new CSE compounds, each with a permanent access, to connect the overhead lines to the underground cables.
- a new 400 kV East Anglia Connection Node (EACN) substation, with a new permanent access, on the Tendring Peninsula.

- substation extension works at the existing Norwich Main, and Bramford substations and works within the existing Tilbury Substation to connect and support operation of the new transmission connection; and
- temporary works associated with construction, mainly haul roads and construction compounds.

20.1.1 As part of this statutory consultation, ECC has reviewed its previous grounds for objecting in principle to the strategic proposal for N2T. ECC understands that no changes have been made to the strategic proposal and it remains reliant on onshore reinforcement technology that predominately includes the construction of OHL and pylons, and a programme delivery date of 2030. ECC acknowledges that changes have been made to the 2024 preferred draft alignment in response to comments made as part of previous non statutory consultation and has reviewed its technical objections accordingly.

20.1.2 ECC would take this opportunity to reiterate our adopted nationally significant infrastructure policy<sup>1</sup> position that states we will only support NSIPs that create resilience in Essex and not those that exacerbate existing or create new vulnerabilities. This applies to NSIPs in isolation or cumulatively with other development. ECC would take this opportunity to remind NGET of its overarching and unwavering commitment to deliver sustainable growth that reduces geographical inequalities to economy, environment and health and wellbeing of communities across Essex.

20.1.3 ECC is unable to conclude that there is sufficient information in the 2024 statutory consultation documents to be certain about how much additional electricity transmission capacity is required in the east, and by what date, to evidence the strategic proposal for N2T or a programme delivery date of 2030.

20.1.4 Like most nationally significant energy transmission infrastructure projects, N2T will deliver very little local benefits unless NGET specifically creates social value at all stages of the project lifecycle. ECC also expects a financial package of community benefits that is separate to social value. ECC can find no reference in the 2024

statutory consultation documents to local social value or community benefits. ECC must therefore maintain its in-principle objection to N2T on the following grounds, which are discussed in more detail below:

- i Object to the lack of evidence provided by NGET to support the need and timing of N2T by 2030.
- ii Object to NGET undertaking an accelerated programme of consultation to meet an uncertain 2030 programme delivery date on what ECC considers to be a predetermined strategic proposal and 2024 preferred draft alignment using predominately harmful OHL and pylon technology, and prior to the conclusion of the Offshore Coordination Support Scheme (OCSS) and conscious consideration of Hiorns Smart Energy Network Report (November 2023) and Electricity Systems Operator (ESO) East Anglia Study Report (March 2024).
- iii Object to the lack of consideration by NGET to the creation of beneficial social value outcomes in Essex that relate to reducing geographical inequalities in education, skills, supply chain, employment, and climate action.
- iv Object to the lack of any consideration by NGET to a package of financial benefits for local communities in Essex to support equity of engagement in the development consent process and that recognises the vital role that local communities have in hosting energy infrastructure in the national interest of securing cheaper, greener, and more secure electricity.

20.1.5 ECC also maintains a technical objection to the lack of assessment by NGET in relation to the impact and likely significant effects (LSE) from the strategic proposal (2024) preferred route to the principles of an allocated and post planning committee application for Dunton Hills Garden Village: the viability impact in relation to affordable housing and community infrastructure delivery in and around Dunton Hills and the delivery of the Brentwood Local Plan and emerging Basildon Local Plan. ECC would also add an additional technical objection to the lack of baseline evidence in the PEIR to fully understand the impacts and LSE of N2T, which are discussed further below. Further, no information is provided by NGET on

compulsory acquisition for the purposes of land rights for access, construction, operation, or mitigation, which includes compensation.

20.1.6 NGET did not consult ECC or any key local stakeholder about its strategic proposal prior to pre-application and have made very few changes to the 2022 preferred draft alignment. ECC accepts that N2T has critical national priority (CNP) infrastructure status to meet legally binding net zero targets and to provide affordable and secure energy, but ECC expect the assessment principles outlined in Section 4 of National Policy Statement EN-1 (overarching principles) and Section 2 of National Policy Statement EN-5 (electricity networks infrastructure) to be applied. ECC does not consider that NGET have provided sufficient detail in the PEIR or shown how all LSE would be avoided, reduced, mitigated, or compensated for using the mitigation hierarchy.

20.1.7 In a letter to NGET dated 1 March 2024 (Appendix 9) ECC requested that NGET 'pause' its statutory consultation due to the lack of constructive engagement in the preliminary environmental impact assessment work that has been used to inform the PEIR. ECC remains of the opinion that statutory consultation is premature and are further concerned at what appears to be an accelerated and narrow programme of engagement for the 2024 preferred draft alignment that is dependent on a single statutory consultation.

20.1.8 ECC does not consider that the PEIR provides sufficient baseline information to fully understand the LSE of N2T, either in isolation or cumulatively with other energy NSIPs or large-scale development. Further that NGET did not provide adequate information or timescales prior to statutory consultation for ECC or other host local authorities to consider and respond to the environmental assessment methodologies or proposed mitigation that has then been included in the PEIR. Conversely, the same concern applies to NGET that they did not give sufficient time prior to statutory consultation to constructively consider any comments that ECC were able to make about the PEIR. The inadequacy of consultation and the poor quality of the PEIR, which ECC notes does not include any detail on haul roads and associated development, is to the detriment of statutory consultation. ECC

considers that to meaningfully influence the design or mitigation required to minimise the impacts and maximise the benefits from N2T for local people, business, and place that an additional round of statutory consultation is required. Otherwise, how does ECC or local people feed into the development consent process of commenting on the design, assessment, and mitigation, which should include compensation that is required with little to no information on key issues.

20.1.9 ECC welcome reassurance from NGET that more stringent project management is now in place for environmental assessment but would once again highlight the need for clear and comprehensive environmental assessment that provides local authority partners with meaningful opportunity to constructively engage with the assessment and mitigation of local impacts. This should include robust application of the mitigation hierarchy, including compensation and consideration of post consent impact monitoring, management, and auditing. Due to the substantive and ongoing concerns about inadequate engagement prior to statutory consultation and the large volume of assessment work still required, ECC considers that additional statutory consultation is essential to ensure robust environmental impact assessment and a high-quality development consent application. Without additional consultation, ECC could only conclude that it has not been given meaningful opportunity to influence the design or mitigation required to minimise the impacts and maximise the benefits from N2T for local people, business, and place.

## 20.2. ECC's in principle objection to the strategic proposal for N2T

20.2.1 ECC welcomed further information that supported greater transparency on the assessment of need for additional electricity transmission capacity in the south east, and the appraisal of strategic options to meet this need was provided in the Design Development Report (June 2023) and Strategic Options Back Check and Review (June 2023). ECC understands that this work was undertaken by NGET prior to the first round of non-statutory consultation in 2022 and informed by ESO's assessment of future transmission requirements and network capability, as detailed in the 10 Year Electricity Statement 2022 and refreshed Network Option

Assessment 2021/22 (NOA). ECC notes in paragraph 4.2.5 of the Design Development Report (April 2024) that the Strategic Options Back Check and Review (April 2024) remains materially unchanged from the 2023 iteration. ECC can only conclude that the strategic proposal has not changed, and the 2024 preferred route remains substantively the same as in 2022.

20.2.2 ECC maintain that there are significant uncertainties and sensitivities around the need and timing of N2T that would have been evident to NGET and ESO during the appraisal of strategic options and choice of strategic proposal in 2022, and that these still remain in 2024. This is a position that is further supported by Hiorns Smart Energy Network Report (November 2023) and the ESO's East Anglia Study Report (March 2024).

20.2.3 In considering its in principle objection to N2T, ECC accepts that NGET has reviewed the strategic proposal and 2024 preferred route against the new national policy statements for energy that were published in November 2023, and its existing connection contracts. ECC understands that NGET has contracts with offshore wind developers at North Falls and Five Estuaries, and with Tarchon Energy for an interconnector with Germany that require connection at the proposed new EACN substation in Tendring by 2030. ECC do not consider that NGET have provided any new evidence in its 2024 statutory consultation to refute the conclusion of the Hiorns report that N2T is not needed by 2030. ECC would also continue to challenge ESO's assumption that 100% of contracted projects in the east will be successfully awarded Contract for Difference and require connection to the network by this date.

20.2.4 It is not clear beyond the existence of these contracts why N2T was included in the government's Accelerated Strategic Transmission Investment (ASTI), which then made it out of scope for Holistic Network Design (HND) as part of the Offshore Transmission Network Review (OTNR). ECC remains concerned that N2T has been scoped out of HND and into the OTNR Early Opportunities workstream without reasonable justification. ECC can find no mention of this issue in the 2024 statutory

consultation, despite it being raised in the previous 2nd round of non-statutory consultation. An explanation is needed.

20.2.5 ECC are concerned that NGET have proceeded with statutory consultation on a strategic proposal and 2024 preferred draft alignment for N2T without providing any evidence to dispute the conclusions around need and timing made in the Hiorns report and prior to any meaningful outcome from the OCSS, which includes the proposed offshore wind developments at North Falls and Five Estuaries and the Tarchon Interconnector. There is little information available on Early Opportunities, including the OCSS, but ECC is aware how complex contractually the coordination of North Falls, Five Estuaries and Sea Link would be. Nevertheless, in the absence of any meaningful output from OCSS being available, ECC can only conclude that NGET cannot have conscientiously considered the ESO's East Anglia Study Report (March 2024) prior to statutory consultation.

20.2.6 It remains unclear how ESO can be considering network options for electricity transmission in the east that are based on the premise that OCSS will conclude with the successful coordination of North Falls and Five Estuaries connecting into the proposed offshore electricity transmission infrastructure provided by Sea Link, whilst in parallel NGET are continuing with promoting a network option and preferred route for onshore electricity transmission infrastructure in the east that it argues is needed to support connection contracts with North Falls, Five Estuaries and Tarchon by 2030. This further adds to the concerns of ECC that the strategic option and choice of strategic proposal has been predetermined and will remain an example of the uncoordinated and inefficient approach to energy transmission that the previous administration, which had cross party consensus, accepted requires urgent improvement and was reviewing.

20.2.7 ECC wishes to reiterate that its preferred strategic option for N2T remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include OHLs and pylons. ECC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.

### 20.3. Social value and community benefits

20.3.1 ECC considers N2T will have residual impacts that adversely affect the local economy, environment and health and wellbeing of communities in Essex that cannot be sufficiently mitigated or compensated through the planning regime. Furthermore, that N2T will deliver significant benefits at the national level, but not at the local level, which is unacceptable.

20.3.2 ECC considers that the likely beneficial socio-economic effects from N2T should be significant and have not been fully assessed by NGET. N2T would be one of a number of energy NSIPs located in or neighbouring Essex that are required to provide secure, clean, and affordable energy as part of the transition to net zero. Given the national and local skills shortage to deliver these ambitions, the benefits to education, skills, and employment from N2T during construction and operation, alone and cumulatively with other NSIPs, is significant and should provide benefits across Essex, with a particular focus on its areas of greatest deprivation.

20.3.3 ECC stated in its response to NGET's second round of non-statutory consultation that as part of statutory consultation and in accordance with ECC's NSIP policy, it required NGET to undertake a social value self-assessment and to submit a Social Value Statement (SVS). This statement would explain how NGET will work in partnership with ECC to ensure that the design, procurement, and construction of every stage of N2T improves the economic, environmental, and social wellbeing of local communities in Essex. ECC's main social value priorities are centred around the support of entry level employment, local employment, employment of disadvantaged groups and environmental measures to address both the climate and environment.

20.3.4 ECC notes that the 2024 consultation does not contain a SVS or any information about how NGET will ensure benefits from N2T, both direct and indirect, are maximised from all possible sources, or how the cumulative effects of N2T have been assessed in relation to other energy NSIPs. The absence of any reference to social value is to the overall detriment of N2T and the local economy, environment and health and wellbeing of communities across Essex. There are significant socio-



economic disparities between local communities across Essex, particularly in relation to the equity of opportunity to access education, skills, and employment opportunities from the growth of the energy sector in Essex, and ability to adapt to climate change. ECC considers the absence of NGET directly providing social value through N2T would exacerbate these disparities and that this constitutes an unacceptable LSE.

20.3.5 The construction of N2T will result in an increased demand for the skills necessary to deliver the pipeline of nationally significant and major infrastructure projects that are proposed in Essex or neighbouring counties. Given a national and local skills shortage, ECC would welcome working with NGET and other stakeholders to develop an infrastructure skills base for the East. This base will be required to understand and practically address potentially national and local skills shortages, whilst also mitigating any potential further impact that could disrupt infrastructure delivery and/or adversely affect the local labour market. ECC expect that long term opportunities for local people to access the necessary education, skills, supply chain and employment on the construction and operation of N2T and/or other energy infrastructure projects are maximised. This will require NGET to agree meaningful and timely investment in further education, apprenticeships and with local training providers. ECC would further welcome working with NGET and other stakeholders to find high-quality suppliers to the main contractors for N2T, as well as stimulating readiness and competitiveness within the supply chain for other nationally significant and major infrastructure projects.

20.3.6 ECC notes the potential for N2T and other energy NSIPs to provide power to local people and place in support of sustainable economic growth. ECC can find no reference in any of the 2024 consultation documentation to the energy transmitted through N2T being used locally.

20.3.7 ECC is aware of the content of the scoping opinion for the environmental impact assessment but would remind NGET that scoping is not static and strongly encourage it to move beyond such a narrow focus in its assessment work and commit to identifying opportunities to maximise local social value benefits. In

accordance with ECC's NSIP policy, ECC expects N2T to provide a positive legacy beyond construction, but also wants to ensure that its local communities benefit directly from hosting energy transmission infrastructure that supports national objectives.

20.3.8 ECC would welcome working in partnership with NGET to plan and deliver a generous and innovative community benefits package for N2T. This should include any emerging requirements from the former government's draft community benefits guidance for electricity transmission network infrastructure and explore opportunities to coordinate with other energy NSIPs and major infrastructure projects.

#### 20.4. Dunton Hills Garden Village (DHGV), Basildon and Thurrock – the outstanding need for assessment and consideration of rerouting or undergrounding

20.4.1 ECC consider that the 2024 preferred draft alignment is contrary to the principles of good design and impact mitigation for energy infrastructure as required by NPS EN-1 and NPS EN-5 and is also contrary to garden community principles of Policy R01: Dunton Hills Strategic Allocation of the adopted Brentwood Local Plan 2016 – 2033. Further ECC considers that the 2024 preferred draft alignment materially undermines the local plan-making process in Basildon, Brentwood, and Thurrock to the detriment of housing and infrastructure delivery.

20.4.2 ECC accepts that N2T has CNP infrastructure status but expects the assessment principles outlined in Section 4 of NPS EN-1 and Section 2 of NPS EN-5 to continue to apply. ECC does not consider that the PEIR meets the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 in describing the aspects of the environment likely to be significantly affected by N2T. This includes likely significant cumulative effects.

20.4.3 ECC welcomes NGET assurances that it has developed N2T having regard to national and local policy but would challenge the assertion that '...the project has been designed to avoid planning applications and local plan allocations, where practicable, to reduce the potential effects on land planned for future

development' (paragraph 15.8.16 of the PEIR). Dunton Hills and West Basildon have not been adequately considered in relation to an area designated as an allocated Garden Community which is being planned to meet the highest Town and Country Planning Association (TCPA) Garden Town standards.

20.4.4 The 2022 preferred draft alignment was system engineered and NGET had little to no regard for the Brentwood Local Plan, or it could not have failed to miss the allocation of a Garden Village and a strategic housing allocation at Dunton Hills, or the outline planning application to develop 75% of the site that had been submitted in 2021 and was subsequently considered by Brentwood Borough Councils Planning Committee in November 2023 (planning application reference: 21/01525/OUT). NGET were made aware of DHGV by ECC and local authority partners at Brentwood Borough Council and Basildon Borough Council during the first round of non-statutory consultation in 2022.

20.4.5 ECC strongly refutes NGET's repeated inference throughout the 2024 statutory consultation and in previous discussions that N2T would have no LSEs on housing and infrastructure delivery in the East Housing Market Area. There is no evidence to support this assertion and ECC would defer to local authority partners Basildon Borough Council, Brentwood Borough Council and Thurrock Council who have provided detailed rebuttal to such claims.

20.4.6 Paragraph 15.6.33 of the PEIR briefly mentions that DHGV is allocated in the Brentwood Local Plan as a garden village. The PEIR in total mentions DHGV 16 times and the Design Development Report 2024 (DDR 2024) 10 times, but nowhere in any of the consultation documentation is there a description of this garden village. Paragraph 4.7.8 of EN-1 advocates the consideration of design guidance developed by the local planning authority. Neither document makes any reference to consideration having been given to Policy R01 of the Brentwood Local Plan or the associated DHGV Supplementary Planning Document (SPD), which describes in detail the extensive work that has been undertaken at the national and local level to plan, design and develop a viable garden village.

20.4.7 The same documents are also silent on the strategic importance of DHGV for housing delivery, including affordable housing, and supporting infrastructure, in Brentwood, Basildon and the South Essex Housing Market Area. ECC would have expected all preferred draft alignment to have been informed by the relevant local development plans and specifically in relation to Basildon, the absence of an up-to-date local plan and five-year housing land supply.

20.4.8 It follows that from the outset the 2022 preferred draft alignment and all subsequent minor changes in 2023 and 2024 are contrary to Holford Rule 7, which states that a new high-voltage route alignment should only be chosen after consideration has been given to the effects on the amenity of ‘...existing development and proposals for new development.’ Holford Rule 7 further states that when a new line needs to pass through a ‘development area’ it should be routed to minimise as far as possible effects on development. In this instance the route should be placed underground.

20.4.9 ECC notes that the changes from the 2022 preferred draft alignment through to 2023 and 2024 alignments have been made in response to the two rounds of non-statutory consultation and that DHGV is cited throughout the statutory consultation as being in an area where NGET have made ‘...the most extensive ...’ changes. ECC understands the 2024 preferred draft alignment has been repositioned north of pylon TB225 to run more closely along the eastern edge of an existing gas pipeline. ECC accepts that the 2024 preferred draft alignment is intended to ‘...reduce interaction with Dunton Hills...’ (paragraph 5.4.212 of the DDR 2024) but it is not clear how this change addresses compliance with the Holford Rule 7, or the general presumption in the Holford Rules against routing overhead lines close to residential areas?

20.4.10 Brentwood Borough Council have undertaken extensive viability assessment work as part of Policy R01 and its entire local plan. Basildon and Thurrock, whilst at different stages in plan-making, will be undertaking similar due diligence. Despite being consulted during plan making, at no point did NGET make Brentwood Borough Council aware of N2T. This is a subsequent material change to the

allocation and planning committees consideration of DHGV in accordance with Policy R01 and the corresponding Infrastructure Delivery Plan.

20.4.11 ECC appreciate that NGET want to ensure a consistent approach to the assessment of impacts in relation to existing and potential future housing for N2T across all three host counties. ECC would take this opportunity to highlight the commitment of the Chancellor in her maiden speech to housing building in driving economic growth. ECC accepts that Reeves also offered support for energy projects 'already in the system' but N2T is one of seventeen projects required as part of the Great Grid Upgrade. It is inevitable that development viability will become an issue for NGET again, especially given the extent of the great Grid Update. ECC does not want to endorse poor precedence in resolving this issue.

20.4.12 ECC consider that the choice by NGET to take forward a 2022 preferred draft alignment that had been systems engineered with little or no regard for local development plan policy at DHGV demonstrates a fundamental lack of due diligence and one that has severely limited the proposed evolution of the design and application of the mitigation hierarchy since. ECC is not aware of an allocated garden village anywhere else along the 2024 preferred draft alignment. Dunton Hills is one of a small number of the 14 Garden Communities that is included in Homes England's national Garden Communities Programme to be both allocated and consented.

20.4.13 To such an extent that NGET are still to this date, unable to articulate how it has assessed the LSEs from OHL and pylons to the principles of a garden village; to land value or property prices at DHGV; to the viability of affordable housing and supporting infrastructure in and around Dunton Hills, or to the ability of Brentwood Borough Council to deliver Policy R01 and its local housing and infrastructure requirements that underpin its local plan. The PEIR and the DDR 2024 make no reference to the impact of OHL and pylons on land value or property prices in Basildon or Thurrock, or the ability of those local authorities to allocate and deliver viable strategic housing sites.

20.4.14 ECC would reiterate that NGET should give significant weight to the planning significance of Policy R01 and the overall viability of affordable housing and supporting infrastructure provision in the adopted Brentwood Local Plan when considering good design and the application of the mitigation hierarchy, including compensation. Further significant weight should also be given to the planning significance of Brentwood's Planning Committee consideration of the outline permission for the development of DHGV. In accordance with EN-1 and EN-5, this includes full justification for residual impacts. ECC would draw NGET's attention to the Agent of Change principle in Paragraph 193 of the National Planning Policy Framework.

20.4.15 Paragraph 5.4.214 of the DDR 2024 explains why, despite identifying residual landscape and visual impacts, NGET have not chosen to design or cost the use of underground cabling at DHGV as the alternative mitigation. ECC understand that underground cabling was not designed or costed because NGET do not consider it is required by NPS EN-5 as '...(“it is not subject to designation as AONB or similar”), the ability for detailed masterplanning to reduce potential visual effects and the additional cost implications...and potential loss of development land...’ [sic] It is not clear what NGET mean by masterplanning and whether this would require a revision to the approved DHGV masterplan? ECC would reiterate that it's objection to OHL and pylons at DHGV is not based principally on the grounds of visual or amenity impact to individual dwellings, or to just the 19.5 ha part of the site that relates directly to the draft Order limits.

20.4.16 As stated in paragraph 3.2.4 of NPS EN-1, it is not the role of the planning system to compare '...costs...' but ECC does understand that NGET have a commitment through its electricity transmission licence to justify the construction of N2T to the energy regulator (Ofgem) on economic and efficiency grounds. In considering what is economic and efficient, paragraph 3.3.78 of EN-1 states that: 'In considering the 'economic and efficient' approach the network project needs to follow good design, avoidance, and mitigation principles...as referenced in EN-5.'

20.4.17 In reviewing the DDR 2024 against Section 4.7 – Criteria for good design for energy infrastructure in NPS EN-1, ECC considers that the visual appearance of N2T and how OHL and pylons will relate to the landscape in and around DHGV is one of the most important factors in NGET being able to demonstrate good design. ECC has seen no evidence that good design has been embedded within the development of N2T at DHGV and is not aware that any design principles have been established, and certainly not from the outset for N2T to guide the design development from conception to operation.

20.4.18 OHL and pylons offer no potential to enhance the quality of the landscape or the amenity of DHGV. This will degrade the principles of a Garden Village and is highly likely to lead to a reduction in current and future land value and property prices, which will be to the detriment of viable housing and infrastructure delivery. NGET are not exempt from the duty to balance route selection with good design and impact mitigation. Clearly placing the route underground for the length this runs through the Garden Village would provide the good design principle and minimise the impact.

20.4.19 ECC does not consider that the minor changes to the draft alignment so far and refusal to design and cost an underground alternative meet the policy objective for good design in national or local planning policy. Contrary to paragraph 4.7.8 of EN-1, ECC can find no evidence that NGET have considered Policy R01 and design guidance in the SPD and approved masterplan for DHGV or have taken independent professional advice on the 2024 preferred draft alignment at DHGV. In the absence of any assessment by NGET, ECC consider only re-routing away from DHGV or undergrounding would be sufficient to demonstrate good design. ECC would suggest that the Design Council is asked to provide a design review of the N2T route at DHGV.

20.4.20 ECC understands that NGET will need to agree or acquire compulsory acquisition powers for land and access rights owned by CEG Land Promotions Limited (CEG) at DHGV as part of its application for development consent. It is widely accepted that land subject to the development of OHL and pylons reduces its value and profit that

can be made from developing land for housing and mixed uses. ECC has read the two Representations made to NGET by CEG in relation to previous rounds of non-statutory consultation in 2022 and 2023.

20.4.21 It is not clear from the 2024 statutory consultation how NGET would demonstrate adherence to the relevant compulsory acquisition 'tests' set out in the Planning Act 2008 and accompanying guidance. This would include an assessment of public benefit and private loss. In discussions prior to statutory consultation, NGET explained that it had not identified a requirement to consider public-private cost balancing and that its land agent would typically negotiate land rights once a final preferred alignment was chosen.

20.4.22 ECC understands the NGET undertook no consideration of land rights as part of the strategic optioneering process that formed the basis of deciding the 2022 preferred draft alignment. However, the two representations made previously by CEG state that NGET have engaged in discussions since as part of the 2022 and 2023 non statutory consultation. To the extent that CEG highlight the failure by NGET to consider the costs that would be associated with compulsory acquisition of land and rights at DHGV. ECC is aware that NGET recently signed a non-disclosure agreement with CEG in relation to DHGV.

20.4.23 If NGET have engaged in discussions with CEG about land rights this would imply that it has chosen a final preferred alignment for N2T. It follows that there would be a requirement to undertake an assessment of public benefit and private cost as part of negotiations, even if land and rights are eventually negotiated on a voluntary basis. ECC requests that NGET provides confirmation on the timing and sequencing of the negotiations it has had with CEG relating to land rights and the potential undergrounding of existing electricity transmission infrastructure at DHGV. ECC notes on paragraph 2.6.4 of NPS EN-5 that where compulsory acquisition rights are sought, permanent arrangements are strongly preferred over voluntary wayleaves. ECC strongly advocates this position as it provides greater reliability, economic efficiency and reflects not just the importance of delivering CNP infrastructure, but the need for robust assessment and the application of the



mitigation hierarchy which should include compensation (paragraph 2.6.6 of NPS EN-5)

20.4.24 ECC do not consider that NGET have understood or assessed the LSEs of N2T to DHGV, in isolation or cumulatively, correctly in any of the 2024 statutory consultation documentation and so can only disagree with the preliminary effect and level of significance relating to that effect cited in Table 15.18 – Potential Preliminary Effect on Planning and Development within the Local Study Area. ECC do not consider that NGET could demonstrate due process has been followed in establishing economic and efficiency grounds as it cannot demonstrate good design, the assessment of impacts or the application of the mitigation hierarchy, including compensation to sufficiently justify what increasingly sounds like a predetermined argument suggesting that underground cabling would not be supported by Ofgem due to cost. Further, ECC do not agree that NGET can reasonably argue that underground cabling is not economical without having first assessed the impact of the 2024 preferred draft alignment correctly, which should include the potential cost of acquiring land and rights and the application of the mitigation hierarchy, including compensation for prejudicing the delivery of affordable housing and supporting infrastructure in and around DHGV and the delivery of Brentwood Local Plan.

20.4.25 ECC does not consider that there is an inherent conflict between national energy and housing policy or national energy and local plan policy that cannot be overcome through robust assessment and application of the mitigation hierarchy, including compensation.

#### 20.5 ECC Transportation and Highways, including Public Rights of Way (PRoW)

20.5.1 ECC is the local highway authority for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. ECC has made extensive comments in relation to the PEIR, which have been summarised below but should be read in full at Appendix 1 and should be addressed in full by NGET.

20.5.2 The PEIR does not contain sufficiently detailed baseline information or robust impact assessment to understand the construction impacts and LSEs from N2T fully on the local highway network, including PRoW. This is contrary to the impact assessment principles of NPS EN-1, NPS EN-5 and the requirements of the secondary legislation and guidance determining environmental impact assessment for NSIPs. Due to lack of information, ECC is unable to agree with the conclusions of the PEIR in relation to highways and transportation.

20.5.3 ECC is concerned that the PEIR contains no information on vehicle numbers, which undermines any conclusions it makes on the assessment and mitigation of LSEs, including in combination and cumulative effects. Further concern relates to the apparent under assessment of vehicle movements, including monitoring and management of traffic flow and safety. The PEIR contains little to no information about the monitoring, management and auditing of impacts and LSEs from construction traffic or information relating to temporary associated development.

20.5.4 Despite repeated requests, NGET have refused to provide a separate PRoW chapter in the PEIR, with the assessment of impacts spread over four separate chapters. ECC continues to disagree with this approach as it making reviewing the in-combination and cumulative LSE on PRoW considerably more difficult. This is of particular concern and frustration given the LSEs from N2T on the PRoW network. Given the LSE to the PRoW network, ECC would be expect significant improvements to be provided by NGET as mitigation.

20.5.5 The PEIR does not provide sufficiently detailed assessment of in-combination LSEs from N2T or cumulative LSEs with other proposed or consented major development. This includes but is not limited to the construction of Phase 2 of the Chelmsford Bypass, and the planned upgrade to the A12.

20.5.6 ECC does not support the use of some proposed access locations, which NGET will need to address, and requests further information is provided in relation to the need for road widening and bridge strengthening.

20.5.7 The proposed working hours is far beyond what would ordinarily be accepted as reasonable. In the interests of residential amenity, ECC does not agree with working after 13:00 on Saturday or to working on Sunday or Bank and Public Holidays.

20.5.8 Consideration is needed around the process for ECC to recover costs for any damage to the local highway network from the construction of N2T.

20.5.9 ECC would welcome working with NGET to identify what legacy benefits are achievable where there is interaction between the proposed on-site haul road and DHGV sustainable transport corridor. This could result in temporary development being made permanent and delivered earlier in the development phasing, which would reduce the impact of HGV movements on the site, as well as supporting local infrastructure development. ECC acknowledges that this would subject to NGET obtaining land acquisition agreement from the land owner and requires environmental assessment. ECC would reiterate the point that in the absence of any assessment undertaken by NGET or consideration given to the design and cost of undergrounding at DHGV, it can only conclude that to mitigate the LSEs of the 2024 preferred draft alignment that N2T should be undergrounded for the entire length of DHGV.

## 20.6 ECC Minerals and Waste (MWPA)

20.6.1 ECC is the minerals and waste local planning authority for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. ECC has made extensive comments in relation to the PEIR which can be read in full at Appendix 2 and should be addressed in full by NGET.

20.6.2 The currently proposed route alignment has resulted in the application site still passing through various Minerals Safeguarding Areas, Mineral Consultation Areas, and Waste Consultation Areas. The MWPA are currently engaged in a Review on its Minerals Local Plan (MLP), which involved a Call for Sites exercise where respondents put forward land in their ownership for consideration for allocation for future extraction. The MWPA welcomes the discussions it has had with NGET about

the two Candidate Sites that contain valuable and finite silica sand deposits and would potentially be impacted by the 2024 preferred draft route.

20.6.3 It is noted that paragraph 5.11.28 of EN-1 states that ‘Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources’. Active extraction sites are within the MSA and so ensuring the ability of these sites to operate in accordance with their planning permission and therefore make their quantified contribution to the strategic supply of minerals to Essex and beyond is therefore a material planning consideration. The MWPA would also remind NGET of the Agent of Change principle in Paragraph 193 of the National Planning Policy Framework when assessing the continued extraction of minerals. However, we would reiterate that no decisions have been made on Candidate Sites for the inclusion in the MWLP at this stage and would encourage NGET to continue its engagement with minerals site owners.

20.6.4 In the previous non-statutory consultation, the MWPA have requested the submission of Minerals Infrastructure Impact Assessments (MIIA), Waste Infrastructure Impact Assessments (WIIA) and Minerals Resource Assessments (MRA). Subject to the satisfactory completion of these assessments as part of the pre-application stage and continued engagement with the MWPA, there are no principal areas of disagreement.

## 20.7 ECC Sustainable Urban Drainage Systems (SuDS)

20.7.1 ECC is the lead local flood authority for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. ECC SuDS does not raise any principal areas of disagreement with NGET.

20.7.2 ECC SuDS can be read in full at Appendix 3 and should be addressed in full by NGET.

## 20.8 Essex Place Services – Arboriculture, Archaeology, Ecology, Historic Buildings and Landscape

20.8.1 Essex Place Services (EPS) provides environmental consultancy support to ECC for arboriculture, archaeology, ecology, historic buildings, and landscape for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. EPS has made extensive comments in relation to the PEIR, which should be read in full at Appendix 4 and addressed in full by NGET.

20.8.2 ECC are concerned that EPS have highlighted that the PEIR does not contain sufficiently detailed baseline information or robust impact assessment to understand the impacts and LSEs from N2T, particularly in relation to archaeology, ecology, historic buildings, and landscape. This is contrary to the impact assessment principles of NPS EN-1, NPS EN-5 and the requirements of the secondary legislation and guidance determining environmental impact assessment for NSIPs. Further, ECC is concerned at the extent of outstanding assessment work still required, which does not benefit from any overarching programme to enable local authority resource planning. ECC does not consider that such an uncoordinated and patchy approach to environmental assessment for an NSIP of this size and scale when combined with a single round of statutory consultation is sufficiently robust to support a high-quality development consent application.

#### 20.9 ECC Green Infrastructure (GI)

20.9.1 ECC's GI comments can be read in full at Appendix 5 and should be addressed in full by NGET.

#### 20.10 ECC Climate

20.10.1 ECC Climate is eager to see that provisions are made and carried by NGET to first reduce, then sufficiently mitigate greenhouse gas emissions generated from the construction and operation of N2T and its associated development. The size and scale of N2T provides a unique opportunity to drive forward and demonstrate leadership in the construction industry in respect of climate change mitigation. Yet, NGET appears content to draw from the most basic data set available to estimate the associated CO<sub>2</sub>e for N2T (PEIR; section 4.4.11). Due to the significance of N2T, it must be iterated that the most detailed calculations available

for the project carbon emissions should be presented as part of the environmental impact assessment. This should also include an assessment of the impact of the construction and operation of N2T on ECC's ambitious net zero targets.

20.10.2 ECC Climate unit is optimistic about the climate mitigation measures which can be demonstrated through N2T from the perspective of mitigating climate change in construction and operation. To do this, NGET must address a series of measures that would deliver great mitigation of the climate impact of N2T. Although N2T aspires to contribute to the national drive to net zero through enhancing grid capability for renewable energy transfer, N2T must be strongly reviewed based on the impacts seen through construction and operation to ensure the best feasible development is achieved.

20.10.3 ECC Climate have made extensive recommendations that can be read in full at Appendix 6 and should be addressed in full by NGET.

#### 20.11 ECC Public Health

20.11.1 ECC Public Health highlight the need for more robust health impact assessment and the need for NGET to focus on actively driving out maximum local benefits to the health and wellbeing of communities across Essex.

20.11.2 ECC Public Health comments can be read in full at Appendix 7 and should be addressed in full by NGET.

#### 20.12. The removal of obsolete 132kV pylons

20.12.1 ECC considers that there are opportunities for N2T to facilitate the removal of 132kV pylon lines operated by UK Power Networks, to rationalise and improve the network resilience overall, whilst reducing the cumulative visual impact of energy infrastructure, and compensating for the additional LSE to landscape and amenity of the proposed new 400kV power lines.

#### 20.13 The avoidance of all airfields in Essex

20.13.1 In the interests of amenity, national defence, and the aviation industry, N2T needs to ensure the continued and safe use of all airfields in Essex.

## Appendix – 21

### **Transport Technical Review of Submission Documents**

21.1 This Appendix forms the technical review and commentary on the transport documents within the submission.

#### 21.1.1 Temporary Speed Reduction Plan [APP-023]

21.1.2 Drawing number 005105342-01 (sheet 1 of 3) shows a speed limit change on the B1035, the Council are of the opinion that a 40mph speed limit is preferable over a 30mph speed limit at this location due to the local context, and that the speed limit should be extended to the south to include AC-4. This would need to be reflected in an updated design of the access junction to include sufficient visibility for a 40mph speed limit.

21.1.3 In order to be helpful, the Council have quickly reviewed the updated Temporary Speed Reduction Plan – Revision B [AS-030] submitted 15<sup>th</sup> October 2024. In addition to the comments above, it is considered that the speed limit change on Golden Lane be extended approximately a further 60m to the east to cover all the residential properties.

#### 21.2 Draft Development Consent Order [APP-024]

21.2.1 We are currently in discussions with the developer around Protective Provisions for the highway authority. The Protective Provisions for ECC have not been included as part of the draft DCO to date, and therefore have been omitted from this explanatory memorandum or any comments. If agreed the Protective Provisions will need to be included in the draft DCO. In addition, we require a Framework Highways Agreement to sit parallel to the DCO, including the Protective Provisions.

21.2.2 Appropriate requirements should be included in the DCO to ensure that necessary highway works are delivered prior to significant increases in HGV movements on the



local highway network. The works to Bentley Road (Works No. 13 and 13A), inclusive of the footway / cycleway should be delivered prior to commencement of significant works to the north of the A120, inclusive of:

- Works No. 12/12A
- Works No. 14/ 14A/ 14B/ 14C/ 14D
- Works No. 15/ 15A/ 15B/ 15C/ 15D/ 15E
- Works No.16

21.2.3 All accesses are required to be delivered prior to commencement of works that would require more than minimal HGV traffic to access the site at that location.

21.2.4 Under Part 3 Streets, Article 12, Construction and maintenance of new or altered highway. The Council does not agree that we would be responsible for maintaining the highway from completion. The draft Protective Provisions provide for the Council maintaining the highway following 12 months maintenance period, however these PPs, have not been agreed to date. In any event the Council requires the highways to be maintained by the undertaker for a minimum period of 12 months from its completion.

21.2.5 Under Part 3 Streets, Article 14 the proposed timescales of 28 days is not considered to be acceptable; 56 days would be more appropriate to minimise inconvenience and to ensure coordination across the highway network.

21.2.6 Article 14 emits the cross referencing to Schedule 4 Part 1, which we understand is the intention of the Applicant to temporarily restrict the streets listed. Article 14 is subject to any additional streets that need to be restricted that would go through the process set out in Article 14.

21.2.7 The approval processes for highway works related to the temporary accesses is included within the CTMP. We have concerns that the process does not offer

sufficient oversight over the design and implementation of the accesses, and concerns over the 28-day process for review as a consultee.

21.2.8 For the avoidance of doubt, it is required that all highway works covered by Part 3, Article 10, Article 12, Article 15 and Article 17 are approved by the local highway authority.

21.2.9 Part 3, Article 10 should be amended to include the following:

- If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 56 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.
- (4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.
- (5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4), then the provisions of paragraph (3) will not apply to that application.

21.2.10 It is recommended a requirement is included that includes the following:

*Highway works.— (1) No work to construct, alter or temporarily alter any highway, including any new or existing means of access to a highway to be used by vehicular traffic, may commence until written details of design, layout and reinstatement of those highway works have been submitted to and approved by the relevant highway authority.*

*(2) The highway works must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).*

*(3) For the avoidance of doubt, all pre-commencement operations involving the construction or alteration of temporary accesses must be carried out in accordance with sub-paragraphs (1) and (2) unless otherwise agreed with the relevant highway authority*

*(4) Unless otherwise agreed with the relevant highway authority, the undertaker must—*

- (a) have carried out Stage 1 and Stage 2 road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 (Revision 2) of the Department for Transport's Design Manual for Roads and Bridges or any superseding Standard;*
- (b) agree with the relevant highway authority on a case-by-case basis the need for a Stage 3 and, where applicable, a Stage 4 road safety audit of any elements of the highway works authorised by this Order and, where so agreed, carry out such audit(s) in accordance with Standard GG 119 (Revision 2) of the Department for Transport's Design Manual for Roads and Bridges or any superseding Standard; and*
- (c) to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.*

21.2.11 The application for works in the highway should utilise the Council's existing permitting process, found here: [Essex Permit Scheme | Essex County Council \(essexhighways.org\)](https://www.essexhighways.org) and for apparatus under the highway a Section 50 Street Works Licence is needed: [Section 50 Street Works Licences | Essex County Council \(essexhighways.org\)](https://www.essexhighways.org). Use of existing processes is likely to offer the simplest approach for delivery, giving the Applicant confidence in response times and programme, and surety in booking road space.

21.2.12 Under Schedule 2 Part 2 of the Draft DCO [REP1-008] this should also cover consents with the relevant highway authority.

21.2.13 ECC have previously entered into a Framework Highways Agreement with other DCOs, and would recommend a similar approach.

21.2.14 The Framework Highways Agreement operates in parallel to the DCO, including the CTMP. It sets out how the DCO will operate in line with ECC as the Highway Authority's current processes. Utilising processes that are already established

within ECC for DCOs is expedient for both the development, as well as ECC as the Highway Authority.

21.2.15 There are omissions from the Protective Provisions in respect of ECC as the Highway Authority, if the PPs are included in the DCO as recommended. Some of the omissions are ancillary to the DCO and would fit within a Framework Highways Agreement, which sets out the details of how the order is exercised. For example, the engagement between the highway authority and the applicant, ECC would require an option of an initial meeting to discuss the design; provisions for site visit, if required; indemnities including levels and types of insurances to be held by a contractor undertaking highway works; and the consequences of the applicant failing to make good or reinstate the road during the maintenance period; and the highway authority's fees. These would be included in a Framework Highway Agreement to ensure that the development operates pursuant to the DCO and is in line with the procedure for ECC as Highway Authority

21.2.16 Whilst it is considered that the details of the road names within the Applicant's Schedules are the responsibility of the Applicant to ensure that they are correct. A review has been undertaken of the details within Schedule 3, and the following comments are included for consideration by the Applicant.

Schedule 3:

- Holland Haven Country Park car park access road is a private road with Manor Way also a private Road forming part of its length.
- Short Lane is a private road.
- The Golden Lane access track is a private road, but Thorpe Le Soken footpath 4 runs along it.
- For Access BC and BD the road may be called Thorpe Road at this point, rather than Tendring Road, as per BG to BH.
- The access track from Lodge Lane appears to be private, but Tendring footpath 8 runs along the route.

- Lodge Lane is a private road at this location but is public highway to the immediate southwest.
- For BQ to BR and BW to BX the road may be called B1035 Clacton Road at this point.
- The access track to Wix Farms for BS to BT appears to be a private track but Wix footpath 37 runs along the route.
- The access track to Wix Farms for BU to BV appears to be a private track but Wix footpath 32 runs along the route.
- The access track to Wix Farms for BY to BX appears to be a private track but Wix footpath 15 runs along the route.
- The access track to A120 from Bradfield Lodge appears to be a private track.
- The access track from Barlon Road to Carrington Road for CQ to CR appears to be a private track but Little Bromley footpath 16 runs along the route.
- The access track to Cattisgreen Farm appears to be a private track.

21.2.17 It is recommended that <https://www.findmystreet.co.uk/map> is used and the Unique Street Reference Numbers included for absolute clarity on the location.

21.2.18 Under Schedule 3 Part 4, the following discussions are needed with the Applicant:

- For the 0.7km stretch of road along B1035 Thorpe Road, it is currently ECC's position that a 40mph speed limit is more appropriate due to the change from National Speed Limit.
- That for Access 8A and 8B, whether the existing 40mph speed limit to the north of the accesses can be extended to the accesses to improve safety and reduce the visibility requirements.

#### 6.3.8 Traffic and Transport [APP-090]

21.2.19 Paragraph 8.4.3 sets out the areas that the traffic and transport chapter has considered; clarification is sought as to why only pedestrian amenity has been considered, rather than all relevant non-motorised user amenity, as per the Institute

of Environmental Management and Assessment (IEMA) Guidelines *Environmental Assessment of Traffic and Movement* (GEATM).

21.2.20 As per paragraph 8.4.5, 8.4.11 and 8.4.16, the Council will need to consider the assessment of driver severance on a case-by-case basis. With regards to the severance figures quoted at 8.4.15 that originated from DMRB LA 112, caution should be given to these figures as DMRB LA 112 is specifically designed for assessing new highway schemes and not the impacts of construction traffic.

21.2.21 With reference to the traffic count data provided at Paragraph 8.5.1, the Council have requested that the Applicant provide the data to the highway authority in excel format. The Applicant has provided the data, and a high-level review has been undertaken, as a result there are no further comments.

21.2.22 At Paragraph 8.5.5, Scenario 3 describes a scenario where there is sequential construction, whilst it is understood these scenarios aim to determine the peak impact on the network in terms of vehicle movements, they do not assess the cumulative impact of contiguous developments on an area over an elongated time period, and whether this would result in a short term impact becoming more significant, as well as the effect of repeated impacts of development on a local population, such as repeated road closures and rights of way closures. Consideration should be given towards this temporal impact within the assessment.

21.2.23 With reference to paragraph 8.5.8, the Council have requested that the profile of construction traffic and not just the peak impacts is provided; the Applicant has provided this data and it helps to give an indication of the temporal impacts of the project, which would help in determining their relative effect. Profiles for the project are shown at Figure T1 and T2, and for the cumulative impacts at T3 and T4, and although they show a peak impact, it also shows a continuous impact through the programme.

21.2.24 Table 8.5 sets out the methodology for determining the magnitude of impacts. At a high level the thresholds provide a useful starting point; however, all impacts need to be considered on an individual basis. Specific comments are as follows:

- All situations where a threshold is close to being breached e.g. where there might be a 55% increase rather than a 60% should be treated with caution.
- It is unclear what the 100% increase in traffic or HGV component applies to for pedestrian amenity, but it is assumed that this includes a spectrum of low to high impact.

21.2.25 Paragraph 8.6.1 refers to the assumptions used in order to identify the vehicular trip generation, which are summarised in Section 8.8, and detailed in Volume 6, Part 6, Annex 8.1: Transport. The Council has the following comments on the key trip generation parameters set out at paragraph 8.6.1:

- The Core working hours result in impacts outside of the network peak hours (80% before 07:00 and after 18:00); no evidence has been submitted that shows that these impacts are realistic. This results in only 20% of traffic being assessed as impacting the peak hours, meaning in this assessment scenario it is very unlikely to have an impact, but raises concerns about the actual delivery.
- The Core HGV deliveries profile of traffic across the day is not identified. A flat profile is unlikely to be realistic and so might reduce the impact during any specific hour, where fluctuations would mean a greater impact.
- No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing through commitments.
- 

21.2.26 There are some concerns regarding the HGV adjustments referenced at paragraph 8.6.3, and further clarification is needed as a result of the following.

- How it has been determined that the DfT proportions are considered to be sufficiently more accurate to act as the baseline?

- Why the ratio is considered to be applicable across the network, given the potential differences in the use of different roads due to the facilities on those roads?

21.2.27 That being said, whilst we may not agree with the method, it is assumed that for the environmental effects as the HGV proportions are being reduced, the scale of impact is being increased, and so this may result in a robust assessment, aside from the assessment of Fear and Intimidation where total HGV numbers are relevant. Following a request made by ECC, as part of their Deadline 1 Submission [rep1-018], the Applicant has reviewed whether this adjustment might impact any conclusions on Fear and Intimidation and importantly whether it would have resulted in any additional impacts being identified, and it has been determined it would not. So, as a result, this is considered resolved.

21.2.28 Paragraph 8.7.3 sets out that the construction access locations have been agreed in principle with ECC; the Council are of the opinion that whilst the locations may have been presented to ECC, they have not been reviewed in detail and are not agreed.

21.2.29 ECC Highways are continuing to review the access and crossing information and the latest response to this is contained in ECCs response to Deadline 1 submissions.

21.2.29 It is noted that no information has been provided regarding the suitability of the Holland Haven Country Park to accommodate additional HGV movements, this should be investigated further to ensure that the access width radius and visibility are satisfactory and commensurate for its intended use in connection with this DCO.

21.2.30 The Street Works and Access Plan [APP-013] continues to show access AC-6 and AC-7, in the latest access drawing submissions AC-6 is now AC-7 and AC-6 is no longer referred to.

21.2.31 Table 8.13 sets out the review of link sensitivity for the highway network, and our response is set out below.



*Response to Table 8.13 on Highway Link Sensitivity for an increase in traffic.*

Link ID	Highway Link	Applicant Sensitivity	ECC comments
1,2,7	A12	Negligible	N/A
8 to 15	A120	Negligible	N/A
16 to 18	A133	Low	Agreed
19/20	A133 Clacton Road/Main Road	Low	Not Agreed. There are services and facilities along this route, including local shops, a school, employment and a public house in Elmstead Market and Frating.
21/22	B1027 St John's Road/Colchester Road	Low	Not Agreed. There are services and facilities along this route, including local shops and a public house in Alresford, and Thorrington Cross.
23	B1027 Valley Road	High	Agreed
24	B1032 Frinton Road	High	Agreed
25	B1032 Clacton Road	Low	Agreed
26	B1033 Colchester Road (west of B1441)	Medium	Agreed
27	B1441 Clacton Road	High	Agreed
28	B1414 Harwich Road	Medium	Agreed
29	B1033 Abbey Street/Frinton Road/Thorpe Road	High	Agreed
30	B1033 Colchester Road (east of B1441)	High	Agreed
31	B1035 Tendring Road	Medium	Agreed
32	B1035 Thorpe Road	Low	Agreed
33	B1035 (south of A120)	Negligible	Not Agreed. There are receptors on this route at Tendring Green and Tendring.
34	B1035 Clacton Road	Low	Agreed
35	Bentley Road (south of construction accesses)	Low	Agreed

36	Bentley Road/Shop Road/Bromley Road (north of construction accesses)	Low – increase in cars/LGVs Medium – increase in HGVs	Agreed
44	B1029 (north of Harwich Road)	Medium	Agreed
45	Waterhouse Lane	High	Agreed
45	Little Bromley Road / Ardleigh Road	Low	Agreed

Table 8.14 sets out the review of link sensitivity for temporary road closures, and our response is set out below.

*Response to Table 8.14 highway link sensitivity for temporary road closure*

Link ID	Highway Link	Applicant Sensitivity	ECC comments
31	Damant's Farm Lane	Low	Agreed
39	Payne's Lane	Low	Agreed
41	Barlon Road	Low	Agreed

21.3 The Council has the following comments on the key trip generation parameters set out at paragraph 8.8.2:

- The Core working hours result in impacts outside of the network peak hours (80% before 07:00 and after 18:00); no evidence has been submitted that shows that these impacts are realistic. This results in only 20% of traffic being assessed as impacting the peak hours, meaning, as a result of the assessment method, it is very unlikely to have an impact, which may occur in delivery.
- The Core HGV deliveries profile of traffic across the day is not identified. A flat profile is unlikely to be realistic, and so will result in reduced impacts, as it does not take into consideration variation.

- No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing.

21.3.1 The Council do not agree with the absence of an assessment of the hour of greatest change, as per GEATM guidance. The assessment is based on daily traffic flows; consideration is needed towards assessing the hour of greatest change, which is considered to be a requirement based on the following text, which is taken from paragraph 1.22 of the IEMA guidance '*Environmental Assessment of Road Traffic and Movement*':

*"Traffic and movement assessments for EIA and non-statutory environmental assessments, present the impact of traffic and movement on people and the environment – which are initially undertaken with reference to daily traffic flows prior to assessing the time period with the highest potential impact (i.e. degree of change from baseline conditions), which may not be the same as the time period with the highest baseline traffic flows".*

21.3.2 The large proportion of traffic impact is likely to be in a short specific time frame (as a result of shift patterns), and only assessing the 12-hour impact dilutes this impact against a greater baseline of traffic.

21.3.3 No evidence is submitted that sets out how the HGV or workforce numbers used in the assessment have been determined, and so these cannot be corroborated.

21.3.4 The methodology for obtaining the vehicle movements at Table 8.21 and Table 8.22 was unclear, and difficult to replicate. As a result, the Council requested that the calculations are submitted in an excel format, so that they can be confirmed. The Applicant has provided the excel file and as a result the process has been checked. Albeit the Council has residual concerns over elements of the methodology, which is set out above.

21.3.5 Further explanation was needed of those locations where an increase of over 30 vehicle movements occurs as set out in Table 8.23. The Council requested traffic flow diagrams were provided, and these have been provided by the Applicant. After reviewing the flow diagrams (and noting the Council's position on elements of the methodology), the following junctions are noted to result in noticeable increases in development peak hour movements.

- A120 / Harwich Road roundabout: 62 vehicles
- A120 / Bentley Road priority junction: 66 vehicles
- A120 / B1035 roundabout junction: 69 vehicles
- A133 Clacton Road / B1029 Harwich Road: 38 vehicles
- A133 / A133 Main Road roundabout junction: 50 vehicles
- A133 / B1033 Colchester Road roundabout junction: 56 vehicles
- A122 / B1027 roundabout junction: 39 vehicles

21.3.6 If these movements occur outside of the network peak hour, it is reasonable for no further assessment to occur; however, the Council is concerned about impacts occurring during the peak hours without appropriate mechanisms being in place.

21.3.7 The Council have separately previously raised with the Applicant that the Figure (8.12) showing the Peak Hour construction workforce numbers was not included; and that, the numbering of the Figures appears inconsistent, so it is difficult to be certain; however, the Applicant has submitted the updated Traffic and Transport chapter document [REP1-018], which appears to have addressed this issue.

21.3.8 The Council do not agree to the conclusions at Paragraph 8.10.9, and we would comment on the rationale for dismissing impacts as set out at Table 8.24.

- For link 11/12, 16, 18, 24/25 and 26: It is not understood why the baseline peak hour flows in the summer being higher when peak hour vehicle movements are stated to be less likely is relevant. The purpose is to determine whether the additional traffic would result in an increase in delay, not whether that delay may already occur at certain times of the year.
- For link 13/14: It is not understood where the evidence supporting the estimate of negligible increase in queue lengths is provided.
- For link 13/14 and link 15/16: Whilst the assessment flows may be robust, they are what the Applicant has provided as a worst case; using their 'robustness' to dismiss impacts is not considered to be appropriate.

21.3.8 For the impacts set out at Table 8.25, the length of closures is assumed to be short term, and given the rural location of these closures, the Council has no further comment.

21.3.9 As above, obtaining the vehicle movements at Table 8.26 and Table 8.27 is unclear, and difficult to replicate. The Council requested that the methodology was submitted in an excel format, and the Applicant has provided the spreadsheet, from which a high-level review has been undertaken. A query has been raised over the calculations, which has been addressed. Separately, the process for determining links where there is an impact appears acceptable.

21.3.10 The Council do not agree that a less than 100% increase in total or HGV traffic is negligible, these thresholds no longer apply, however, when they did *apply* they only formed a starting point for assessment and as indicated by GEATM, should be used *cautiously in any assessment*. As such the blanket use of the threshold is not considered to be appropriate. Looking at the absolute changes and proportional changes, the impacts on Links 23, 24, 26 and 28 need consideration for localised mitigation, given the sensitivity of the locations, and the increase of over 50% HGVs.

21.3.11 The Council have raised the following potential errors with the Applicant. The

Council have reviewed the updated chapter [REP1-018] and it does not appear that these issues have been addressed:

- There appears to be an error in the calculations for total vehicle numbers at Table 8.44 for Link 32.
- There appears to be an error in the calculations or the presentation for total vehicle numbers and HGV numbers at Table 8.45 for Links 9 and 10.
- There appears to be an error in the calculations for total vehicle numbers at Table 8.46 for Links 1, 2, 6, 8, 9, 10, 14 and 15. As an example we would expect Link 1 Total HGVs to be 7,534?

21.3.12 The above potential errors will need to be reviewed in case it impacts on any links that should have been included at Table 8.48.

21.3.13 At paragraph 8.12.38, the dismissal of impacts on Bentley Road refers to additional measures within the CTMP to reduce impacts. It has not been identified within the CTMP or WTP how these measures have been committed to, nor how their impact will be monitored and reported, as such it should not be treated as mitigation. There should be strong commitments on how to best manage traffic to minimise impacts.

21.3.14 With reference to Table 8.52, it is difficult to ascertain how the level of effect has been determined. The Council do not agree that a less than 100% increase in total or HGV traffic is negligible, these thresholds no longer apply, however, when they did apply, they only formed a starting point for assessment and as indicated by GEATM, should be used cautiously in any assessment. As such the blanket use of the threshold is not considered to be appropriate. Looking at the absolute changes and proportional changes, the impacts on Links 23, 26, 27, 28, 32 and 33 need consideration, given the sensitivity of the locations, and the increase of over at least 50% HGVs.

21.3.15 With reference to Table 8.53, the Council disagree with the reasoning for the dismissal of impacts for Links 24, 25 and 35. The dismissal of impacts on Bentley Road refers to additional measures within the CTMP to reduce impacts. It has not been identified within the CTMP or WTP how these measures have been committed to, nor how their impact will be monitored and reported, as such it should not be treated as mitigation. There should be strong commitments to how to best manage traffic to minimise impacts.

Traffic and Transport Baseline Report – Part 1 [APP-172]

21.3.16 The Council requested that the raw survey data referred to at Appendix 3C and D was provided to the Council in excel format. The Applicant has provided the data, and a high-level review has been undertaken, as a result, we have no further comments.

21.3.17 The use of a fairly blanket approach for reducing the baseline HGV numbers referred to at paragraph 93 needs to be treated with caution, especially when considering any conclusions on impacts.

21.3.18 The Council do not necessarily agree with the rationale at paragraph 109, given that it may be a specific movement increases whilst total flows decrease. It is also worth bearing in mind that limited evidence is provided that shows the junctions operating within capacity, so the effect of the impacts is only assumed. However, assuming the identified impacts are off-peak, they are likely to be acceptable.

21.3.19 As above, paragraph 160 and paragraph 178 set out that it is noted that the construction access locations and crossing points have been discussed and have been agreed in principle. Whilst the locations have been discussed, it is not considered that they have been agreed. It is also noted that they will be subject to detailed design, as per paragraph 166.

21.3.20 Paragraph 171 to 173 explain that the proposals do not require a private access road to be delivered. However, that NGET will deliver a private road as part of their

Norwich to Tilbury proposals. The current road network cannot accommodate ALL movements to the north of NGETs private access road and any increase in HGV movements particularly on Ardleigh Road is undesirable due to its current width, as well as proximity of vegetation. Clarity is needed on whether the Project will be able to utilise NGET's private access road if that project comes forward and the need or otherwise for permanent access in the event that NGET's proposals do not come forward.

21.3.21 The removal of the footway / cycleway is a particularly complex issue. There are a number of proposals occurring in this area, and it might be that short term removal of the facility would result in additional impacts that are unnecessary. In this scenario, who would maintain the facility in the period between Five Estuaries and North Falls projects coming forward and who would remove the facility if North Falls did not come forward. The interactions of the projects in this area and their timescales needs careful consideration around the absence or presence of mitigation.

21.3.22 It is understood that the maximum HGV and construction movements inform the assessed impacts; however, the Council have requested further clarity on the reduction factor applied at paragraph 193, including how the factor has been calculated and why it has been applied. The Applicant has provided further explanation on this during a meeting between the parties, namely that the factor has not been applied to all links, and this is considered acceptable.

21.3.23 The Council noted that there might be the following error in the calculation of the applied factor, and this has been addressed in the spreadsheet that the Applicant has provided to the Council, and we understand reflected in the updated submission, for posterity the issue related to the following:

- the reduction factor is applied based on Table 6-1, the calculation of 26.7% appears to be incorrect as it is a 36% increase, meanwhile the increase in employees appears to be 18% rather than the quoted 19.5%. Furthermore, with regards to Table 6-2 as



to why the figures for the OnSS and unlicensed works do not form part of the overall calculation, which would alter the factor to 24%.

21.3.24 The Council has the following comments on the key trip generation parameters set out at paragraph 200:

- The Core working hours result in impacts outside of the network peak hours (80% before 07:00 and after 18:00); no evidence has been submitted that shows that these impacts are realistic, and no controls have been put in place that limits impacts outside of these hours. This results in only 20% of traffic being assessed meaning, as a result of the assessment method, it is very unlikely to have an impact, which may occur in actual delivery.
- The Core HGV deliveries profile of traffic across the day is not identified? A flat profile is unlikely to be realistic, and so may not reflect the number of peak hour movements.
- No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing.

21.3.25 This approach means that a peak of 1,200 workers results in 95 peak hour car movements, which is a significant reduction in impact and does not indicate a robust assessment. There is little in the way of evidence or commitments that give confidence that this is a realistic assessment i.e. no controls on these work hours or car share proportions.

21.3.26 The Council noted with the Applicant that Table 6-3 of the TA does not match Table 8.20 of the ES for the column representing total vehicles max. However, following discussions we understand that the tables are showing slightly different figures (one being the theoretical peak of all sites occurring at the same time, with the other being the peak month). On this basis the Council does not have any further comments.

21.3.27 For Table 6-5, further explanation is needed on the rationale for routing vehicles to Access 3A and 3B through Thorpe Le Soken from the B1414, and why vehicles are not able to use the Haul Route to avoid routing through the village? This should consider the visibility at the B1033 / Station Road junction for HGV movements.

21.3.28 The conclusion reached on the impacts at Bentley Road are not agreed. Whilst the surveyed queues may be low, the level of delay experienced may still be high and could be exacerbated by moderate increases in traffic movements at the junction.

21.3.29 As per the above, it is unclear whether 10% of movements have been applied to the peak hour or 20%, as implied at paragraph 229. We understand that the Applicant has updated their assessment to reflect 20% to avoid any confusion.

21.3.30 The Council requested with the applicant that for a number of the junctions traffic flow diagrams would be beneficial in understanding the impacts being described, and the diagrams have been provided to the Council. For the A133 described at paragraph 233, the difference in flows on one approach may be countered by an increase in flows on another approach, and there is no context that tells us how well that junction operated in the PM peak hour compared to the AM. The development impacts may result in a noticeable degradation of performance. That being said, the traffic impacts are limited, so are likely to result in a degradation of performance, but one that is unlikely to be significant, assuming the impacts are outside of the network peak hours.

21.3.31 Further explanation is sought as to why Table 6.9 shows an impact at link 24 (B1032 Frinton Road), but not at Link 23 (B1027 Valley Road).

21.3.32 The rationale for dismissing impacts on the A133 / B1027 roundabout junction at paragraph 236 is not agreed; there is no assessment of how the roundabout operates during the August month it is compared to and whether this would be a deterioration in its performance. That being said, the traffic impacts are limited, so are likely to

result in a degradation of performance, but one that is unlikely to be significant, assuming the impacts are outside of the network peak hours.

21.3.33 The rationale at paragraph 240 is not agreed with; the Applicant has determined the figures used for their worst case assessment; this should then not be used as a reason to dismiss their impacts. The use of 1.5 car person occupancy and the method for assessing of peak hours is not considered to be robust. Paragraph 240 also sets out that the vehicle movements provided may change as a result of appointment of a contractor. There are no controls that limit the Applicant to these assessed impacts and so they need to be treated with caution. Stronger controls and management through the CTMP would help to address these concerns.

21.3.34 With regards to paragraph 252, a Stage 1 Road Safety Audit is considered necessary for the widening works and footway/cycleway prior to the end of the DCO. It may identify requirements for the design, which may result in the need for additional land that may not have been identified.

21.3.35 With regards to Paragraph 254, the Council would seek clarity on what opportunity might exist to defer the decision on the need to retain the footway/cycleway until the end of the project. There are a number of proposals occurring in this area, and it might be that short term removal of the facility would result in additional impacts that are unnecessary. The long term build out of the projects as well means that other future schemes may provide better links to the facility of which ECC is currently unaware. It would be beneficial if this option can be explored. Allowing for this potential may offer an opportunity for a future legacy benefit that is currently not foreseen.

21.3.36 Appendix A includes notes from meetings, as well as an agreement log. With regards to the agreement log, the Council have the following comments regarding the DCO submission:

- With regards to no junction capacity assessments being required, further discussions are needed on this element. There are some concerns of elements of the assessment

method and further clarity is needed over the impacts to make it clear whether additional work is needed, particularly in ensuring impacts are outside of the peak hours.

- As above, the Council have not agreed the access locations or access strategy, but recognise that the Applicant has determined that they are appropriate for delivering their project and reducing traffic impacts in specific locations. The Council are reviewing the proposals based on the submitted information, including the Stage 1 Road Safety Audits. However, on first review, the Council could not identify that General Arrangement drawings for all the accesses and haul road crossings had been included and we raised this with the Applicant, who has provided in their updated submission.
- The adoption of the 1.5 car share is considered acceptable on the basis that the right management mechanisms are in place within the CTMP.

#### 21.4 Traffic and transport Baseline Report – Part 2 [APP-173]

21.4.1 As above, it did not appear that all the General Arrangement drawings had been included for the haul road crossings nor for Access 9, 10 and 11 on Bentley Road. On this basis the arrangements for those accesses could be commented upon, although this has been addressed in the updated submission at [REP1-031]. With regards to the provided General Arrangement drawings, the Council has the following comments:

- As part of detailed design HGV movements should not cross the centre line.
- In those locations where HGV movements are shown only from a single direction, mechanisms need to be put in place to ensure that HGVs do not approach from the other direction.
- For Access AC-7 the highway boundary needs to be shown for the full extent of the visibility splay.
- For Spratts Lane, the impact on the passing bays needs to be considered, with any lost facility replaced.
- For Wolves Hall Lane whether adequate visibility is being achieved.

- The accuracy of the highway boundary information should be treated as indicative, and cannot be confirmed until an on-site survey has been undertaken.

21.4.2 Appendix U contains the outputs of the traffic distribution exercise. It is difficult to recreate the assessment method; however, when attempting to do so, some inconsistencies have occurred, relating to the distribution proportions potentially not equating to the figures quoted, which may affect the total trips being applied to each link. This appears to be occurring on the following links (6, 7, 8, 9 and 18), but may just be as a result of the distribution methodology. The issue has been raised with the Applicant, and does not appear in the excel file provided, and so is assumed has been reflected in the updated submission.

#### 21.5 Code of Construction Practice [APP-253]

21.5.1 With regards to Section 4.4.5 of the Code of Construction Practice (CoCP), wheel washing facilities as identified are required at all site accesses. The CoCP should include commitments to:

- Implement the CTMP and WTP and look to minimise vehicle mileage on the road network.
- Monitor construction traffic through GPS or another practicable method.
- Implement the PROW Access Strategy.
- Where practicable, for deliveries to be outside of the peak hours.
- Minimise disruption to the local highway and PROW network through closures.
- The inclusion of signs within or on the construction vehicles so that they are identifiable to the local population.

#### 21.6 9.24 Outline Construction Traffic Management Plan [APP-257]

21.5.2 It is considered that the Construction Traffic Management Plan (CTMP) should be approved by the local highway authority, which should be reflected in Requirement 9 of the DCO [APP-024]. Whilst the need for the CTMP to be updated is recognised;

any changes to the document should be approved by the highway authority. Clarity is needed on why the pre commencement works would not be subject to the CTMP. For clarity it is considered they should be unless agreed otherwise.

21.5.3 As per paragraph 3.2.6 and 3.5.8, the Council do not agree with the wording, whilst the accesses have been shared with the Council, the access designs and haul road crossing designs have not been reviewed in detail pre submission, nor have they been approved. The Council welcome the updated information including the Stage 1 Road Safety Audits that have been submitted with the Application. However, on first review, the Council could not identify that General Arrangement drawings for all the accesses and haul road crossings have been included, and we have raised this with the Applicant, who has updated in the most recent submission [REP1-031]. Paragraph 3.5.8 refers to protective provisions, ECC are in discussions with the Applicant around protective provisions; and it needs to be determined whether the mechanism that ensures that ECC approve the design and layout of either the temporary accesses or haul road crossings is sufficient. With reference to paragraph 3.5.13, the final design of any road closure must be approved by the local highway authority as per Part 4 Paragraph 14 of the Development Consent Order.

21.5.4 Paragraph 4.1.1 refers to the anticipated routes for HGV movements. The CTMP needs to ensure that the assessed routes are those that are utilised by construction vehicles unless otherwise agreed through amendments to the CTMP. This requires associated monitoring and enforcement.

21.5.5 Data from the HGV monitoring should be reported to the local highway authority so that compliance with routeing can be monitored, with relevant enforcement. All, or at least a high percentage, of the HGVs accessing the sites should be equipped with GPS data, so that compliance on routeing can be checked. There are no proposals for controls on the number or timing of HGV movements; this brings risk to the assessment of the traffic impacts. Controls should be put on each section of the route so that peak HGV numbers do not exceed the assessed maximum figure. This can be

easily surveyed using the DMS and reported to evidence compliance. The number and category of all AILS should be recorded and reported.

21.5.6 The CTMP submitted [REP11-017] as part the East Anglia One North Development Consent Order, which included similar scales of HGV traffic included a commitment to limit HGV movements to the peak figure within the assessment.

21.5.7 With reference to paragraph 4.1.7 and 4.1.8, the aim for the delivery of the works on Bentley Road should look to minimise disruption to the network users. There may be some potential to close the southern section of Bentley Road at night, due to the potential for alternative routes to be used. The management of the delivery of works must be approved by the local highway authority. The most appropriate way to do this is through Essex County Council's permitting system.

21.5.8 With reference to paragraph 4.3.1, all works to rectify damage to the road network must be at the cost of the developer. A process needs to be embedded so that any necessary repairs are delivered quickly during the project delivery, with reasonable timescales reflecting the scale, location and urgency of the damage. Generally, consideration needs to be given to the structure of the road at all crossing points and accesses, and whether there is a need for reinforcement works to the highway due to the additional strain of large numbers of HGVs crossing at rural locations.

21.5.9 In addition to the works on Bentley Road, the DCO will require a mechanism for recovering costs as a result of extraneous traffic on the local highway network associated with construction of the development.

21.5.10 Paragraph 5.2.1 indicates that the aim is for the CTMP to be a living document, it is understood the need for flexibility and the need to update the document; however, any changes to the document should be approved by the highway authority.

21.5.11 Under Section 5.2 'Checking and Corrective Action', no detail is provided on the programme of monitoring, reporting or enforcement. The CTMP should include

strong commitments to monitor construction movements (through GPS and other surveys), report the outcomes of that monitoring quarterly to the local authorities and lead to meaningful enforcement measures that ensure that breaches of compliance are extremely unlikely. The process and timescales should be set out within the CTMP.

21.5.12 To reduce the impacts on noise and amenity of the project the CTMP or Code of construction Practice should include a commitment that no HGV movements will occur outside of the core working hours (07:00 to 19:00), however, recognising that there may be a need for these movements to be on the local road network 30 minutes either side of the core working hours (e.g. a HGV departing the site close to 19:00 hours would still be on the local road network). Requirement 7 Part 2 of the recently granted Bramford to Twinstead DCO included the following:

(2) No piling operations may take place between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays, and, unless otherwise agreed with the local highway authority, no HGV deliveries may be made to site between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays.

#### 21.6 9.26 Outline Workforce Travel Plan [APP-259]

21.6.1 With reference to paragraph 1.3.4, clarity is needed on why the pre commencement works would not be subject to the WTP. For clarity it is considered they should be unless agreed otherwise.

21.6.2 With regards to paragraph 2.1.1, has any assessment been undertaken of the workforce origins, and as a result what sustainable transport initiatives could be put in place to reflect their location. There should be a commitment to investigate the use of mini-buses etc, to reduce impacts, as per paragraph 8.2.37 of the Transport and Transport Chapter of the Environmental Statement [APP-090] which indicates a need to reduce impacts on Bentley Road.

Paragraph 3.2.1 of the WTP sets out the principal aim of the Travel Plan i.e.



“to not exceed the worst-case daily and peak hour workforce vehicle (cars and Light Goods Vehicles (LGVs)) movements at each construction access for VE during the construction period”.

21.6.3 The Travel Plan does not look to minimise impacts of vehicle movements on the highway network and community, it simply looks to achieve what the development considers to be the minimum acceptable impact within the ES. EN-1 sets out that the Applicant should set out the measures to improve access by active, public and shared transport to offer genuine modal choice. There is currently no commitment to offer access by non-car modes. In addition, the vehicle movement figures are worst case for a moment in the lifetime of the project where movements are at peak and so on that basis should be very unlikely to be breached, meaning that there is little or no incentive to achieve any form of sustainable transport credentials for the site for the majority of its build out as the number of workers, and subsequently movements, is lower (i.e. if the number of workers is 80% of the peak figure then they could exhibit much worse travel patterns and not exceed the figure).

21.6.4 The contact details of the TPC referred to at paragraph 5.1.2 should be made available to the local authorities. The frequency of monitoring referred to at paragraph 5.2.1 should be set out, along with the frequency of reporting of the Travel Plan to the local authorities to ensure enforcement.

21.6.4 The Travel Plan requires a commitment to monitor workforce shift patterns to ensure that shift patterns reflect those assessed within the Environmental Statement. All monitored information should be reported to the highway authority with reasonable management measures embedded that look to ensure compliance. The CTMP should set out responsibilities, timescales, and reporting, along with a list of potential actions to address non-compliance.

21.6.5 The forms of monitoring to identify the potential breaches should be set out, along with corrective actions.

21.6.6 Given the transitory nature of the potential workforce, and the potential for cohabitation or utilising temporary accommodation, consideration needs to be given towards utilising a minibus/coach to transport the workforce to/from site.

21.6.7 If the development fails to achieve its assessed shift patterns, then a review process should be put in place. It is recommended that through the WTP a monitor and manage process is embedded to check the shift patterns are commensurate with those assessed, and, if not, to either assess to see if the impacts are material or to identify additional management measures that can be put in place to address these impacts.

21.6.8 It is recommended that use of the Park and Ride at Colchester is explored for operating a shuttle service between sites to minimise impacts of vehicle movements.

**Appendix 22**

**SuDS Essex Design Guide**



# The Sustainable Drainage Systems Design Guide For Essex



## Supporting Sustainable Development

## The Drainage Hierarchy

All sites must manage surface water via the following hierarchy:

When managing rainfall, the SuDS network should be designed to match natural drainage routes, infiltration rates and discharge rates as far as possible. In addition to this, with concern over climate change and increasing risk of water scarcity, re-use of rainwater wherever possible should be utilised. Therefore, in accordance with the drainage hierarchy contained in **Approved Document H of the Building Regulations, Planning Practice Guidance** and the need to mitigate against water scarcity, all surface water run off must aim to be discharged as high up the following hierarchy as possible:

- **Rainwater re-use** (rainwater harvesting/greywater recycling)
- An **adequate soakaway** or other infiltration system
- **Hybrid solution** of infiltration and discharging to a surface water body
- To a **surface water body** (e.g. an ordinary watercourse)
- To a surface water sewer, highway drain, or other drainage system
- To a combined sewer

It should be noted that if out falling to public sewer or watercourse that is not in or adjacent to the development site then it is necessary to demonstrate permission in principle or third-party agreement.