

# HAT Projects

## Jaywick Sands Design Guide Supplementary Planning Document (SPD)

Consultation Statement

January 2023

(Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 12))

### Introduction

Under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 it is a requirement to prepare and make available a Consultation Statement setting out:

- i. the persons the local planning authority consulted when preparing the supplementary planning document;
- ii. a summary of the main issues raised by those persons; and
- iii. how those issues have been addressed in the supplementary planning document;

This statement is a record of consultation undertaken during the production and formal consultation stages of producing the Jaywick Sands Design Guide Supplementary Planning Document.

The Jaywick Sands Design Guide Supplementary Planning Document provides guidance to support policies within the Tendring Local Plan (2013 - 2033), and the regeneration of Jaywick Sands. It specifically supports the following policies:

- PP 14 Priority Areas for Regeneration
- SPL 3 Sustainable Design
- LP 3 Housing Density and Standards
- LP 4 Housing Layout
- PPL 5 Water Conservation, Drainage and Sewerage

It applies specifically to development within Flood Zone 3 and the Priority Area for Regeneration as defined in Policy PP14, and not to development in the norther part of Jaywick Sands (the Tudor Estate)

### Preparation of the draft SPD

Jaywick Sands is a unique and resilient community with a distinctive sense of place. It is a rare example of a plotlands development where the original small plots, gridded street pattern and chalet-style buildings survives largely unchanged since it was founded in the 1930s. Jaywick Sands' position by the sea is both its greatest asset and also its greatest challenge as the community now faces an increasing risk of flooding, which is particularly concerning as many homes in Jaywick Sands are now in very poor condition. It is therefore vital to encourage the sympathetic replacement and upgrading of homes in Jaywick Sands to a flood safe standard while also enhancing the character of the area and supporting its regeneration.

The need for design guidance for Jaywick Sands was identified through the work to develop the Jaywick Sands Place Plan and analysis of planning applications submitted, and consents granted, over the last several years. The draft SPD was developed by HAT Projects as consultants to Tendring District Council, and in consultation with a range of stakeholders.

Early drafts of the SPD were produced in spring 2020 and shared iteratively with key stakeholders including the Environment Agency and Essex County Council, ecology specialists engaged to support the Place Plan work, and the development management team within Tendring District Council as the Local Planning Authority, who would be using and applying the guidance in pre-application discussions and the determination of applications. The following feedback was received:

- Strongly positive feedback from the TDC development management team, that the document was helpful and easy to use
- TDC development management team requested that further information on flood resilience measures be included in the design guide
- Environment Agency supported the principle of developing design guidance in a SPD form for Jaywick Sands, and the majority of the design principles set out in the draft SPD.
- Environment Agency commented that the level of actual present day flood risk in their latest coastal modelling was not fully represented, and that dry finished floors for present day flood risk would be expected. Clear evidence of betterment would be supported.
- Environment Agency also submitted detailed comments on various aspects of the SPD wording.
- Essex County Council as the highways authority supported the principle of developing design guidance in a SPD form for Jaywick Sands, and the majority of the design principles set out in the draft SPD.
- ECC as the highways authority confirmed what reduced parking standards would be acceptable for replacement dwellings.
- Woodfield Ecology commented on the specific ecological sensitivities in Jaywick Sands, in particular bats and house sparrows.

Work on the draft SPD was paused during the Covid-19 pandemic and restarted in December 2021. This included a review of updated national policy and guidance and updates to reflect the final adopted Tendring Local Plan, which was adopted in January 2022. An updated draft of the SPD was prepared and shared with the above consultees for further review and input. Further work was undertaken with the Environment Agency to ensure full clarity around the sequential and exception test, and the design issues that would trigger a holding objection from the Environment Agency as a statutory consultee. Updated modelling of flood levels, including updated climate change allowances, were provided by the Environment Agency and incorporated into the design guidance.

SEA and HRA Screening was undertaken as part of the evidence gathering and engagement stage of draft Jaywick Sands Design Guide SPD preparation to determine if the draft SPD is likely to have any significant effects on the environment and therefore require SEA and HRA.

A Screening Statement was produced and sent to the relevant statutory consultees (Environment Agency, Historic England and Natural England) for comment. This statement set out the reasons why the Council had determined that SEA and HRA are not required. The responses from the statutory consultees agreed with this conclusion, therefore in accordance with Regulation 9 (3) of the SEA Regs, a final version of the Screening Statement is being prepared which confirms that SEA and HRA are not required for the draft SPD

### Consultation on the draft Jaywick Sands Design Guide SPD

The consultation was held from 9am on 5th September 2022 to 5pm on 27th October 2022. This consultation period was extended from the original six-week period due to the unforeseen national mourning period for Queen Elizabeth II which fell during the consultation period. The consultation combined the formal consultation on the SPD with informal consultation on the Jaywick Sands Place Plan, the regeneration framework for Jaywick Sands also being developed by Tendring District Council.

The Strategic Environmental Assessment and Habitats Regulations Assessment screening reports, and the Equalities Impact Assessment, were made available alongside the Consultation Statement.

The draft SPD and other supporting documents were available for inspection during the consultation period at the following locations:

- online on the Council's website;
- in hard copy at the Council's offices and libraries through the district

In accordance with statutory requirements, a Public Notice was placed on the Council's website. An advertisement was also placed in the Clacton Gazette (with associated on-line advertisement) and a press release was issued to raise awareness of the consultation through local media outlets.

The local planning authority maintains a Planning Policy consultations database, which currently contains 874 consultees. All of these consultees were notified of the consultation and invited to make representations. A list of organisations on the LPAs consultation database is included in appendix 1. Please note that the individuals on this database have not been listed in the appendix.

In addition, drop-in events were held during the consultation period, in liaison with community groups and venues in Jaywick Sands and in conjunction with the planned consultation on the Jaywick Sands Place Plan. Times and venues for drop-in events were publicised on the Council's website and social media as well as through flyers distributed to all households in Jaywick Sands.

The drop-in and online events held were:

- Saturday 24th September: Inclusion Ventures
- Wednesday 28<sup>th</sup> September: online webinar
- Friday 30<sup>th</sup> September: Inclusion Ventures (senior lunch club – not open to the general public)
- Friday 7<sup>th</sup> October – Martello Tower
- Thursday 13<sup>th</sup> October – Community Resource Centre
- Saturday 22<sup>nd</sup> October – Community Resource Centre

A press release was issued to raise awareness of the consultation through local media outlets.

Comments could be made using:

- an online questionnaire, which is available via the Council's website
- a paper response form, which will be available at drop-in events, as a download on the Council's website and on request to the Planning Policy team at [consultationfeedback@tendringdc.gov.uk](mailto:consultationfeedback@tendringdc.gov.uk)

Who did we reach with the consultation?

Mailing lists: 638 email notifications and 236 letters sent out.

Around 115 people attended in-person drop-in events during the consultation period.

Social media posts reached over 12,000 people over the consultation period, generating up to 71 link clicks per post and a substantial amount of online engagement.

There were 222 views of the webinar (including asynchronous viewings of the recording).

The consultation survey gained 1 response online, 3 email responses, and 4 substantive responses from statutory consultees. While this appears to be a low response rate, many comments were received at in-person drop-in events and in responses to the wider Place Plan consultation which were relevant to the SPD. The material planning matters raised have been included in the summary of feedback.

## Consultation representations and feedback

### Public and non-statutory body responses via email and online/paper response form:

- Cycle parking – cycle garage, cycle hangars, security of cycling storage should be included
- Section 106 payments towards improving the Jaywick-Clacton cycle route
- Seafront development must include disabled access to the sea wall and promenade
- Designs of buildings should be flood proof and have aesthetic design in keeping with a seaside resort
- Consideration should be made to make the new properties wheelchair accessible allowing for appropriate access in case of flooding
- 4 story buildings are not conducive with a seaside town
- Building companies should install solar panels as standard
- Limited and in many cases impossible access for disabled people to local amenities shops dental surgeries and doctors. Disabled access must be fully considered in the future

### Public feedback at in-person drop-in events:

- Strong support for design guidance to secure high quality design in Jaywick Sands
- Strong appreciation for the existing character and built form of Jaywick Sands, including that it was charming; had a lot history; was easy to find your way around; and that the uniqueness of all the homes was part of its distinctive and positive identity.
- Strong support for ensuring new buildings do not overlook and overshadow existing properties
- Support for ensuring flood safety through raised ground floors, but the level to which they should be raised was felt to be too high in recently design properties due to accessibility concerns.
- Support for building measures to address climate change, including solar panels and green roofs
- Support for combining two or more plots into a single plot as a single plot was felt to be too small to build a good quality home on without compromising other aspects of design
- Significant concerns about accessibility of new flood safe properties for disabled people and people with babies and children, with strong views expressed that all properties should be accessible without many or any steps.
- Significant concerns about external stairs as a means of access due to safety in wet and icy conditions
- Concerns over refuse storage and collection arrangements
- Concerns over height of new buildings with many comments that new dwellings should be bungalows/chalet style dwellings and no taller than 2 storeys.

### Statutory consultees responses:

- Affinity Water – no specific comments, welcome mention and continued consistent application of Policy PPL5 – Water Conservation, Drainage and Sewerage from the Tendring Local Plan
- Coal Authority – no comments
- Historic England – no specific comments
- Marine Management Organisation – no specific comments, standard advice regarding the Coastal Concordat reiterated
- National Highways – no comments
- Natural England – no specific comments
- Essex County Council:
  - o Would like to see Local Plan policies referred to in each guidance section (Shaded box)
  - o Introduction - Refer to Local Plan Policies PPL1 and PPL10
  - o Page 4 - Note that car and cycle parking standards are not 'Essex County Council' standards but are 'Essex Parking Standards'
  - o Page 7 - Further define 'High quality frontage'
  - o Page 29 – clarify that the Shoreline Management Plan is a government document and the responsibility of the Environment Agency
  - o Page 32 – update reference to PPG 3 to reflect new PPG referencing
  - o Page 37 – Essex parking standards and electric charging point (typo)
  - o Page 39 – clarify whether TDC seeks, or has sought, to withdraw permitted development rights

- Page 41 - The introductory text to this section in the third paragraph should refer to ECC as the Lead Local Flood Authority (LLFA) responsible for surface water management. The Essex SuDS Design Guide should also be referenced, which development must have regard to. Include reference to the Essex Climate Action Commission (ECAC), which is a formal independent cross-party commission established in October 2019. The ECAC's formal role is to:
  - identify ways where we can mitigate the effects of climate change, improve air quality,
  - reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county; and
  - explore how we attract investment in natural capital and low carbon growth.
 ECC's comment seeks to see the following requirements included in the SPD:
  - development is built to the highest standards of energy efficiency, water efficiency and renewable energy generation;
  - all buildings are net zero carbon;
  - proposals must demonstrate the application of the 'energy hierarchy' to reduce energy demand for heating, lighting, and cooling and minimise carbon dioxide emissions using an energy assessment tool proportional to the scale of the development;
  - proposals must minimise carbon emissions associated with operational energy and construction, including materials; and
  - all buildings must be designed to reduce energy demand and maximise fabric energy efficiency including such measures as: building orientation; high levels of insulation of roofs, floors, and walls; maximising airtightness; and using solar gain through window/door orientation whilst avoiding overheating.
- Section 7B: should state that all new development should incorporate SuDS and have regard to the Essex SuDS Design Guide. Reference should be made to rainwater harvesting, grey-water recycling etc to mitigate surface water flood risk. Further, all minor developments should manage runoff off using porous surfaces or otherwise discharge from the site should be limited to 1-year greenfield rates or 1 l/s, whichever is greater.
- Section 7C: ECC seek wording similar to the below to be included regarding green infrastructure:
  - Proposals will be encouraged that seek to conserve, and where appropriate enhance the green infrastructure of Jaywick Sands, demonstrating how they:
  - Conserve and where appropriate enhance designated green spaces and/or create new green/open spaces where appropriate.
  - Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way (PRoW) and cycle and footpath networks.
  - Enhance the visual characteristics and biodiversity of green spaces in close proximity to the development through biodiversity/environment net gain.
  - Ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the Green Infrastructure Network.
  - Take into consideration the principles of Sustainable Drainage (SuDS) and natural flood management techniques, which will enhance biodiversity and ecosystems.
  - Consider the multi-functional use and benefits of local green spaces as part of the Green Infrastructure network.

Environment Agency:

- Comments on the stated flood depths are from most recent modelling. Ensure source of modelling is included in notes

- Does not support any net increase in people living within the areas of Jaywick Sands within Flood Zone 3
- Appendix worked examples should mention flood resilient construction
- Minor comments on referencing to updated Planning Practice Guidance and other minor wording changes (not substantive)
- Suffolk and North East Essex integrate care Board (SNEE ICB)
  - No specific comment on SPD, support measures to reduce flood risk.
- Essex County Fire and Rescue Service
  - We note the design guide discusses and considers climate change over the longer term. ECFRS agree climate change is a vital consideration due to the increased vulnerability in the Jaywick area, and the possible range of impacts arising for vulnerable residents in the area, from climate change and supports engagement with communities on this.
  - Advise consideration of
    - suitable principles in design to avoid deliberate fire setting.
    - road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
  - The inclusion of electric vehicle charging points is welcomed, however the position of the charging points should be considered in relation to fire spread to properties in the event of a fire in an electric vehicle
  - support the proposed provision of off street (on plot) parking
  - The location of storage of refuse should consider the potential for fire spread in event of an accidental or deliberate fire within stored refuse.

## Schedule of changes

| Page/section ref   | Change  | Reason  |
|--------------------|---|---|
| Page 4, Page 37,   | Replaced 'Essex County Council Highways standards' with 'Essex Parking Standards' throughout  | Using correct terminology following comment from Essex County Council |
| Page 7, section 2A | Amended guidance on what a 'high quality frontage'.   | Comment from Essex County Council                                     |
| Page 32            | Changed reference to Planning Practice Guidance 3 to Planning Practice Guidance: Flood Risk and Coastal Change and added hyperlink to <a href="https://www.gov.uk/guidance/flood-risk-and-coastal-change">https://www.gov.uk/guidance/flood-risk-and-coastal-change</a> | For accuracy  |
| Page 37            | Changed 'car charging point' to 'electric car charging point'   | For clarity following comment from Essex County Council               |
| Page 37            | Changed 'Secure dedicated cycle storage' to 'Secure dedicated cycle storage, which could be in the form of a cycle hangar or cycle garage, and should include electric bike charging facilities'  | Comment from Colchester Cycling Campaign                              |
| Page 41            | Third paragraph –reference added to Essex County Council as the Lead Local Flood Authority (LLFA) responsible for surface water management. Included reference to the Essex Climate Action Commission (ECAC)  | Comment from Essex County Council                                     |
| Page 42 section 7B | Amended first guidance point to read 'Surface water entering mains drainage must be limited to 1-year greenfield rates, or 1 litre/second, whichever is greater. Added guidance point to read 'Development  | Comment from Essex County Council                                     |

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|           | must have regard to the Essex SuDS Design Guide when designing sustainable drainage systems.’ Added guidance point to read ‘Development should incorporate rainwater harvesting and grey-water recycling where possible.’          |  |
| Generally | Many community members raised concerns about accessibility to properties with raised ground floors. Further guidance on this has been included, i.e. how to meet and interpret requirements of Part M of the Building Regulations. | Community comments   |
| Generally | EA provided further detailed data and flood levels for 0.5% AEP in text and diagrams have been updated accordingly. Source of modelling included in references.  | Comment from Environment Agency  |
| Generally | Section 1 has been updated to clarify how guidance applies to development that results net increase and development that would result in no net increase.  | Comment from Environment Agency (response to EA request adapted to align with wider Place Plan strategy) |
| Appendix  | Statement regarding flood resilience construction added to appendix.   | Comment from Environment Agency  |