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Tendring
District Council

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AGENDA

TENDRING/COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

DATE:	**Monday, 9 October 2023**
TIME:	**6.00 pm**
VENUE:	**Layer Suite, Community Stadium, United Way, Colchester CO4 5UP**

MEMBERSHIP:

Councillor A Baker (TDC)
Councillor M Bush (TDC)
Councillor T Cunningham (ECC)
Councillor C Guglielmi (TDC)
Councillor D King (CCC)
Councillor A Luxford-Vaughan (CCC)
Councillor L Wagland (ECC)
Councillor J Young (CCC)

Chief Executive
Ian Davidson

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DATE OF PUBLICATION: Monday, 25 September, 2023

AGENDA

1 Election of the Chairman of the Joint Committee

To elect the Chairman of the Joint Committee for the remainder of the 2023/2024 Municipal Year.

2 Election of the Deputy Chairman of the Joint Committee

To elect the Deputy Chairman of the Joint Committee for the remainder of the 2023/2024 Municipal Year.

3 Apologies for Absence and Substitutions

The Joint Committee is asked to note any apologies for absence and substitutions received from Members.

4 Minutes of the Previous Meeting of the Joint Committee (Pages 1 - 32)

To confirm and sign as a correct record, the Minutes of the previous meeting of the Joint Committee, held on Monday 27 February 2023.

5 Declarations of Interest

Members of the Joint Committee are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests or Non-Registerable Interests and the nature of it, in relation to any item on the Agenda.

6 Public Speaking (Pages 33 - 34)

The Public Speaking Scheme for the Joint Committee gives the opportunity for members of the public and other interested parties/stakeholders to speak to the Joint Committee on any specific agenda item to be considered at this meeting.

The Chairman will invite public speakers to speak following the Officer's introduction to the report on the item. The Chairman will ask public speakers to come to the table in turn at the beginning of the discussion of the report of the relevant item.

Members of the public, who want to speak about an item, which is to be considered at this meeting of the Joint Committee can do so if they have notified the Officer listed below by Noon on Friday 6 October 2023.

Contact: Ian Ford. Email: democraticservices@tendringdc.gov.uk or Telephone: (01255) 686 584 or 686 587.

7 Report A.1 - Development Plan Document: Representations received in response to the Regulation 19 Consultation and Next Steps (Pages 35 - 62)

To report to the Tendring Colchester Borders Garden Community Joint Committee, some of the notable issues raised in the representations received from the public and other interested parties to the consultation on the Submission Version of the Development Plan Document (DPD) i.e. 'the Plan' for the Garden Community under Regulation 19 of the statutory plan making process. These representations will be considered by a government-appointed Planning Inspector as part of the examination process.

To also seek the Joint Committee's agreement that a formal request is made to the Planning Inspector inviting them to recommend any specific modifications that might be required to make the DPD sound.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Tendring/Colchester Borders Garden Community Joint Committee will be held on a date to be advised in due course.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the room and follow the exit signs out of the building.

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MINUTES OF THE MEETING OF THE TENDRING/COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE, HELD ON MONDAY, 27TH FEBRUARY, 2023 AT 6.00 PM IN THE ROMAN LOUNGE AT COLCHESTER RUGBY CLUB, RAVEN PARK, CUCKOO FARM WAY, COLCHESTER, CO4 5YX

Present:	Councillors Nick Turner (Chairman) (TDC), David King (Vice-Chairman) (CCC), Jeff Bray (TDC), Mike Bush (TDC), Tom Cunningham (ECC), Andrea Luxford-Vaughan (CCC), Lesley Wagland (ECC) and Julie Young (CCC)
Also Present:	Councillors Mark Cory (CCC & ECC), Adam Fox (CCC), Gary Scott (TDC), William Sunnucks (CCC), Ann Wiggins (TDC) and Tim Young (CCC)
In Attendance:	Ian Davidson (Chief Executive), Lindsay Barker (Deputy Chief Executive), Steve Evison (Sustainable Growth Director (Place & Public Health)), Gary Guiver (Director (Planning)), Andrew Weavers (Strategic Governance Manager & Monitoring Officer), Christopher Downes (Garden Communities Manager), Matthew Jericho (Spatial Planning Manager), Ashley Heller (Head of Transport for Future Communities), Ian Ford (Committee Services Manager), Amy Lester (Garden Community Planning Manager), William Lodge (Communications Manager), Catherine Gardner (Programme Support Officer), Keith Durran (Committee Services Officer), Matt Cattermole (Communications Assistant) and Rob Smith (Director - Hyas)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Joint Committee Member Councillor Carlo Guglielmi (TDC). TDC's Designated Substitute Member (Councillor Jeff Bray) attended in his stead.

Councillor Guglielmi had been unable to attend the meeting as he was recuperating from a surgical procedure.

10. MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE

It was **RESOLVED** that the Minutes of the meeting of the Joint Committee held on Monday 18 July 2022 be approved as a correct record and be signed by the Chairman.

11. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members of the Joint Committee on this occasion.

12. REPORT A.1 - DEVELOPMENT PLAN DOCUMENT: SUBMISSION VERSION PLAN - REGULATION 19

The Joint Committee considered a comprehensive report (A.1) which sought its agreement to the Submission Version of the Development Plan Document (DPD) for the Garden Community (TCBGC) and its recommendation to Full Council at both Tendring District Council (TDC) and Colchester City Council (CCC) in order to carry out the required public consultation and thereafter to submit the DPD to the Secretary of State who would initiate the process of independent examination.

The report was introduced by way of a presentation given by Gary Guiver, Director (Planning), Tendring District Council and Amy Lester, Garden Community Planning Manager, Tendring District Council.

Members were aware that the DPD sought to set an appropriate and 'sound' strategy for the future development of the TCBGC. It was the role of the Regulation 19 stage of public consultation to invite representations on the soundness and legal compliance of the DPD based on specified criteria in the National Planning Policy Framework (NPPF). The DPD had been prepared by CCC and TDC, as the Local Planning Authorities, in partnership with Essex County Council (ECC).

The Submission Version of the DPD had been informed by the comments received through the earlier public consultation on the Draft Version of the Plan in March - April 2022, as part of the Regulation 18 stage of the plan making process.

The Joint Committee recalled that the proposals and policies in the Submission Version of the Plan had also been informed by a range of evidence base documents – updating and expanding upon the evidence already in place at the Regulation 18 stage and addressing key matters raised during the previous consultation. This evidence included, inter alia, a Strategic Masterplan for the Garden Community, an assessment of the character of Crockleford Heath, an independent assessment of the University of Essex's expansion requirements and a viability appraisal. The conclusion of that evidence base had been collectively considered to understand its implications and it had informed Officers' recommendations on the content of the Submission Version Plan.

It was reported that all sections and policies of the Draft Plan had been reviewed, revised and refined in response to the Regulation 18 consultation and the developed evidence base. Three principal areas of progression in policy development had emerged, these being the approach to land use, employment land and place shaping principles.

Land Uses and Spatial Approach

It was reported that development would be confined to land within the Garden Community location, as identified in the Section 1 Local Plan with the addition of a small triangle of land south of the A120, and would adhere to the 'Land Use Parameters', as shown on the Policies Map (Appendix 4). Land within the identified Garden Community location would be specifically allocated or protected for the following uses:-

- delivery of circa 7,500 new homes with a range of shops, jobs, services and community facilities, including education. These would be provided within three 'Neighbourhoods' being South, North and Crockleford.
- a new 'Salary Brook Country Park' incorporating land and woodland at, and around, the Salary Brook Local Nature Reserve.
- a 'Wivenhoe Strategic Green Gap' incorporating land north of Brightlingsea Road and west of Elmstead Road.
- an 'Elmstead Strategic Green Gap' east of the new A120 - A133 Link Road.
- a Sports and Leisure Park to serve the local community and for the expansion of sports facilities for the University of Essex.
- approximately 25 hectares of employment land in form of a new Business Park and a 'Knowledge-Based Employment' site.
- provision for the Rapid Transit System.
- a Gypsy and Traveller Site.
- a 'Park and Choose' facility.

The Joint Committee was made aware that the strategy for development at the Garden Community confined the majority of development to land south of the A120, north of the A133, west of the new A120 - A133 Link Road and east of a new country park (Part E) to be designated around Salary Brook Local Nature Reserve. In addition, selected land around the area of Crockleford Heath had been specifically identified as an Area of Special Character, where any permitted development must preserve or enhance its intrinsic character.

Members were informed that land was designated and shown on the 'Policies Map' as Strategic Green Gaps. Land within the Strategic Green Gaps would be protected from most forms of built development in order to ensure the Garden Community did not extend, or sprawl, into locations where it could eventually merge, or coalesce, with Wivenhoe, or Elmstead Market – one of the main concerns raised by local people throughout the public engagement exercise. Additional open space was proposed adjacent to Salary Brook Local Nature Reserve in order to strengthen this area as a buffer to the Colchester urban area encompassing the steep adjoining slopes of the Brook as well as nearby woodland. This designation would also prevent coalescence in the Greenstead and Longridge areas.

The Joint Committee was advised that the evidence had developed to show that the residential capacity of the site was towards the lower end of the 7,000 to 9,000 range set out in the Section 1 Local Plan. This was due to the physical constraints of the site with boundaries defined by the Strategic Green Gaps and both the existing and proposed roads. The total number of new homes expected at the Garden Community had therefore been refined to circa 7,500 within the Submission Version Plan.

Economic Activity and Employment

It was reported that the approach to maximising the economic potential of the Garden Community had been informed by the evidence base and discussions with education providers and businesses within different sectors. Policy 5 of the Submission Version Plan had refined the economic policy of the Draft Plan and explained how the requirements would be achieved, with an aim of creating at least one job per new household within easy commuting distance.

Members were made aware that Policy 5 required an appropriate balance of homes and jobs within the TCBGC. It also detailed employment allocations and uses for the new A120 Business Park, the Knowledge-Based Employment Land and the North and South Neighbourhood Centres. It further would protect those land use allocations for employment purposes to ensure that the Garden Community was served by a flexible range of land and property for the provision of commercial activity and jobs.

Buildings, Places and Character

The Joint Committee was informed that the 'Buildings, Places and Character' chapter of the Draft Plan had been substantially restructured for the Submission Version Plan. The chapter now had two policies, namely - Policy 3 'Place Shaping Principles' and Policy 4 'Meeting Housing Needs'. Considering the consultation responses, emerging evidence and a review of the policy wording, Officers had considered that those two important themes required distinction and further elaboration.

Policy 3 'Place Shaping Principles'

For the Garden Community to be successful, one of the main objectives was to ensure that it was unique, self-sufficient and could provide high quality design. Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, Policy 3 set out the Councils' expectation for the Garden Community to be unique and distinctive in its character and appearance, and for the new homes to meet high standards that would meet a variety of different needs and demands for people and families over the courses of their lives. Policy 3 detailed the standards expected with regard to the following:

- Creation of a Unique and Distinctive Place
- Design of Places
- Design Quality
- Designing Out Crime
- Residential Design
- Internal Space Standards, Home-working and Adaptability in New Homes
- Private Amenity Space Standards, and
- The Historic Environment

Policy 4 'Meeting Housing Needs'

Taking forward the requirements of the Section 1 Local Plan, Policy 4 of the Submission Version Plan had developed to ensure that development would be of appropriate densities, which reflected both the context, place-making aspirations and opportunities for increased levels of development around centres and transport hubs. It would further secure an appropriate mix of housing types and tenures including self and custom build and starter homes including a minimum of 30% affordable housing, phased through the development. This policy set out the Councils' expectation for new homes within the Garden Community to be of a high standard that would meet a variety of different needs and demands for people and families over the courses of their lives. Policy 4 detailed the standards expected with regard to the following:

- Projected Housing Needs
- Affordable Housing

- Adaptable and Accessible Housing Standards
- Housing Density
- Self-Build and Custom-Built Homes
- Care, Assisted Living and Other Specialist Housing
- Gypsy and Travellers
- Student Accommodation

It was considered that the amendments incorporated in the Submission Version Plan at Policy 3 and Policy 4, as summarised above, reflected the Councils' very high expectations for how the Garden Community would create unique and distinctive buildings and neighbourhoods, whilst still respecting the character and visual amenity of nearby towns, villages, historic buildings, structures and the character and features of the landscape. Furthermore, it would secure that the Garden Community would be inclusive and accommodate a diverse range of households meeting a range of housing needs.

In addition to the above, a further refinement of all policies had developed in response to the detailed evidence base. Areas of note included:-

Health

It was reported that Policy 6 of the Submission Version plan established the requirements for ensuring the Garden Community was served by community services and facilities of the right type in the right location, including early years and childcare facilities, schools and sports facilities, as well as access to health services and how the development would incorporate measures to encourage inclusive, healthy, and happy lifestyles. Part E of Policy 6 required that the Garden Community created an active environment that promoted health and well-being and built a strong community.

Biodiversity Net Gain (BNG)

The Joint Committee was reminded that the vision for the Garden Community was that the natural environment would be its biggest asset with Net Gains in biodiversity and a thriving ecological network that would shape the Garden Community ensuring native species thrived. The Councils' consultants had undertaken biodiversity net gain calculations of the Strategic Masterplan, which indicated that 12.5% biodiversity net gain could be achieved. In light of this evidence, Part D of Policy 2 'Nature' had been updated to require that proposals must deliver a minimum of 10% measurable biodiversity net gain on-site, in accordance with national policy, with an aspiration to achieve 15%.

It was reported that work had been undertaken and concluded to provide evidence to enable robust decisions to be taken on the following topics:-

(1) University Growth Forecasts Assessment;
(2) Economic and Employment Study;
(3) Crockleford Heath Area of Special Character Assessment;
(4) Health Impact Topic Paper;
(5) Infrastructure Phasing and Delivery Plan;
(6) Transport Study (Modal Shift and Infrastructure);
(7) Sport, Recreation and Open Space Study;

(8) Viability Assessment;
(9) Strategic Masterplan; and
(10) Sustainability Appraisal.

The Joint Committee had had circulated to it prior to the commencement of the meeting a copy of the Memorandum of Understanding (MoU) dated 24 February 2023 which had been entered into by Essex County Council, Colchester City Council, Tendring District Council and Latimer (Tendring Colchester Borders Garden Community) Development Limited ("the Parties"). The MoU sought to govern the relationship, collaboration and co-operation of the Parties in relation to the delivery of the A120-A133 Link Road to support the development of the Garden Community.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following persons addressed the Joint Committee on the subject matter of this item. Their comments are in precis.

Russ Edwards (Project Director for TCBGC – Latimer by Clarion Housing Group

- *congratulated the Officers on completing the submission version of the DPD, which with its huge evidence base represented a huge endeavour on behalf of the Councils and the community and Latimer believed provided a sound basis from which Latimer and Mersey Homes could bring forward a planning application for the new community;*
- *Latimer's detailed review of the volume of information provided in support of the DPD remained ongoing, however Latimer were very encouraged by the progress made since the regulation 18 stage, including the Councils' responses to the numerous representations received from a range of stakeholders including Latimer's;*
- *Latimer remained extremely supportive of the vision and ambitions described and fully committed to delivering those aspirations at this new community. Latimer looked forward to continuing engagement with Officers and Members over the coming period, both in relation to the DPD and their representations at this important stage, but also the design activity leading to Latimer's hybrid planning application to be submitted next year;*
- *Latimer appreciated that there might be concerns among Members in relation to the A133-A120 Link Road. Confirmed that Latimer was entirely committed to the full delivery of the Link Road and that it had been supporting ECC in their discussions with DHLUC and Homes England over recent months with whom they were strategic partners. Latimer accepted that this commitment was likely to include financial contributions through its planning application, should other funding sources fail to materialize;*
- *Furthermore, Latimer understood the urgency that Members and indeed local communities felt towards full delivery of the road at the earliest opportunity. Again, Latimer expected to proactively engage with Officers and Members over the coming months to agree how Latimer could support that ambition. Those commitments were described in a Memorandum of Understanding between Latimer and the Councils which had been signed last week by Latimer's Group Director of Development, Richard Cook; and*
- *Conveyed Latimer's excitement for the period ahead. Latimer had assembled a world-class team of design and technical consultants to start developing an exemplary master plan for this new place. Building on the Councils' work to date was a master plan that was built on Garden City principles and prioritised healthy*

lifestyles, active transport, mixed tenure and multi-generational communities. A master plan that was both infrastructure and landscape-led and would drive Innovation from the outset and promote and foster new businesses through a spirit of innovation. A master plan where to quote Margaret Heffen - Success was measured across two three four generations by the impact and legacy left for children, grandchildren and great-grandchildren. It was on that basis that Latimer hoped that the Joint Committee would support the DPD and recommend it to both Tendring District and Colchester City Councils for adoption.

Sir Bob Russell, the High Steward for Colchester

- *Congratulated all involved in this heavy document. Whilst he did not personally agree with, or support, this development with its loss of agricultural food production land, he accepted that "we were where we were";*
- *Asked Members to look at page 80 and the map there and referred that there had been heavy criticism of the University's Northern Gateway jumping over the A133 onto land clearly visible at Salary Brook. He was seeking a clarification as the colour schemes at the key at the bottom did not necessarily all tally up that where the Map had the employment uses opposite the University, that none of that was on the Salary Brook slopes. He was concerned that the University would still like to jump over the A134 onto that land. He wanted it clearly defined that land, nothing on the Salary Brook slopes, would be built on visible from Longridge and Greenstead Estate, because looking at this map there could be an urban coalescence between urban East Colchester, up the hill on the Farmland towards Elmstead Market, with not much space that's not going to be built on; and*
- *Also requested that an even greener barrier for people looking out from Greenstead and Longridge Park be provided so that people living at Greenstead and people living at Longwood Park when they looked eastwards, as they did currently, they would not have any urban intrusion on their sight line.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Sir Bob Russell along the following lines:-

- *Confirmed that the allocation of land for development was not on the land which formed part of the slopes of Salary Brook; and*
- *In terms of inter-visibility between Greenstead and the development, he further confirmed that it was planned to use the existing natural landscape to maximize the ability to screen the development from that area, but when the planning applications came forward to the Joint Committee in due course, Officers would look carefully at the detail of height and design and what the impact on those areas would be.*

Rik Andrew, Chair of the Wivenhoe Travel & Transport Working Group and a Town Councillor for Wivenhoe

- *Shared his colleagues concern about the impact on Wivenhoe of a large new town of 17,000 people but as a transport professional he was even more concerned about the impact on Colchester. Colchester's already saturated roads would not cope with another two or three thousand vehicles in the morning peak time. In November, Colchester had actual gridlock. So in order to provide network resilience going forward he felt a need to reduce driving in to Colchester by 20%.;*

- *Noted that the master plan said that the GC would have a walk and cycle network with rapid transit within the site, which he accepted was fine and easy but pointed out that the intention was not to build another campus where students lived, worked and played within their 'bubble'. On the contrary, most new town residents would commute to work, or school. He felt that the university expansion was a completely separate issue which had very little to do with developing a new town;*
- *Suggested that each should be the subject of a separate development planning process, pretending that they were somehow linked, skewed all the thinking behind the current plans. For example, why should Phase One be the south neighbourhood? Which neighbourhood would cause the most congestion? The south. Which neighbourhood would be nearest the business park? The north. Phase one did not need to be right next to the University. Why not build the north first? That would enable more time to construct a proper rapid transport system and a cycle network;*
- *Looking at the evidence, he pointed out that Part One, the mode share targets amidst the aspirations, already were radically different to existing travel patterns and more into minimal interventions and sustainable transport Rapid Transit could mean targets were undeliverable. Currently, only 4% used buses and only 4% cycled. Yet based on little more than a vision the ambitious targets was for 27% of hinterland journeys to be active travel. That would put Colchester on a par with Amsterdam. Even the unambitious target of 20% was a huge challenge. None of the existing cycle routes provided direct access to the Town Centre, University, Greenstead, etc. He argued that, even if road building was cancelled, as in Wales, and the entire budget was reallocated to cycling it would be a struggle to deliver an extensive network of high-quality cycle routes by 2026;*
- *On public transport he noted that the public transport hinterland target was a really unambitious 17%. The target for trips over five miles was just 10%. Those were key targets which should be made higher. The lack of existing high quality walk and cycle and public transport meant that the majority of trips would be made by private car unless there was a significant investment in non-car modes. More thought and more investment was needed in all forms of public transport not just buses. Trams like Light Rail and Mainline Services were also needed. Trams had cut driving into Croydon by 40%. In his opinion, buses were not an attractive alternative to most car drivers;*
- *In relation to rail travel which was more sustainable why were there no proposals for a new improved rail service? The Manningtree main line ran past the north of the site and the new town, which given it would be the size of Harwich, surely warranted a new rail station. His big concern about the evaluation by Jacobs was that they had failed to evaluate the possibility of running trams into Colchester on the existing Rail lines, that should be looked at again he believed;*
- *Believed that city cycling of just two or three miles should be attractive but cycling up Clingoe Hill on a dark winter's evening around two sides of a triangle would not appeal to many people. Cowdray Avenue had three dangerous roundabouts. So neither of those options were particularly attractive either; and*
- *Concluded that 20 years working in sustainable transport had made him realise that half-hearted attempts to persuade car drivers to use the alternatives was doomed to failure.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) responded to the points made by Rik Andrew along the following lines:-

- *Recognised the points that he had made in terms of the ambition around the modal share. The information presented within the document was based on extensive research around similar communities and opportunities and it was also based on the likely trajectory around the demographics within the community itself and likely future travel patterns;*
- *It was also important to remember that accompanying the evidence around the modal share was also an updated evidence base around the infrastructure delivery plan, which set out a range of infrastructure interventions that were required in order to achieve those high modal shares and obviously the phasing of those infrastructure interventions were very much based around introducing infrastructure led development, ensuring quality of service in the RTS in the early stages of development, and also focusing on both links within the development itself, but also the wider network in terms of buses and also cycling and walking infrastructure;*
- *Officers were conscious that this was obviously a very ambitious set of targets but they believed that if the Garden Community principles were achieved, not just in a transport context but also as Miss Lester had mentioned earlier in terms of the approach to the development in general, including employment and also walkable neighbourhoods within the development itself Officers believed that they were attainable objectives; and*
- *Finally, in terms of the RTS, the RTS had been subject to significant development in terms of looking at the viability of a service, viability of infrastructure. As set out within the RTS strategy Officers believed that it was the start of a very ambitious and long-term transformation for public transport quality within Colchester, and also absolutely believed that it could create a series of high-quality links, not just to the RTS as currently defined but across a wider network.*

Professor Jane Black, on behalf of The Wivenhoe Society and a resident of Wivenhoe

- *Made a general comment on the DPD that it was insufficiently detailed with respect to location of different sorts of development and with respect to the timing of the delivery of housing and of local infrastructure;*
- *Focused on issues relating to the A133 from the Wivenhoe perspective. Journey times by car going from Wivenhoe to Colchester were already highly variable and they were often long delays. The adopted part one of the local plan required that funding had been secured for the A133-A120 link road. Concerned now to hear that there was a change in the proposal that only part of this should be developed initially despite the fact that the local plan, as well as the principles of garden communities, maintained that infrastructure should be put in place first. The previous modelling of the traffic flows generated by the Garden Community assumed that the Link Road would be in place, and so she felt that it needed to be remodelled to discover what the effect of only having a partial link could be on traffic flows;*
- *Noted that part two of the traffic evidence concentrated on mitigation measures for traffic on the A133, but that they related primarily to supporting sustainable travel. Various maps, though not the policies map, showed additional pedestrian cycle crossings of the A133 on the stretch between, running adjacent to, the Garden Community down to Clingoe Hill. Possibly as many as five, which would inevitably slow the traffic flow. She felt that the possibility of providing a few pedestrian cycle bridges across the A133 rather than the suggested 'tiger' crossings should be considered; and*
- *Felt that the DPD text of the policies Maps did not make it entirely clear as to the proposed use of the land to the south of the A133. The suggestion appeared to be*

that some of this could eventually be used for a park and choose site. Given the rapid transport route proposed was to the north of the A133 this would require RTS users to cross the A133. A sports pub was also shown to the south and this would in turn require people wanting to use it to cross a dual carriageway. All of this would cause delays on the A133 unless access was by a bridge.

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Professor Black along the following lines:-

- *Sympathised with the view that people would like to see more of the detail, but felt that, as he had explained earlier, the DPD was another piece of the jigsaw that got the project nearer to where it needed to be in terms of the realization of the project, and the stages that followed would add to that detail.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Professor Black along the following lines:-

- *On two points, as Professor Black had referred to the funding arrangements for the link road that would need to be in place before the planning application was determined. This is a matter that has been agreed to by the parties through the Memorandum of Understanding. All four parties i.e. the three Councils and the developer had recognised that certainty needed to be provided when the planning application came back and, also, as Professor Black had said, there would therefore need to be very rigorous transport modelling undertaken to ensure that the impact of the development was mitigated through that planning application process. So those matters would be dealt with through the planning application that came forward.*

Town Councillor Tom Kane, Mayor of Wivenhoe

- *Had a number of significant concerns. Firstly, advocated that any development south of the A133 by Wivenhoe must have an adequate green buffer between itself and the Garden Community in order to preserve the separate identity of the town. To achieve this and avoid coalescence between Wivenhoe and the new community, no development south of the A133 had been the key point made by the majority of respondents to every public consultation. He noted that the current plan allowed for University development south of the A133. The planned Sports Park would include three-storey sports buildings, artificial pitches and floodless stadiums and potentially five new crossings and junctions to allow road and pedestrian access to this area for both University students and staff and for residents of the garden Community. He felt that this would add significantly to traffic congestion. A small remaining green buffer may also be swallowed up by future developments such as cemeteries and allotments against which no guarantees were in place;*
- *Secondly, in relation to transport. Traffic on the Clingoe Hill which Wivenhoe residents had to use to get in and out of Wivenhoe was already horrendous. There was also significant University traffic on this route. The Link Road could have alleviated some of this, however, with a phased option and funding shortfalls, which he appreciated had been mentioned, for the link road. Additional cars from the houses that would be built and for those accessing the new Knowledge Gateway site would be coming in via the A133 through town. He believed that this would create complete gridlock. A rapid transport system which might alleviate some of this traffic was in fact a bus that would have priority on only some junctions on a bus lane in*

limited areas outside of the Town Centre. There would be no stop at Hythe Station and the route to North Station was described as aspirational and not guaranteed. There was also a shortfall in funding for operating the RTS. The RTS would be entirely inadequate and its very description as a rapid transport system was risible. In addition, pedestrian and road access to the planned University development south of the A133, and potentially future green buffer development would inevitably create even more traffic chaos. It could never be a good idea to have people crossing the A133 to access sports facilities; and

- *Thirdly, current access to the Bromley Road across the site had also been removed and this would redirect existing traffic through Clingoe Hill towards Greenstead. Finally, other infrastructure, the Town Council had a general concern that the impact on Wivenhoe and other local communities of increased demand on local infrastructure had not been adequately addressed and ameliorating infrastructure developments not included adequately in the plan. This included schools, e.g. there would be no expenditure on the secondary school until 2033/34. Healthcare details and Primary Health Care details were sketchy and the impact on hospital provision not addressed. There was also no confirmation when the new pipeline would arrive to deliver water to this drought classified area and plans regarding the capacity at The Hythe water treatment centre were not clear.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Mayor Kane along the following lines:-

- *In relation to the land south of the A133, he hoped that it was at least appreciated although he understood that people would not necessarily agree with it, that Officers were faced with competing pressures for that land and that the land in question was part of the broad allocation within the local plan. The land in question was separate from Wivenhoe and essentially the majority of it was in the District of Tendring. Officers could have accepted the University's suggestion to put all of the student accommodation and the expansion of the University on that land. Alternatively, Officers could have accepted what the developer at the time was suggesting in terms of putting all of the knowledge-based employment land and the University expansion down there, but the option that was part of the DPD was the one which Officers considered was most sympathetic to the concerns of Wivenhoe residents, in that it reinforced the green strategic green gap and the use that was proposed for the remainder of the area was the sports facilities, of which the pitches and the non-built element of it would be to the south, in order to provide that protection and guard against that coalescence, with the built elements of it being to the northern part of that land. So although he could completely appreciate the Wivenhoe residents would have perhaps liked to see nothing happen at all, he believed that, given the competing pressures, it was a reasonable outcome and a reasonable approach to resolving that three-way standoff, in terms of the different positions of competing landowners.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) also responded to the points made by Mayor Kane along the following lines:-

- *In response to the point made on the RTS obviously in a city like Colchester with its particular geography a road-based wheel-based public transport system was clearly much more pragmatic than a fixed rail type service because it would need to be distributed to a number of places and environs in the future. The RTS would develop*

over time. He referred to Cambridge where the guided busway had been hugely successful and had actually delivered 12 million passenger journeys per annum so he did not believe that a really good high quality bus space network could be delivered. He recognised that there would be some financial subsidy required which was built into the financial assumptions and the IDP assumptions that Officers would wish to take forward with the developer as part of the planning application process.

Anthony Vickers, Crockleford Heath & Elmstead Action Group (CHEAG)

- *CHEAG believed that, despite early commitments, new houses will be occupied prior to the link road opening, as alluded to by Gary Guiver earlier on. Needed to know if this is true and how many houses would be occupied and what would be the impact on traffic congestion?;*
- *Second point - some current residents would be sandwiched between the link road and high-density housing planned as four to six storey buildings, when they currently looked out on fields. After several years of being told development would be sympathetic to current residents, it seemed now not to be the case, giving preference over the scattered communities and Crockelford Heath to buffer zones, to Elmstead and Wivenhoe;*
- *Welcomed the character appraisal of Crockleford Heath, however, residents felt the new development plan would destroy Crockleford Heath, the only community within the area. An additional 1200 houses would effectively connect Crockleford Heath to the edge of Colchester through the existing developments. No buffer zones for Crockelford Heath were listed in the land usage plan. An RTS route would carve through the hamlet. Believed therefore that Crockleford Heath had been sacrificed for buffer zones at the southeast of the development;*
- *Believed that the addition of the RTS route and the unclear road infrastructure gave concern for traffic flow through Crockleford Heath along Bromley Road, Spring Valley Lane and Jubilee Lane. Roads which were already used as rat runs with the current roads so, with the new infrastructure CHEAG could not see anything other than a worsening situation for Bromley Road;*
- *CHEAG welcomed and were indebted to Ardleigh Parish Council's support and their comments; and*
- *CHEAG felt that the DPD should be rejected by the Joint Committee and further work undertaken to take into account the views expressed by current residents within the Garden Community and not those that were nearby.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Anthony Vickers along the following lines:-

- *In response to the point about how much development, if any, would happen before the link road was completed he stated that this would be a matter for the Section 106 legal agreement on the first planning applications, which would be determined by the Joint Committee. Therefore, it was not possible to give a precise indication at this time. Transport modelling would inform what that number, and that level of development if any, should be;*
- *In terms of the impact on Crockleford Heath, he referred to the different perspectives. Representatives of Wivenhoe had spoken about their concerns about coalescence and Wivenhoe was a settlement that was separate from the Garden Community whereas Crockleford Heath was the community that was actually within the broad location. Believed that Officers had done their best to respect the character of that*

area bearing in mind that there was an acceptance that development would take place in and around that area;

- *Felt that the character assessment had been useful to help Officers come to a view on the lower densities that would be acceptable for that area, and the green corridors that would more strongly define what that neighbourhood would be, and the more long-term lower density nature of it. Appreciated that the residents in that area did not want to see this development happen. Officers were doing their best to try and make the development as sympathetic as possible; and*
- *Reminded Mr Vickers and his colleagues from the Action Group that would be able to participate in the Regulation 19 consultation when it went forward.*

Christopher Oldham, University of Essex

- *The University continued to play an active role in engaging with stakeholders to aid the development of the Garden Community and were pleased to see recognition through the latest plan of the benefit in locating knowledge-based employment land as near as possible to the University and the Knowledge Gateway. The University was a key contributor in attracting Research and Technology intensive businesses and creating high quality jobs for the location;*
- *Recognised the logic in utilizing the road frontage of the A133 for this purpose to generate a buffer between the road and new housing, and to provide a shop window to business. Continued to emphasize the criticality of connectivity between the proposed site and existing Knowledge Gateway, so as to generate the critical mass required for this to be a location of choice of knowledge-based business and employment. Encourage the Councils to optimize the land available within this location for knowledge-based employment;*
- *Welcomed the proposed approach to bringing sports and leisure activities together, through the creation of a sports and Leisure Park. Keen to develop a shared approach to financing and operating across the range of facilities within this location, to ensure the maximum benefit of use to the entire community;*
- *Remained concerned about the proposed approach to student accommodation, locating all future growth for student accommodation outside of the campus, in the University's view, created a risk of imbalance across communities. The University currently housed just over a third of its students on campus, predominantly students in their first year of study. The University's proposal did not move from this position, i.e. that students traveling from all around the world to a new environment needed support and that the campus environment was the best place to provide this. The University remained keen to continue working with the Councils and developers and stakeholders on a suitable and viable solution that worked for all communities;*
- *Pleased that a funding solution appeared to have been sought to complete the link road, which was integral to the infrastructure first approach to the Garden Community; and*
- *Supported the development of a rapid transit system and were keen to see the Councils push even harder to further enhance this proposition, as it would be needed to transition communities from the convenience of car use. The University was very pleased that there was such a strong focus to environmental sustainability within the plan.*

Phil Robinson

- *Felt that the various modifications to the plan over time had clearly resulted in increasing housing density pressure in the, now, north and south communities. Hoped it had been confirmed that within each of those two communities the resulting housing density and green space proportion had been retained or improved from the previous plan. Believe that this was a key factor for this plan to confirm;*
- *Felt that there was nothing in the plan to mitigate the impact of this development on the existing few scattered homes within the north and south communities; although very few in number, the impact on those homes would be huge. Felt that, in line with previous assurances there should be something requiring developers to introduce a sympathetic development and mitigation measures in the immediate vicinity of those existing homes. In its absence this would be particularly devastating for the few homes additionally impacted heavily by being close to the link road as well as potentially near to high-rise housing;*
- *Wanted a recognition of the protected status of Turnip Lodge Lane which was absent from the Heritage Impact Assessment. Pointed out that there was a national planning requirement to minimize the impact of development on the setting of a non-designated Heritage Asset. Noted that in the link road planning documentation this lane was stated to be of regional importance, but that there was no such statement in this plan. Felt that this was a clear omission;*
- *In his view the monitoring section of the Heritage Impact Assessment in the plan was completely inadequate in demonstrating success or failure in protecting the built and natural heritage within the site. Felt there was an obvious omission, in that the DPD stated that only listed buildings, nationally important assets and assets on the Colchester City Council list would be considered. It did not mention Tendring District Council's or the Essex County Council's lists at all. Felt that the monitoring must be expanded to include all historic and all national designated and non-designated assets, as well as the quality of all hedgerows, all trees and the network of green lanes highlighted in previous versions of the plan; and*
- *Finally, his view was that with its obvious errors, the DPD was not yet ready for approval. Advocated the Joint Committee undertaking site visits to that locality.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Phil Robinson along the following lines:-

- *Referred to previous discussions with Mr Robinson and stated that the DPD did recognise Turnip Lodge Lane as it was incorporated as part of one of the east to west green corridors;*
- *In relation to designing development to be sympathetic to its particular locale, that would be looked at as part of the planning application process in due course; and*
- *In terms of the specific comments on the evidence base, those were the ideal things to raise as part of the Regulation 19 public consultation, and the public examination process, would allow for such matters to be explored.*

<u>Bill Marshall</u>

- *How much of the 600 hectares of development land was for Housing Development and what would be the housing density?*
- *How much of the land was for Gypsy and Traveller sites?*
- *When would the Clingoe Hill Road expansion for the RTS start, and when would the works be finished?*

- *Would any of the Officers or Joint Committee Members be long-term residents of the Garden Community?*
- *Stated that the lead developers Clarion had received some bad press last week so how could the authorities ensure that the same scenarios would not blight this proposal in the future?; and*
- *When would the first delivery of housing be forthcoming?*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Bill Marshall along the following lines:-

- *In terms of whether any of the Joint Committee Members or Officers would be residents of the Garden Community, this project would take place over a long period of time and it's possible that their children and children's children and their children as well, might be residents in the future; and*
- *In terms of the bad press for Clarion, he did not have any specific comment on that, and in terms of the first delivery of housing this would be in I had early 2026 and that assumed that the planning applications went through following the timetable.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) also responded to the points made by Bill Marshall along the following lines:-

- *In relation to the RTS, section A would commence work within the next couple of months, the tender had been issued and awarded. The remaining sections would be completed by 2025-26 as required by the HIFs funding. He anticipated that work on section at Clingoe Hill, would start within the next 18 months.*

Amy Lester, the Garden Community Planning Manager (Tendring District Council) also responded to the points made by Bill Marshall along the following lines:-

- *Regarding the density, there would be a range of densities across the Garden Community area and that would come forward as part of any future planning application, and would respond directly to the needs of the community and the areas in which the particular parcels of land were being developed, responding to the particular characteristics of that location. There would be some areas around the Crockleford heath area where the density would be quite low, and then the higher density areas would be most probably within the neighbourhood areas with the highest around the south neighbourhood where there was the closest access to the RTS route and the accessible transport links into Colchester and further afield; and*
- *With regard to the Gypsy and Traveller point that was raised, the DPD outlined that 18 pitches would be provided. No further detail with regard to exactly where that would be located although the policies map indicated a broad location of closer to the A120. The detail would come forward as part of any future planning application and it was likely that the provision would come forward in response to need.*

<u>*Rachel Fletcher, Parish Clerk, on behalf of Ardleigh Parish Council*</u>

- *Welcomed the character assessment of Crockleford Heath as it recognised the uniqueness of the area and the need to protect that whole area. Felt that the DPD recognised the wider environs and the character assessment was positive. Supported the extension of the wildlife corridor, the links along Salary Brook, along Charnwood, Walls Wood and the link right up to the A120;*

- *Concerned about the housing density in Crockleford. Believed that it would be 30 dwellings per hectare, significantly lower than the north and south neighbourhood, but in comparison to Ardleigh Village, which had a Settlement Development Area around the centre of the crossroads in Ardleigh, and had around 350 houses in an area which was similar in overall scale, to the Crockleford development area, that worked out at about 12 dwellings per hectare. Therefore the Parish Council believed that Crockleford would have a very significantly higher density than in the most densely built part of the parish;*
- *Concerned also about traffic and Bromley Road. The site of the Crockleford neighbourhood had shifted to the north so it now straddled Bromley Road. Appeared to the Parish Council that the only way for residents in that settlement that wanted to drive either towards Colchester, or out towards Ardleigh, or Great Bromley and onto Manningtree, or Ipswich et cetera would have to use the Bromley Road. Not being able to use the link road by car would have a negative impact;*
- *Concerned also in the longer term about the potential disruption for noise and traffic from construction for those residents in that area;*
- *Referred to the Ardleigh neighbourhood plan, which was due to go to TDC's Cabinet in March, but would not go out to consultation until after the May Council elections. Pointed out that the whole plan period for the neighbourhood plan would be over before the beginning of the first new houses in the Crockleford area which would be Phase 3. Wanted an assurance that the NP consultation would not have to wait until after the DPD consultation;*
- *Referred to a triangular area of land around Spring Valley Lane and Jubilee Lane which now appeared now to be part of the broader Development Area whereas previously it had not. Concerned whether the residents living there had been consulted and made aware of this;*
- *Did not believe that the DPD was ready to be submitted to TDC and CCC Full Council meetings. Believed there was some quite significant problems with the wording and in particular in parts of the Crockleford character assessment; and*
- *Wondered whether the changes to the Levelling Up and Regeneration Bill, which had been announced by the Secretary of State, Michael Gove, which would allow authorities to build fewer homes if they could demonstrate that meeting centrally imposed targets would damage the local character, could be relevant to Crockleford, if not to the whole Garden Community development.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Rachel Fletcher along the following lines:-

- *Accepted that the point about density was well made, although of course the lowest density was proposed for the Crockleford Heath area but completely acknowledged that, in comparison to what existed in the Ardleigh area, 30 to the hectare was higher than the 12 to the hectare that they might see elsewhere in the parish;*
- *In terms of the Ardleigh neighbourhood plan, he congratulated the Parish Council for their progress on the neighbourhood plan. Did not want to hold it up unnecessarily, but Officers would have to look at very carefully at whether the policies of the neighbourhood plan and the DPD clashed in any way, because there was a requirement for neighbourhood plan policies to reflect and be in accordance with local plan policies, which included the Garden Community. Following the elections Officers aimed to get that out to consultation as soon as possible;*
- *In terms of the area of land added into the proposal, Ms Fletcher was right that the boundary of the development in the DPD, along its northern edge, had been*

extended to follow the south of the A120. It was questionable why that land had been excluded from the broad location of the Garden Community in the first place. In terms of consultation with the residents in that area, they would need to be consulted as part of the Regulation 19 process. From the master planning work a lot of that land looked like it could form some of the green buffers around the north of the site so it would not necessarily be all earmarked for development;

- *Accepted that there was a huge amount of information for the Parish Council et al to read and digest but as the Regulation 19 consultation would not take place until after the Council elections there was more time than for the previous Regulation 18 consultation for anyone that had an interest in this project to read the papers as necessary and to start thinking about what comments they're going to submit; and*
- *In relation to the changes to the National Planning Policy Framework proposed by Mr Gove this was essentially a return to what we had before the NPPF was updated the last time. As part of the local plan examination Tendring, Colchester and Braintree Councils had argued for a lower housing target particularly for Tendring because of the unattributable population change issue, and at that time the planning process allowed for that kind of exception to be made if you could put forward the evidence to justify it. The National Planning Policy Framework had later been changed whereby Councils had to base their housing targets on the figure that they were given by the Government as calculated through a standard methodology. The fact that this GC site had been demonstrated as a scheme that was sound in planning terms, albeit with more detail to come, he did not believe that Tendring and Colchester could make the case that should not be any development here and to argue for a reduction in housing targets on that basis.*

Amy Lester, the Garden Community Planning Manager (Tendring District Council) also responded to the points made by Rachel Fletcher along the following lines:-

- *In relation to the density in the developable area the total site area of the Garden Community was 713 hectares, and obviously the master plan had been developed but that was illustrative only to demonstrate one way that the development could come forward and to support the DPD as part of its evidence base to demonstrate that it was sound. In terms of the strategic master plan that had a developable area for residential of about 140 hectares so that illustrated then that the remaining area would be not for residential. The density across the Garden Community would naturally vary. Around Crockleford, that was likely to be on average around 30 and that was higher than what it was at the moment around Crockleford. Did not deny that the area would change and develop, but the policies within the DPD did look to ensure that particular areas were protected and respected;*
- *The DPD did also build in requirements for that area to be of a different quality, so it was likely to come forward with larger plots, self-build and custom plots, which would be more appropriate within that area and fit in in with the existing communities. In the other neighbourhoods the average density was likely to be around 45 dwellings per hectare, but there would be variety there as well; and*
- *With regards to Bromley Road and the connectivity to the link road, the DPD required that there would not be any vehicular permeability between the neighbourhoods, so a resident would not be able to drive from the link road to Bromley Road, that would only be accessed by the RTS, for walking and cycling and by emergency vehicles. This was to restrict any rat run between the link road and Bromley Road and to ensure that sustainable modes of Transport were the active first choice.*

Parish Councillor Adam Gladwin, on behalf of Elmstead Parish Council

- *Disturbed at the suggestion that hundreds of houses might be built first, in order to fund the link road shortfall;*
- *Emphasised his view that any Section 106 money from those houses dedicated towards the link road would be a cost that would continue to climb in the future and would be money unavailable for schools, healthcare and other public services in the Garden Community. An infrastructure first approach was quite rightly enshrined as guiding principle of this project. The link road needed to be completed before any other building was occupied;*
- *Sought a commitment from the Joint Committee that no housing could be occupied until the link road was functional, otherwise it would be a housing first - infrastructure later, approach, which was antithetical to a Garden Community. The infrastructure first approach had to be absolute;*
- *Shared many of the concerns voiced by those speakers from Wivenhoe, Crockleford and Ardleigh tonight. Felt there was a disregard for a local consensus that the current proposal was going to be highly detrimental to surrounding communities in the short or medium term as the Garden Community was being built;*
- *Noted that the Crockleford neighbourhood density would be greater than that of Elmstead Market as well. Believed that it would lose any special character the area had; and*
- *Advocated that the DPD needed a more stringent and detailed timeline of when infrastructure and public services would be bought online to prevent the Garden Community overloading the existing communities by building houses first.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Parish Councillor Gladwin along the following lines:-

- *Stated that one of the background documents to the DPD was an infrastructure and phasing document; and*
- *Appreciated that Parish Councillors had not had a long time to look at the papers, but reiterated that, in the run-up between now and the actual consultation there would be quite a substantial period of time when Officers could respond to questions from Parish councils.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Parish Councillor Gladwin along the following lines:-

- *On the point about the impact of funding going towards the link road in place of other infrastructure, gave an assurance that was not the case. The requirements of the HIF arrangement were that the full funding needed to be recovered and then reinvested in other infrastructure, not including the Garden Community, to unlock future housing growth in the wider area. So the impact of the additional cost to cover the additional cost of the link road was that there would be less available to be reinvested now into other future housing growth, so that was the change. The infrastructure delivery plan set out all of the infrastructure requirements, included the additional £21 million, which it proved that it was still viable so there had not been any other infrastructure that had had to be taken out;*
- *On the point around infrastructure first, in mitigation, the infrastructure needed to come forward alongside the development, as all of the infrastructure for seven and a half thousand homes could not be built first before any homes were built, but what*

Officers would have to do was to ensure that the impact of the development was fully mitigated by the infrastructure and that would be addressed through the modelling which came alongside the planning application and the section 106 agreement.

Manda O'Connell, Chair of the TCBGC Community Liaison Group

- *On behalf of the TCB Garden Community Liaison Group, urged Members to vote to adopt the proposed DPD submission document. Not only because of the excellent features and amenities, which it provided for existing and new community needs, despite the shortfall in link road funding, but also because the alternative i.e. no local plan in place, was much worse;*
- *Strongly commended the DPD, with the green buffers, country park, Crockleford Heath designated special character and suitably tailored Knowledge Gateway and University expansion land, to reflect local community needs, and the commitment to green energy and building infrastructure, such as schools alongside homes that the CLG had called for specifically;*
- *Encouraged to know that the three neighbourhoods approach represented in the DPD, which the CLG believed was central to the development of communities and not just housing, had already been incorporated in policy;*
- *Understood that it was less than ideal the Garden Community project had to potentially rely on obtaining the £21 million shortfall from the developers but the CLG were satisfied that the measures in place to secure this shortfall were robust. Those were one - a memorandum of understanding for this sum already signed by the Councils and developers as a basis for, two, a legally binding section 106 funding agreement with them which would have to be in place and assured before any outline or other planning permission could be granted. Three, independent viability work already carried out, which agreed the feasibility of eliciting this sum via that route and confirmed its financial soundness. Four, the extension to 2026 from the 2024 deadline Homes for England had agreed in principle, by which the first houses must be built to qualify for the existing HIF funding;*
- *If, on the other the other hand this DPD was not adopted then there was the serious risk that that funding could be lost. Then the local plan could be put back by years and all the work the excellent work the planners had done, the engagement with the public, and communities would be lost. In the meantime, speculative developers who could get planning permission because there was no Tendring DC Local Plan to prevent it, or dictate its use or style or otherwise would have a field day;*
- *The CLG's view therefore, was that though it was not ideal that the Garden Community project had to potentially rely on obtaining the £21 million shortfall from the developers, given the safeguards and checks listed, this was the best that could be done in order for there to be a local plan which provided a Garden Community for the future assuring its own unique identity and the continued vibrant identity of existing communities as represented in the DPD, and which, if adopted, would prevent horrendous piecemeal speculative development, because there will be an agreed local plan in place.*

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following Essex County, Colchester City and Tendring District Councillors addressed the Joint Committee on the subject matter of this item. Their comments are in precis.

Councillor William Sunnucks, Colchester City Council

- *Emphasised that he was not against this Garden Community but he wanted to see it delivered well and not see a repeat of the problems with the Local Plan Examinations-in-Public;*
- *Suggested that the DPD was not quite ready to go to consultation and then before an Planning Inspector;*
- *Pleased that Latimer had issued a very encouraging statement together with a Memorandum of Understanding that gave some assurance on the funding of the link road and also had some more clarity about the costs of the link road;*
- *Wanted an assurance that the link road was going to come as part of phase one. There was a commitment from Latimer that they would fund the link road, but not when. It was in phase one in the infrastructure delivery plan and that was where it needed to stay;*
- *Pointed out that the link road funding was only part of the total infrastructure picture. There was about £584 million of total infrastructure spending, of which £340 million was going to have to come from land value uplift, but the Councils did not control the land. That money had to come from the people who did control the land, which appeared to be Latimer. There was no MoU on the rest of the £584 million which he wanted to see put in place;*
- *Referred to examples around the country where there had been problems around Phase 1; and*
- *Advocated a delay in approving the DPD to enable these problems to be resolved.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Councillor Sunnucks along the following lines:-

- *Responded that Officers did not believe that there was a need to delay proceeding to the publication of the DPD for consultation and submission to the Secretary of State; and*
- *Referred to a recommendation before the Joint Committee that advocated that Officers worked with Latimer to explore the possibility of entering into agreement detailing how all parties could work together for the duration of the project.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Councillor Sunnucks along the following lines:-

- *Believed as Officers that the right stage to move into the detail that Councillor Sunnucks had asked for was in agreeing the heads of terms for the Section 106 agreement that would go alongside the planning application(s); and*
- *Believed that the MOU gave as much assurance as the Councils were likely to get at this point.*

Councillor Gary Scott, Tendring District Council

- *Referred to the poorly organised and attended Regulation 18 public consultation in Elmstead Market when the two consultation days had merely been from 9am to 11 am and 6 pm to 8pm;*
- *Concerned that the notable issues from the last consultation had not really been considered fully from Elmstead Market and the surrounding rural communities there;*
- *Requested Officers to arrange an all-day event for the Regulation 19 consultation and to have it advertised in the local parish newspaper magazine;*

- *Disappointed, in respect of the link road, that it could now be a result of 'houses first and then infrastructure afterwards';*
- *Requested Officers to work with Elmstead Parish Council on its Neighbourhood Plan and to ensure it had an influence going forward;*
- *Welcomed the Elmstead Green Gap but pointed out that it was now narrower than currently shown on the maps due to the Hunters Chase and Meadow Close developments;*
- *Advocated that Quiet Lanes must be retained and kept; and*
- *Suggested a delay in TDC considering the DPD.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Councillor Scott along the following lines:-

- *In respect of the public consultation, he responded that there had been a very short period of time between the Joint Committee's decision to go to publication and the consultation itself. This time around there was a longer timeframe. He had been speaking to colleagues about making sure that the best engagement possible happened in Elmstead Market;*
- *In respect of delaying the decision at the Full Council meetings, he advised against that as the timelines were critical;*
- *Congratulated Elmstead Parish Council on its progress on its NP but there was a need to have conformity with the District's local plan and the Garden Community. The need for a DPD was part of the District's local plan and if there were points that clash that caused an issue with soundness, so there was a need to achieve conformity but Officers would continue to work with Elmstead Parish Council to get the best plan through the system; and*
- *In terms of the base plan and the base maps, he undertook to get those updated in time for the public consultation to reflect the recent housing developments.*

<u>Councillor Mark Cory, Essex County Council and Colchester City Council</u>

- *Praised the detail of the DPD and the protection of Salary Brook;*
- *Accepted there was often the need for compromise but was concerned at the dilution of the council-led approach;*
- *Advocated no divergence from the principle of 'infrastructure first' and the link road had to be in place in full from the start;*
- *Advocated a delay in proceeding with the DPD until such time as there was a binding commitment on all parties to provide the full length of the link road 'up front'; and*
- *In relation to the A133 south developments and how Wivenhoe residents had remained firm on that not being developed, he could not understand how you could have a park and choose and sports facilities outside of the garden community itself.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) responded to the points made by Councillor Cory along the following lines:-

- *Reiterated that the local plan policy required that the funding be in place for the link road before the planning application could be approved and that is being agreed to in the Memorandum of Understanding;*
- *One of the drivers of the link road's cost has been the response to the planning application that went to ECC's Planning Committee. The movement of the route of*

the road to respond to points from the public consultation had increased the length of the road and therefore that had driven some of the cost;

- *Repeated an earlier answer around the infrastructure first, it would continue to be that the infrastructure needed to be brought forward to mitigate the impact of the development. Accepted that it was not coming forward at the same speed that it was previously, but the commitment that was in the MOU was that this would be secured through the Section 106 agreement, i.e. that the funding therefore had to be in place before the planning application could be approved; and*
- *the view of Officers was that the best way to get to that section 106 negotiation was to have the detailed policy in place to enable Officers to negotiate and secure the investment that was set out in the IDP.*

Councillor Adam Fox, Colchester City Council

- *Believed that this Garden Community remained the best way to deliver growth locally and building the housing that would be needed long into the future;*
- *Never perfection in any development or planning situation so do not make perfect the enemy of the good in this process;*
- *The development plan document continued to commit this development to Garden Community principles and dealt with some of the most contentious issues for existing residents;*
- *There had to be compromise on all sides. Believed that the solutions found on those issues demonstrated the constructive approach of Officers and elected Members listening to communities and the compromises made by the developer and the University. Sending this plan out to consultation was the right next step in the process. Further detail would be delivered at a later stage, including planning application and section 106 agreement;*
- *Failure to fully deliver the link road and the other transport infrastructure as soon as possible would be a collective one, and to not deliver what had been promised, but it believed that proceeding now gave the certainty required to ensure that that road was delivered. Delay actually put it even more at risk;*
- *Welcomed the Memorandum of Understanding between the Authorities and Latimer, which demonstrated exactly the sort of relationship Councils would hope from a developer and indicated that they also understood that this was not development or house building as usual; and*
- *Would have preferred in the development of this community a locally led development corporation. But reiterated all parties had had to compromise. For a community that would continue to develop long into the future it required a plan now and he encouraged Members to send this document to both Colchester and Tendring Councils for the opportunity for further debate and to vote.*

Councillor Tim Young, Colchester City Council

- *As a City Councillor for Greenstead Ward he considered that this issue was about optimism versus pessimism, positivity against negativity, compromise against being dogmatic. On balance for the residents and communities of Greenstead and Longridge, what was before us had to be seen on balance as positive;*
- *Greenstead needed more jobs, more homes, especially homes that were affordable and the 30% was very important on that, sport and leisure facilities. Greenstead residents did not currently have access to good sports and leisure facilities at the and this would provide it;*

- *The Garden Community had all the green credentials from Garden City principles, so again that was positive and he believed there would be opportunities for better education facilities and the country park that had always demanded as part of Salary Brook;*
- *Shared some of Sir Bob Russell's reservations but as he had also said, "we are where we are". Some of the compromises that had been made, were very positive ones because the visibility of the development from Greenstead to Longridge had been addressed positively;*
- *Agreed that there were issues over the link road but had to maintain confidence that it would be provided in the end; and*
- *Pointed out that those arguing delay and prevarication had not provided an alternative. The alternative was that the money and the garden community would be lost leading to speculative development, which would not be good for residents, or communities, so he encouraged also that the Joint Committee recommended the DPD to both Tendring and Colchester Councils.*

Following an adjournment at this point in the proceedings, the Joint Committee then proceeded to discuss and debate matters pertaining to the DPD as follows:-

Councillor Julie Young (CCC)

- *Acknowledged that there were undeniable risks;*
- *Accepted that delivering the full link road was absolutely what the Councils needed to do, but felt that there had been significant progress made specifically in the last week to actually the commitment that that link road would be delivered in its entirety; and*
- *Endorsed Amanda O'Connell's comments on behalf of the community liaison group, i.e. that this may not be a perfect plan, that there may be lots of things in there that people had reservations around or fears about, but that there was an awful lot of good things in the planned document that the Councils ought to be embracing and supporting, so she would be voting for the DPD to move forward and go out to consultation and to recommend to the respective Authorities that they voted likewise.*

Councillor Andrea Luxford-Vaughan (CCC)

- *Pointed out that the majority of respondents to the DPD from Wivenhoe did not feel that this spatial layout was an acceptable compromise;*
- *Stated that the proposed sports facilities could not be considered as part of a 'walkable neighbourhood', users would not be able to walk there in 20 minutes and many would therefore travel there by car;*
- *Not yet known what the mitigation measures would be for both the link road and the RTS, but several crossings were shown on the layout. Those along with yet another roundabout at the top of Colchester would cause totally unacceptable congestion and that's with the view of a full link road. That had not been modelled but had been included within the DPD that people were being asked to now consider;*
- *Believed that there matters missing from the DPD such as a Heritage Assessment of the whole GC area and a wintering bird survey which should be done and completed before the DPD went out for consultation;*
- *Felt that the wording of the document needed strengthening throughout as well;*
- *Main problem was a lack of confidence that the full-link road would be delivered before any houses were built;*

- *In addition, there was no mechanism for capturing land value uplift and there was no stewardship model yet in place;*
- *Homes England had confirmed they would not meet the shortfall of the link road funding and the Highways Authority had confirmed that they would not meet the shortfall of the funding. The developer had signed an MOU which was not legally binding and had a "get out clause" which said: 'they make a commitment to fund the shortfall as soon as practically and financially possible'. That did not secure a road before houses were built;*
- *Therefore, at the moment the Councils had signed an agreement with Homes England to deliver half a link road up to Allen's Farm, and on that basis they were going out to tender on half a link road. Where was the confidence that the Councils would get a full link road without houses, and an unknown number of houses at that with as part of the first phase. No one would yet give an answer as to how many homes would be built before the link road was in place;*
- *Concerned that the Planning Inspector would unpick the DPD at the Inquiry;*
- *Pointed out that no land deals had been negotiated on the critical areas. CPOs were running in parallel but actually a CPO meant you could never fix a price. If the Councils built half a link road and then negotiated a CPO off the back of that, the land value would rocket because it's become a developable site;*
- *Was not aware that Highways England had yet removed their objection, on safety grounds, to the A120 junction and the slip roads;*
- *Felt overall that the DPD contained too many unacceptable compromises that were going to have a massive and very significant effect on the people she represented. The DPD currently was undeliverable, unviable and unsustainable, and from the perspective of her residents the compromise on the phased delivery was totally unacceptable; and*
- *Therefore, she urged Councillors to have a delay as the least risky course of action. If not, she believed that the Councils ran the risk that the consultation would be found to be invalid by the Inspector because had not set out the correct and up-to-date evidence base, and there they would be unable to find the plan sound because the evidence did not match the scheme that had been negotiated with Homes England.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Councillor Luxford-Vaughan along the following lines:-

- *Officers had previously responded during the public speaking session to a lot of the points that had been raised by Councillor Luxford-Vaughan; and*
- *Officers' view was that the Councils should proceed to the consultation and to the examination, and that process itself allowed for engagement with the public and for issues like those raised to be resolved through that process. The risks of delay were greater than the risks of going ahead at this stage.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Councillor Luxford-Vaughan along the following lines:-

- *Reiterated the point around infrastructure first in that it was not possible for the Councils to deliver all of the infrastructure that was required and was set out before any homes were built. You could never deliver a settlement in that way, access to the site was needed, the site needed to come forward; and*
- *Stated that the impact from development would be mitigated by an infrastructure first approach and that was crucial and would need to be negotiated. So the question was*

how to get as quickly as possible to that negotiation and it again I was the view of Officers that the DPD gave the Councils the policy basis on which to then negotiate contributions from the developer.

Councillor Jeff Bray (TDC)

- *Acknowledged that this was difficult, it was a very large project and very large projects always required compromise. They are also scary and they always carried various kinds of risks;*
- *He looked at it from the risk against benefit viewpoint. There was just so many good things within the DPD if looked to the longer term as against the alternative. Failure to push forward with the DPD would potentially lead to unplanned, uncontrolled small piecemeal developments of a few hundred houses here and there. So harm against benefit, in his opinion the benefit of the DPD far outweighed the harm;*
- *Agreed that consultation was always the right thing to do and the decision tonight was to send this DPD out for consultation and give people the opportunity to put forward their points and to put them directly to the Inspector, so the Inspector could take them on; and*
- *His fear was that any delay was much more risky than proceeding and therefore he would support submitting the DPD to CCC and TDC.*

Councillor Tom Cunningham (ECC)

- *Acknowledged that there had been a lot of constructive dialogue and compromise, particularly the work around the land south of A133. There were some very strong views from both the City Council and from the District Council. The compromise now put forward, whilst he appreciated that it did not find favour with everyone, was a workable solution, that chimed with the overall direction of the Garden Community project and would serve the emerging Community well in the years and decades to come;*
- *Noted that the DPD was a moment in time and the confidence that Members had in recommending it for approval at both Colchester City Council and Tendring District Council relied on, an assurance that the document was comprehensive in terms of policy position as it needed to be at this time before a formal planning application was submitted and set a very clear direction of travel;*
- *Personally felt that he could support the DPD;*
- *Asked for a further explanation from Officers as to the viability, regarding land value capture; and*
- *In response to the points made about stewardship, he believed that the DPD document and additional documents painted a very good picture of the high level of ambition set for the stewardship model regarding this emerging development.*

Rob Smith, the Director of Hyas responded to the points made by Councillor Cunningham along the following lines:-

- *Since the Local Plan Inquiry the Councils had taken the view to refresh the evidence base and they had brought in a new consultancy, Gerald Eve, who were highly regarded property surveyors who looked at this kind of work for various local plans and comparable sites. They had undertaken a review of the viability work, updated for present day costs and values such as cost inflation and house prices. That had aligned with extra work on infrastructure and transport mitigation. There was a lot of*

extra costs in there related to public transport service subsidies, getting sustainable movement, walking and cycling networks and improvements across the board;

- *an infrastructure delivery phasing and funding plan had been produced as part of the evidence base that put all that together and all of that material had gone into the viability work that Gerald Eve had done on behalf of the Councils. That included all of those infrastructure costs that were assessed as being required to mitigate the impacts of the development, that included elements like new education (up to five primary schools, a new Secondary School, totalling about £93 million in that costing work), £100+ million for transport works, of which £21 million was the link road. There were other allowances for the health and well-being hub, for community centres, for sports centres, for support to the stewardship model, for support for economic growth. So there was a huge number of costs that were included which would traditionally be captured through the Section 106 agreement approach, which had been mentioned before as the mechanism to capture value; and*
- *The section 106 agreement with the developers would secure developer contributions to ensure the delivery of all that infrastructure. The total amount in the documents would be approximately £275 million worth of developer funded infrastructure works. So that was the element that was secured through land value capture and that was also in addition to the £99.9 million that had been secured from Central Government in terms of upfront funding of infrastructure.*

Councillor Mike Bush (TDC)

- *Reminded everyone that the Tendring Garden Community project was a vision established by many to develop and create and live, breathe, work and grow for future generations in a unique way. It was a unique opportunity;*
- *Funding that was now available was time-bounded and to actually put delays in the process would he felt put the whole scheme at risk of derailing;*
- *Had concerns regarding the infrastructure and with the transportation and also felt that the last consultation had been very poor. Needed to make certain that the next consultation gave plenty of time to get all comments on board to go forward to the Inspector and for the Inspector to decide;*
- *Overall, based on the evidence and the documentation he had seen, he could not see a reason to delay the DPD because it ultimately would go to a consultation and thence in front of an Inspector and that was where the decision would be made; and*
- *Acknowledged that, in the future political influences, economic influences etc. would change the development.*

Councillor Lesley Wagland (ECC)

- *Argued that this was an opportunity that should be grabbedg with all the hands that available;*
- *Key factors here was that this was being dealt with on a policy basis;*
- *Many other projects failed ultimately because of the lack of a policy background. So this DPD was seriously important in this process;*
- *Worth remembering that there were people who had been convinced by the Councils arguments, Homes England for example, who were not always the easiest;*
- *Agreed that MOUs were not legally binding for a good reason, they were an agreement to agree. Most lawyers hated the idea of agreements to agree but this was a step on the road to the section 106 and it was a crucial one because otherwise negotiations on the section 106 commenced and the parties could fall out with each*

other. This was the route to getting there, and the idea that it did not have much teeth behind it, was a misunderstanding of the role of reputation in the context of people signing up to something that they were ambitious for;
- *Disagreed with Councillor Luxford-Vaughan on compulsory purchase as Essex County Council had a very long and successful track record of dealing with that in a fair and balanced way; and*
- *Therefore, this was a great opportunity to move forward and get the proper policy background in place.*

Councillor David King (CCC)

- *Saw this project as being in an acceptable place relative to the challenges faced, relative to the risks faced.*
- *Understood the reservations that had been articulated in the room, which Officers would take away those that they could, as points of detail and/or change, or adjustment that would come through the consultation to make sure they were thinking ahead of time about what they should do about the issues that had been raised in relation to, for example, the heritage assessment, the RTS, the link road and the green gaps;*
- *Noted that there was a mosaic of relationships including Latimer and Clarion which was fundamental to the trust that the Joint Committee had to have to put the DPD forward to the Councils; and*
- *Requested Clarion to start their thinking about step two on the MOU. There was a need, at pace, to make the best progress and for that link road to be affirmed in terms of timing and delivery because that was at the heart of many of the reservations that were being expressed.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) responded to the points made by Councillor King along the following lines:-

- In relation to the RTS he wanted to reiterate that would be delivered in phases. ECC had tendered and were now due to start delivering Phase A. The tender responses had been positive. Accepted with the costs of RTS that there was a degree of risk built in, and a degree of inflation built in. However, ECC would go out to tender for phase B and phase C with every confidence that the scheme was deliverable whilst acknowledging that until the tenders came back Officers had to withhold their judgment overall.

It was moved by Councillor Bush and seconded by Councillor King that the Tendring Colchester Borders Garden Community Joint Committee –

1) notes the content of this report which presents the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the 'Development Plan Document' or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise;

2) recommends to the Full Council of both Tendring District Council and Colchester City Council that they agree for the above-mentioned Submission Version of the Plan, associated Sustainability Appraisal and other related evidence be published for six-weeks' public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination;

3) that Full Council authority is sought for the Garden Community Planning Manager, in consultation with the TDC Director of Planning, the CCC Executive Director of Place and the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to be given delegated authority to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation;

4) notes the proposed activity for the Regulation 19 'Submission Version Plan' consultation;

5) notes the representations received following the cancellation of the Joint Committee meeting of the 13th December 2022;

6) welcomes the completion of a Memorandum of Understanding which is intended to govern the relationship, collaboration and co-operation between the Councils and Latimer in relation to the delivery of both phases, at the earliest opportunity, of the A120-A133 Link Road which will support the development of the Garden Community; and

7) recommends that officers from the Councils work with Latimer to explore the possibility of entering into an agreement which would detail how the parties would work collaboratively for the duration of the project, delivering the vision for the future of the garden community.

The Chairman of the Joint Committee (Councillor Turner) decided that the vote on Councillor Bush's motion would be recorded as a named vote. That vote was recorded as follows:-

Councillors For	Councillors Against	Councillors Abstaining
J Bray M Bush T Cunningham D King N Turner L Wagland J Young	A Luxford-Vaughan	None

Councillor Bush's motion was thereupon declared **CARRIED**.

13. REPORT A.2 - UPDATE ON THE EMERGING APPROACH TO STEWARDSHIP FOR THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY

The Joint Committee had before it a comprehensive report (A.2) which updated it on the emerging approach to stewardship at TCBGC and which proposed:-

- proposed a set of Emerging Stewardship Principles that articulated the Councils' ambition for aspirational stewardship at the Garden Community;
- set out how a pathway to evolving stewardship arrangements would be followed as part of the planning process of the Garden Community;
- summarises the work that had already been undertaken on stewardship matters to date including feedback from consultation; and
- set out the policy context of Section 1 of the Councils' Local Plans and the approach being taken as part of the Development Plan Document (DPD).

The report was introduced by Christopher Downes, (Garden Communities Manager, Essex County Council).

The Joint Committee was aware that stewardship was an essential element of what would make the Tendring Colchester Borders Garden Community (TCBGC) a successful and flourishing place. Reflecting the importance of stewardship to the overall TCBGC ambition, Section 1 of the shared Local Plans and the draft DPD included specific policy provision on stewardship, thus setting a policy context for the future design and establishment of detailed stewardship arrangements as the Garden Community progressed through the planning system.

It was considered that agreeing a set of Emerging Stewardship Principles at this stage of the planning process would ensure that clarity was provided to all stakeholders, including the Councils, local communities and community groups, the developers, and other parties likely to be impacted by future stewardship arrangements.

This set of principles could then be used to inform discussions with those stakeholders to ensure all parties work towards a common aim. It could also be used to inform any Memorandum of Understanding with the developers of TCBGC as part of the Examination in Public of the DPD.

Members were informed that, as the detailed planning of the Garden Community progresses, so would the detailed planning of its stewardship arrangements. Given the interrelationship between the physical place (land uses, facilities, infrastructure, utilities, etc) and the way that that physical place was managed and maintained in the long-term, it would be essential that the two progressed in tandem. An indicative pathway for evolving stewardship arrangements would demonstrate how such a process would be followed.

The Officer report focussed on the following matters:-

(a) Emerging Stewardship Principles, namely:-

(i) Quality of Place;
(ii) Community assets;
(iii)Community identity and cohesion;

(iv) Professionalism and entrepreneurship;
(v) Financial sustainability;
(vi) Accountability and governance; and an
(vii) Incremental Approach.

(b) A pathway for evolving stewardship arrangements at TCBGC

(c) Community and stakeholder engagement on stewardship since Section 1 adoption

(d) Stewardship in the Development Plan Document; and

(e) Next steps on stewardship.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following persons addressed the Joint Committee on the subject matter of this item. Their comments are given in precis.

Russ Edwards (Project Director TCBGC – Latimer by Clarion Housing Group)

- *Reinforced Latimer's commitments in this area. Confirmed that Latimer supported all of the stewardship principles;*
- *Reminded Members that Latimer was the development arm of Clarion Housing Group, the UK's largest landlord, that provided homes for more than 350,000 people and operated in over 170 Local Authority areas. Latimer had been around for more than 100 years and provided homes for those most in need in society. They were long-term members of the communities in which they operated and this new community would be no different;*
- *This long-term opportunity was the reason for Latimer's involvement and excitement. Latimer along with Clarion Housing Association and its Charitable Foundation, Clarion Futures, would be long-term partners and stewards. Latimer expected to directly deliver around two-thirds of the homes in this new community throughout the development life cycle of the project, which could be up to 30 years. Clarion Housing Association would own and operate all of the affordable homes delivered in the new community, at least 30 percent of those homes, including those homes delivered by third parties on service parcels and that ownership and operation would be in perpetuity. Clarion Futures ran one of the country's biggest social investment programs, generating more than £100 million in social value every year. Clarion Futures currently managed a portfolio of around 50 community assets on behalf of the communities in which they were located, and expected that to be the case here. Therefore, the quality and success of the place was 'mission critical' to Latimer which took its responsibilities very seriously;*
- *Recognised that this community would be special and would require careful consideration to make sure that the best possible strategy for stewardship was delivered. Latimer would want to tailor a bespoke solution. Ultimately, the strategy would evolve and grow and change as the community grew over the coming decades. It needed to empower and embolden future residents to be involved in their place creating a strong and cohesive community. To achieve*

this the strategy would need to be linked to the design of the place and the assets that would form a key part of it. For those reasons Latimer expected the final strategy to only be established once the design process was completed. Notwithstanding this Latimer were hoping to prepare a hybrid planning application for submission next year with a developed stewardship strategy, a key part of that application. Therefore, the Joint Committee would have opportunities to review and influence those proposals as they developed and indeed would have the ultimate sign-off through the planning application process; and

- *Concluded that Latimer and Clarion housing group were long-term stakeholders and stewards in this new place, and shared the Members', officers' and communities' interests in ensuring that strategies were in place to ensure its long-term success in line with garden city principles.*

Rachel Fletcher, Parish Clerk, on behalf of Ardleigh Parish Council

- *Believed that the existing parish and other Council boundaries were almost inevitably going to have to change, as a result and wondered whether that came within stewardship. The Parish Council would want to be explicitly part of the future discussions. There were parish residents who had expressed a desire to stay within Ardleigh so the Parish Council was very keen to be involved and have an active role.*

Ian Davidson, Chief Executive (Tendring District Council) responded to the points made by Rachel Fletcher as follows:-

- *Agreed that this was a really important question but stated that there were a number of different ways which, in theory, a review could be stimulated, but one of the key things was that there would be consultation and it was a statutory requirement to consult with any Parish Council and community which would be affected.*

Christopher Downes, (Garden Communities Manager, Essex County Council) also responded to the points made by Rachel Fletcher as follows:-

- *Referred to the example of a new garden community in the Chelmsford area where a new parished area was being created and that this would provide a good example of the level of engagement that would be required.*

The Joint Committee then discussed and debated this matter. Members' comments are recorded below in precis.

Councillor Lesley Wagland (ECC)

- *Welcomed the comments and commitment of Latimer;*
- *Thanked Ardleigh Parish Council for raising the important issue of governance which would come up in the future for the garden community; and*
- *Referred to the thorny issue of management company arrangements and rent service charges, which could cause unsuspecting residents a lot of problems and stress and pointed out that the Chelmsford Garden Community had avoided such problems through its policy decisions.*

Councillor Andrea Luxford-Vaughan (CCC)

- *Welcomed the progress on this matter but asked if Section 1 of the Local Plan required this to be part of the DPD and, if so, whether there was sufficient time to get this done before the Regulation 19 public consultation; and*
- *Pointed out that if Ardleigh Parish Council had Crockleford Heath taken away from it then it would lose out on precepts and income.*

Amy Lester, Garden Community Planning Manager (Tendring District Council) responded to the points made by Councillor Luxford-Vaughan as follows:-

- *Confirmed that matters relating to the setting up of a stewardship body did not have to be agreed at the DPD level.*

Christopher Downes, (Garden Communities Manager, Essex County Council) also responded to the points made by Councillor Luxford-Vaughan as follows:-

- All the arrangements around the stewardship body were up for discussion and a future decision but he felt it would be wise to make use of Latimer's knowledge at this stage.

Councillor Mike Bush (TDC)

- *Stated that it would be good for the Joint Committee to have details of Latimer's stewardship models at some stage.*

Councillor Nick Turner (TDC)

- *Stated that, in due course, the Joint Committee would visit other places established on garden community principles such as Letchworth and Milton Keynes.*

Councillor David King (CCC)

- *Stated that he favoured the co-operative approach to stewardship.*

It was moved by Councillor Bray, seconded by Councillor Cunningham and:-

RESOLVED that the Tendring Colchester Borders Garden Community Joint Committee –

1) notes the emerging approach to stewardship set out in report A.2; and

2) approves the Emerging Stewardship Principles as the foundation for future stewardship planning.

The meeting was declared closed at 10.01 pm

Chairman

Tendring Colchester Borders Garden Community Joint Committee

Public Speaking Arrangements- General

1. Members of the public, who want to speak about an item, which is to be considered at a meeting of the Committee can do so if they have notified the Committee Service by 12.00 noon on the working day before the meeting. Contact Ian Ford. Email: democraticservices@tendringdc.gov.uk or Telephone: on (01255) 686584 or 686587.

At the Committee Meeting

2. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

3. The Chair will invite public speakers to speak following the Officer's introduction to the report on the item. The Chair will ask public speakers to come to the table in turn at the beginning of the discussion of the report of the relevant item.

4. Each public speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

5. Following the public speakers, the Chair will invite any Ward and Division Councillors present to each speak for up to five minutes. The Chair will tell the Councillor when the five minutes has elapsed and the Councillor must stop when requested by the Chair. The Chair has discretion to extend this time limit.

6. A representative of the TCB Community Liaison Group and a representative from Parish and Town Councils located within the Tendring Colchester Garden Community area will each be allowed five minutes in which to make their representation. The Chair will tell the representative when the five minutes has elapsed and the representative must stop when requested by the Chair. The Chair has discretion to extend this time limit.

7. All speakers should address the Chair of the Committee, which is the normal convention for Committees.

8. Public speakers should remember to:

   - Keep to 3 minutes or whatever other period has been agreed.
   - Highlight the main points they wish to raise and be as brief and concise as possible.
   - Be courteous.

At the conclusion of the public speaking, the Committee will discuss and determine the item.

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TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

9 OCTOBER 2023

A.1 DEVELOPMENT PLAN DOCUMENT (DPD): REPRESENTATIONS RECEIVED IN RESPONSE TO THE REGULATION 19 CONSULTATION AND NEXT STEPS

(Report prepared by Amy Lester (Garden Community Planning Manager))

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to the Tendring Colchester Borders Garden Community Joint Committee, some of the notable issues raised in the representations received from the public and other interested parties to the consultation on the Submission Version of the Development Plan Document (DPD) i.e. 'the Plan' for the Garden Community under Regulation 19 of the statutory plan making process. These representations will be considered by a government-appointed Planning Inspector as part of the examination process. This report does not seek to provide an account of each and every comment raised through the consultation.

Also, to seek the Committee's agreement that a formal request is made to the Planning Inspector inviting them to recommend any specific modifications that might be required to make the Plan sound.

EXECUTIVE SUMMARY

Public consultation on the Submission Version of the Plan for the Garden Community commenced on 15th May 2023 and closed on 25th June 2023 – during which Officers held nine face-to-face engagement events, which were attended by 214 visitors.

The Councils received 276 representations from a total of 88 respondents on different elements of the Submission Version Plan. All the representations were published on the Consultation Portal website for public view – allowing interested parties to see what others have said. Officers have registered and reviewed each of the representations received, all of which have been submitted in full to the Secretary of State to begin the process of independent examination by a government-appointed Planning Inspector. The purpose of this report is to provide an overview of the main issues raised in the representations – some of which may, or may not, be the subject or focus of the Planning Inspector's deliberations.

Approximately 80% of representations were received in objection to the Submission Version Plan and 20% in support. The purpose of the Regulation 19 consultation stage was to allow consultees

the opportunity to make representations specifically on the 'soundness' and legal compliance of the DPD.

The largest number of representations were submitted in response to GC Policy 1 – Land Uses and Spatial Approach. A number of respondents have continued to challenge the need for the Garden Community altogether; arguing that the development should not go ahead at all – but the majority of comments are constructive, with people keen to ensure the development is successful and genuinely meets Garden Community principles.

On the whole representations presented a broad and diverse spectrum of views with less emphasis on the particular key issues which emerged through the previous regulation 18 consultation. There was significant support for the Country Park, protection of the Salary Brook Slopes, quantum of green infrastructure and the Strategic Green Gaps.

Transport, traffic and implications for the existing road network, along with concerns about active travel and modal shift targets generated a notable body of representations against GC Policy 7 – Movement and Connections. With views expressed that the plan was both overly aspirational and that it does not go far enough. Concerns also remain among some respondents about the funding and phasing of the Link Road and that there is insufficient detail on the RTS route, operation and implications for Clingoe Hill and Greenstead roundabout.

Whilst some concern remains about development proposed south of the A133 (one of the main issues raised at the previous regulation 18 consultation), more representations this time round related to the impact of the Garden Community on Elmstead Market, including concerns about coalescence and impact on heritage assets. A number of representations also continue to suggest that the Plan gives insufficient protection to the existing community and character of Crockleford Health.

People remain particularly keen that the development is infrastructure led and does not result in existing infrastructure, services and facilities being overwhelmed; that it achieves a high level of energy efficiency; that it delivers high quality architectural and urban design; and that it protects existing historic and natural assets and incorporates high quality open spaces.

Latimer, as the master developer bringing forward the Garden Community, continues to offer broad support for the DPD's overall objectives, vision and purpose including reference to the Garden City Principles. Latimer has set out key points of objection and has requested amendments to each chapter and policy in the DPD. The comments are primarily focused on seeking that a greater degree of flexibility is built into the DPD and its policies. One key area of difference in Latimer and the Councils' position relates to the possible location of student accommodation to meet the University of Essex's requirements. In particular, Latimer is suggesting that additional flexibility is allowed on the university expansion land south of the A133 to enable an element of purpose-built student accommodation be provided within that location.

The University of Essex in its latest representations also acknowledges positives within the Submission Version DPD, but remains of the view that the Plan is unsound in that it considers that it fails both to properly provide for the University's expansion and fails to make appropriate provision for the employment land to link to the Knowledge Gateway. The University does not support student accommodation within the Garden Community's neighbourhoods as it will only consider developing new student accommodation as a seamless extension to the existing campus.

A number of outstanding issues and areas of disagreement therefore do remain. Officers will continue to work cooperatively with statutory bodies and key stakeholders to advance a series of Statements of Common Ground (SoCG) to seek to resolve and clarify points where possible, and to establish key issues likely to be considered by the Inspector. Through this process, Officers might identify minor changes to the DPD that could resolve certain minor matters and Officers are asking the Committee for delegated authority to put forward such changes to the Inspector for their consideration as part of the examination process.

Officers are also asking the Committee to agree that, through the examination process, the Planning Inspector is invited to make recommendations for specific changes to the DPD that, in their view, would resolve any matters of soundness (if found) and which might form formal 'modifications' that might require consultation in their own right before the DPD can be adopted.

RECOMMENDATION

That the Tendring Colchester Borders Garden Community Joint Committee:

1) **Notes the content of this report and the issues raised in response to the Regulation 19 consultation on the Submission Version Plan.**

2) **Endorses the continued work of Officers in the preparation of supplementary material necessary to aid the Planning Inspector and the forthcoming Examination in Public.**

3) **Agrees that the Garden Community Planning Manager in consultation with TDC Director of Planning, CCC Executive Director of Place, ECC Director for Sustainable Growth, and Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, submit minor suggested modifications to the DPD for the Planning Inspector's consideration ahead of the examination in public (note that this does not extend to making more significant changes).**

4) **Agrees that in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), a request be made to the Inspector to recommend specific modifications, if required, to make the Plan sound.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
Members are reminded that the TCBGC is a corporate priority for all three of the Councils represented on the Committee and a key proposal in the Section 1 Local Plan for North Essex, as adopted by both Tendring District Council and Colchester City Council.
RESOURCES AND RISK
The Submission Version of the DPD is a statutory stage of plan making and represents an advanced and fully formed version of the DPD that the Councils consider to be sound and ready for examination. There is a risk that should the DPD not be examined and adopted in an appropriate timescale, the ongoing ability for the Councils to manage growth within the TCBGC area in a plan-led manner will be compromised. The overall Garden Community project is being managed by the three authorities through agreed budgets and through appropriate structures to ensure input and overview, not only from the Joint Committee, but also from the lead elected Councillors, Senior Officers, Planning Officers, Transport Officers, Project Team and the independent 'Community Liaison Group' specifically set up to provide a community input into the project. There are also structures in place for constructive engagement with the lead developers Latimer/Clarion and Mersea Homes, including an ongoing 'Planning Performance Agreement' (PPA) which secures dedicated resources to facilitate the pre-application process and the assessment and determination of the first planning application. It is considered the Councils approach to plan preparation, engagement and consultation in the run up to the Submission Version of the DPD has allowed the public and other stakeholders to have a significant opportunity to input into the process and, where appropriate, have shaped the content of the DPD. Importantly, however, consultation in this context does not mean that a consensus of opinion has been reached in all cases, and it is appropriate to recognise there remains opposing views to some elements of the DPD, either from residents and local stakeholders, local parish and town councils, site promoters or all. It is the role of the consultation process to allow for these views to be made, and for the Councils to respond and reflect upon them, especially if they are advancing material considerations. It is considered that the thorough process the Councils have engaged in over the last 18 months, which has followed the requirements of legislation and the Councils Statement of Community Involvement (SCI) documents, has allowed this to happen in an effective and meaningful manner. The Regulation 19 Consultation on the Submission Version DPD was the second occasion where the emerging DPD was published and consulted on in a full format. The purpose of the Regulation 19 consultation stage was to allow consultees the opportunity to make representations on the 'soundness' and legal compliance of the DPD. All representations made will be considered by a government-appointed Planning Inspector who will independently examine the DPD. The Councils

ability to respond to representations made through the consultation is limited at this stage. Indeed, whilst the Councils will be able to submit minor suggested modifications to the DPD ahead of public examination this does not extend to making more significant changes.

If the Inspector concludes that the DPD is not sound or legally compliant, they can be invited by the Councils to offer specific recommendations for changes that would rectify this matter. Any materially significant changes might take the form of 'main modifications' which themselves would need to be the subject of further consultation with the public and other interested parties.

LEGAL

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a Local Plan or DPD and the independent examination.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'Development Plan' unless material considerations indicate otherwise. The Submission Version Plan for the Garden Community is a 'Development Plan Document' which will carry the same legal status as a Local Plan and which, on adoption, would sit with the Local Plan (including the Essex Minerals and Waste Local Plans) as part of the statutory 'Development Plan' for both Tendring and Colchester. The plan-making process and the associated legislation, regulations and national planning policy and guidance applicable to the Plan for the Garden Community are essentially the same as those applicable to the preparation and review of Local Plans.

Section 33A of the 2004 Act places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis on strategic matters of cross-boundary significance (which includes housing supply) to maximise the effectiveness of Local Plan preparation and also applies to the Plan for the Garden Community. This is known as the 'Duty to Cooperate'. Paragraphs 24 to 27 of the National Planning Policy Framework (NPPF) stress that close cooperation between District Councils and County Councils (in two tier areas) will be critical to ensure that both tiers are effective when planning for strategic matters and necessary infrastructure. In this instance, the Tendring and Colchester Councils will need to demonstrate they have complied with the Duty as they are the Local Planning Authorities. Before Planning Inspectors can begin the process of examining a Plan, they need to be satisfied that the relevant local authorities have demonstrated that they have done everything they can to ensure effective cooperation with their neighbouring authorities, ECC and other statutory and partner organisations and have sought to resolve, as far as is possible, any cross-boundary planning issues. To date, Tendring and Colchester Councils have complied with the Duty to Cooperate, as confirmed by the government Planning Inspector in his final post-examination report which allowed Tendring and Colchester to formally adopt the Shared Section 1 Local Plan. ECC is continuing to carry out its functions properly by

engaging in the plan-making process. The ongoing cooperation between Officers and Members of the Councils and the positive engagement with wider stakeholders on this project, culminating in the setting up of a Joint Committee is a positive demonstration of continued compliance with the Duty to Cooperate.

Section 19 of the 2004 Act requires local planning authorities to carry out a 'Sustainability Appraisal' for Local Plans and other Development Plan Documents and consider the consequence of reasonable alternatives, during their preparation and, in addition, prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Plan must do so "with the objective of contributing to the achievement of sustainable development". The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues. A Sustainability Appraisal (SA) has been produced for the Submission Version Plan (Appendix 2) and was published for consultation alongside the Plan as part of the statutory plan-making process.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a Local Plan or Development Plan Document and the independent examination.

Like a Local Plan, the Plan for the Garden Community will ultimately be tested, through the examination process, to meet both legal requirements and the 'tests of soundness' set out in the latest NPPF which was last updated in 2021. The tests of soundness are:

> a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
>
> b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
>
> c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
>
> d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Because the Shared Section 1 of the Local Plan which has already been examined and adopted sets out specific policy requirements for the Garden Community and the content of the DPD, the Councils will also need to ensure and demonstrate to the Inspector through the examination that the

Plan also meets with those requirements. The Plan must also be prepared in accordance with the Councils LDS and SCI to be found sound, the engagement process has followed the requirements of legislation and the Councils SCI documents, and the LDS updated as required.

Only on confirmation of the legal compliance and soundness of the Plan following the examination process, can the Councils proceed to formal adoption.

OTHER IMPLICATIONS

Area, Ward or Divisions affected: The Garden Community development will affect land within both TDC and CCC authority boundaries, associated ECC Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. The economic, social and environmental impacts of the development are likely to be felt, directly or indirectly, over a wider area – as reflected in its status as a strategic proposal in a Shared Section 1 Local Plan for North Essex.

Equality and Diversity: The Submission Version Plan for the Garden Community contains policies aimed at promoting inclusiveness, equality and diversity. These include policies to ensure a mix of housing sizes, types and tenures to meet the requirements of different groups in society including people with disabilities or mobility issues, people with low incomes, people in need of care and gypsies and travellers. There are also policies aimed at ensuring accessibility to jobs, shops, services and facilities can be achieved by a variety of transport modes with priority given to walking, cycling, rapid transit, public transit and mobility vehicles whilst still enabling access by private vehicles. Policies around public realm and green infrastructure also promote inclusive environments and accessibility for people with different disabilities.

The Public Sector Equality Duty applies to the Councils when it makes decisions. The duty requires the Council to have regard to the need to:

(a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.

(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

Crime and Disorder: The Submission Version Plan aims to deliver a new community that promotes employment, skills and training opportunities as well as health and wellbeing. Its policies require design and architecture to minimise the opportunities for crime and working with Essex Police in the drawing up of detailed plans. The Councils gave careful consideration to all the comments received at Regulation 18 stage and in drafting the Submission Version Plan for Regulation 19 stage, ensuring that the Plan continues to address issues around crime and disorder.

Health Inequalities: The Submission Version Plan has been drawn up through positive engagement with health stakeholders, and policies within it promote health and wellbeing and embed the Healthy New Towns and active design principles. It has been important for the Councils to have had careful consideration to all the comments received at the Regulation 18 stage and in the Submission Version Plan for the Regulation 19 stage, ensuring that the Plan continues to address issues around health inequalities.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In 2021, TDC and CCC both agreed to formally adopt the Section 1 Local Plan which, amongst other things, identifies the broad location of the Garden Community and sets out the Strategic Policies and the overarching requirements and expectations that it will need to meet. The Section 1 Local Plan was prepared in partnership with ECC.

The adoption of the Section 1 Local Plan followed years of technical analysis, public consultation, and an independent examination by a government-appointed Planning Inspector. The independent examination enabled the Planning Inspector to conclude that the Garden Community would be the most appropriate and sustainable option for meeting the need for long-term growth in the North Essex area – having considered and discounted a variety of alternative ideas and options.

In addition to the Section 1 Local Plan, TDC and CCC each have their own Section 2 Local Plans, which contain policies and allocations specific to each Council area. TDC adopted its Section 2 Local Plan in January 2022 and CCC adopted its Section 2 Local Plan in July 2022.

SUMMARY OF REGULATION 18 CONSULTATION

The consultation at Regulation 18 allowed the Councils to consult on a full version of the DPD for the first time, and to consider responses, before moving to the formal Regulation 19 stage. The consultation process, which took place between 14 March and 25 April 2022, led to responses from 193 consultees, including from statutory organisations, local organisations, parish and town councils, the Community Liaison Group (CLG), local residents and site promoters. Officers reflected upon these responses in moving the DPD forward to the Submission Version of the Plan.

At its meeting on the 18th July 2022, the Joint Committee was presented with a report (see link) highlighting the most notable issues and concerns raised in the representations received through consultation on the Regulation 18 Draft Plan. The three main issues arising from the Regulation 18 Consultation were:

- **Green Buffers and Land South of the A133**
  In particular, the approach to any development taking place on land south of the A133 and the very different views expressed by community representatives and a large number of local residents (around half of all respondents to the consultation), the University of Essex and lead developer Latimer;

- **Salary Brook**
  The potential adverse impacts of development extending westwards and onto the environmentally and visually sensitive slopes around Salary Brook for the purpose of knowledge-based employment; and

- **Crockleford Heath and Bromley Road**
  The approach to development in and around Crockleford Heath and the wider area including local concerns about the extent and purpose of the proposed 'Area of Special Character' designation, its corresponding policy wording and what form of development might result.

The Committee were previously advised that Officers were already minded to accept local concerns about development extending onto the slopes of Salary Brook. Further work and technical evidence was subsequently completed in relation to development south of the A133 and around Crockleford Heath. This was used to inform further changes to policy development going forward to the Submission Version Plan.

THE REGULATION 19 CONSULTATION EXCERCISE

Following the resolution of the Tendring Colchester Borders Garden Community Joint Committee at its meeting on 27th February 2023, public consultation took place on the Submission Version Plan for the Garden Community in line with Regulation 19 of the statutory plan-making process. The consultation period lasted six weeks from 15th May 2023 to the 25th June 2023.

Acknowledging valuable input from various individuals, community organisations and the Community Liaison Group, the Submission Version Plan consultation endeavoured to make the process as simple as possible to engage with.

A downloadable PDF of the Submission Version Plan was made available on the engagement website, on the TDC and CCC websites, and in paper form in TDC and CCC council offices and local libraries, alongside the necessary statutory documentation (for example, the Sustainability Appraisal).

Given the more formal nature of the Regulation 19 consultation, and following feedback from the Regulation 18 Consultation, anyone wishing to comment on the Submission Version Plan online was directed to a dedicated web page. This web page used consultation software that complies with the legal requirements of the Regulation 19 consultation. In addition to the on-line consultation portal, representations could also be submitted via email, letter via a free-post address and by completing a paper representation form.

The Regulation 19 consultation specifically requires comments on 'soundness' and 'legal compliance'. These requirements were explained via supporting content on the engagement website, by way of an explainer film and text, and within the 'Guide to Commenting' document produced.

In addition to the Councils carrying out their statutory consultation requirements, a range of non-digital and digital publicity and engagement activities were undertaken, this included:

Non-digital activity:

- Adverts in the Daily Gazette (Colchester) and Clacton Gazette
- Advert in Look Magazine (sent free to circa 80k homes in Colchester and Tendring)
- Adverts in widely circulated free local community magazines including the Ardleigh Advertiser, Alresford Advertiser and Upmarket Magazine.
- Nine daytime and evening drop-in events – where planners were available to assist stakeholders/residents with any questions.

Digital activity:

- Email notifications
- Non-paid social media on Facebook
- Online advertising with Newsquest in Essex
- Web banners on Council websites

In total, the Councils received 276 representations from a total of 88 respondents, this included submissions from a variety of stakeholders, statutory consultees and interested parties. Following the close of the consultation period, Officers have registered, sorted and read through the comments made and all of the representations were published in full on the Garden Community engagement website – enabling anybody to see what each of the respondents had said.

In accordance with the requirements of the Planning Inspectorate and to aid the Inspector in the forthcoming examination, all representations submitted required a summary of a maximum of 100 words. Where a summary was not provided by the respondent, officers reviewed and provided a summary of the representation. Notwithstanding the requirement for a summary to accord with the Planning Inspectorate's requirements, all representations are retained in their full original text and have been made available to the Inspector in their full form.

54 representations were received in support and 222 in objection. A total of 214 people attended the public consultation events held throughout the consultation period. Representations were received from the following:

Statutory Consultees

- Affinity Water
- Anglian Water Services Ltd.
- Braintree District Council
- East of England Ambulance Service NHS Trust
- East Suffolk & North Essex NHS Foundation Trust (ESNEFT)
- Environment Agency
- Essex County Council (ECC)
- Historic England
- National Highways
- Natural England
- Sport England
- Suffolk & North East Essex Integrated Care Board

Parish and Town Councils

- Ardleigh Parish Council
- Elmstead Parish Council
- Frinton & Walton Parish Council
- Wivenhoe Town Council

Key Stakeholders

- Latimer Developments Ltd.
- TCBGC Community Liaison Group
- The University of Essex

Other Bodies

- Essex Bridleway Association
- Liberal Democrats Colchester
- Wivenhoe Society
- Woodland Trust

OVERVIEW OF COMMENTS RECEIVED

The following is an overview of the issues raised in relation to each policy in the Submission Version Plan for the Garden Community. Note that this is presented as a summary only and does not convey all the separate points that have been raised, or the detailed elements which stakeholders and individuals have commented on. All representations in full are available to view on the TCBGC Consultation Portal and have been made available to the Inspector.

GC Policy 1 – Land Use and Spatial Approach & Policies Map
(64 reps – 18 support, 46 objection)

General/Principle

- Latimer would like more flexibility to allow for the detail of the development to be subject to further masterplanning.
- The scope of the development is too large, overly ambitious and needs to be reduced.
- Garden Community Principles are unproven, and the plan is overly aspirational.
- Will result in urban sprawl from Colchester.
- Loss of countryside and rural character including loss of Grade 1 Agricultural land for food production, loss of fields and ancient hedgerows.
- Air quality and noise pollution will increase.
- Internal green links should have a minimum width and their use clearly defined.
- Fails to secure phasing of development.
- Fails to secure provision of the Link Road the funding for which is inadequate.
- Fails to address local housing needs with a greater proportion of rented accommodation required. Shared ownership and rented housing should be included as separate categories.
- Lack of detail on the Rapid Transit System, too vague about its provision/route and interaction with Link Road. It is unrealistic that it will reduce private car usage.

Part A (Land Use Parameters and Policy Map)

- The need for 7,500 new homes is not clearly established
- Elmstead PC believe the number of new homes to be ambiguous.
- Insufficient justification of the proposed uses.
- Greater flexibility required in wording of policy which is overly restrictive.
- ESNEFT reference amendments to Policy wording to make greater reference to health facilities, services and wellbeing.
- The University of Essex believes it fails to meet requirements of Policy SP9 of the Section 1 Plan in that it fails to allocate land within the GC, to accommodate the University's expansion, which is at least equivalent in size to the allocation in the former Colchester LDF Site Allocations.
- Land required for allotments and bigger gardens.

Part B (The Garden Community Neighbourhoods)

- The neighbourhood structure is not sufficient for the scale of development proposed.
- Insufficient access and connectivity between the neighbourhoods.
- North and Crockleford Neighbourhoods are not clearly distinguished.
- Elmstead PC commented that neighbourhoods having distinctive characters could lead to segregated communities
- Elmstead PC believes the density will be too high.
- Elmstead PC share concerns that the neighbourhoods are too close to ancient woodland.
- Elmstead PC reference details about phasing are unclear and ineffective.
- Reference to phasing starting in the south should be removed.

- Flexibility required in defining the hierarchy of the Neighbourhood Centres.
- University of Essex commented that the demand for student housing cannot be fully met in the neighbourhoods.
- East of England Ambulance service commented that reference to all emergency services required for key social infrastructure.
- University accommodation within the southern neighbourhood entirely inappropriate and unacceptable to the University.

Infrastructure

- The Garden Community should be infrastructure lead with the Link Road completed first.
- Lack of existing infrastructure, which will be put under increased pressure.
- Insufficient capacity at hospital.
- Roads can't currently cope.
- Not enough schools and health facilities to meet existing needs.
- EEAST representation made reference to key social infrastructure omitted in the form of emergency services, should include ambulance, police and firefighting
- A phased provision of the Link Road contravenes Section 1 Local Plan Policy. It should be completed first.

Crockleford Heath

- Development will result in loss of its rural and special character.
- Ardleigh PC shared concerns regarding the density of housing in the area is too high for its existing character.
- Insufficient buffer provided from the proposed communities.
- A green gap should be provided to preserve its special character.
- Lanes and trees should be protected and traffic management carefully controlled.
- This area should not be designated as an area of special character with limited existing buildings/features of special interest, it will become land-locked and is too small for horticulture/agriculture.
- The 'green corridor' through Crockleford Heath will limit development potential and should be relocated.
- ESNEFT referenced the requirement to include references to healthcare facilities when considering phasing at Crockleford Heath

Part C (Salary Brook Country Park)

- The Country Park is not sufficient in size.
- It will come under pressure from the adjacent employment area.
- Surrounding buildings would be harmful to its character and will be viewable from a great distance.
- Elmstead PC commented that the location of the Country Park is biased towards Colchester.

Part D (Wivenhoe Strategic Green Gap)

- There should be no development south of the A133 to ensure a suitable buffer for Wivenhoe is provided and to reduce light pollution.
- Those uses allowed by Part D (outdoor sport or recreation, renewable energy, cemeteries and burial grounds or allotments) will destroy the Strategic Green Gap, all land south of A133 should be designated as Country Park.

Part E (Elmstead Strategic Green Gap)

- Plan does not protect the integrity, identity and amenities of Elmstead Market.
- Lack of detail on the proposed buffer (Strategic Green Gap).
- Elmstead PC shared concerns that the location of A120 Business Park will result in harm to the setting of Elmstead Church which is a Listed Building.
- Elmstead PC believe that the Elmstead Strategic Green Gap is not big enough.
- High density housing so close to Elmstead Market which is a rural parish is unacceptable.
- Historic England shared concerns that the A120 Business Park should be designed and landscaped to ensure an appropriate transition to respect heritage assets
- Historic England commented that 'appropriate development' should be informed by a further HIA
- Those uses allowed by Part E (outdoor sport or recreation, renewable energy, cemeteries and burial grounds or allotments) will destroy the Strategic Green Gap.

Part F (Sports and Leisure Park and University of Essex Expansion Land)

- Greater flexibility should be incorporated to allow new teaching facilities and student accommodation in the areas of Uni expansion land.
- Sports England require clarity on the scope of sports facilities to be provided within the Sports and Leisure Park. Is the land suitable for indoor and floodlit facilities.
- Sports England would like to see a specific masterplan for the Sports and Leisure Park.
- Unclear where university expansion will be provided.
- Wivenhoe TC would like to see the condition of shared use facilities requires greater definition.
- Sports provision is too remote from the remainder of the development.
- The position of the sports facilities would conflict with Wivenhoe Park and will destroy the setting of Wivenhoe with increased light pollution.

Part G (Knowledge Based Employment Land)

- Knowledge Based Employment area should be consolidated rather than strung out along the A133.
- Elmstead PC believe the Knowledge Based Employment area is too small.
- Need for Knowledge Based Employment land is not established.
- Knowledge Based Employment land is too close to Clinghoe Hill, it should be limited in height, landscaped and set back.
- Wivenhoe TC believe a lack of sound and visual barrier is proposed.

- The University of Essex share concerns that amount of land and location will fail to achieve full potential that could be made to local economy and employment opportunities.
- The University of Essex believe the employment land to the north of the A133 linked to the Knowledge Gateway, should be at least 12ha.
- The University of Essex believe the spatial orientation of employment allocation should be changed, to allow for creation of better links between new employment land and existing Knowledge Gateway and University.

Part H (A120 Business Park)

- The A120 Business Park is severed from the rest of the development by the Link Road, segregation is not justified.
- Elmstead PC believe the A120 Business Park should not be to the east of the Link Road and will harm the setting of the Listed Church.

Part I (Provision for Gypsies & Travellers)

- No justification for its size, provision and location.

Part J (A133 Park & Choose Facility)

- Clarification required in policy on the design and delivery ambitions of this facility.
- Wivenhoe TC believe the position of the Park & Choose should be defined at this stage.
- A further Park & Choose is required to the north of the site.
- Park & Choose to the south of the A133 will be too remote from the remainder of the development.
- Inappropriate location for Park & Choose as it will be on the wrong side of the A133.

Policy Map

(7 reps – 1 support, 6 objection)

- The land should be protected and not built over for housing which is not for local residents.
- Green Corridor through Crockleford Heath should be relocated to the south to link existing woodland and avoid areas of private garden and development potential. The evidence base does not support a Green Corridor as shown.
- The key of the Policies Map should be amended to ensure consistency in approach and refer more generally to 'University of Essex expansion'.
- The new Link Road connects at a point where there is already large amounts of traffic which will increase queues and accidents.
- All development south of the A133 should be removed to avoid coalescence with Wivenhoe and to ensure the Garden Community is not split by a major road.
- Latimer commented that the University of Essex growth cannot be fully met within the neighbourhoods and greater flexibility should allow for expansion south of the A133.
- B1 employment land should be integrated with residential to the west of the Link Road.
- The existing A120 service station should be relocated to the employment land.
- The Knowledge Based Employment land should be access from the A133 illustrated.

- Development in Crockleford Heath will adversely impact the special character of the area.
- There is no evidence in support of the Gypsy/Traveller site.
- The term Green Links is not clearly defined.
- A Green Gap for Crockleford Heath is required.

GC Policy 2 – Nature
(28 reps – 7 support, 21 objection)

- The land should be protected to protect the countryside, biodiversity, and farmland and for climate resilience.
- It is unclear how green spaces will be managed and maintained and anti-social behaviour managed.
- An equivalent green space, permanently lost by the recent 145 dwellings off Bromley Road, should be compensated for by adding to the green spaces within the Country Park.
- There is potential for detrimental impact and disturbance to numerous areas of ancient woodland. Secondary woodland should also be retained to ensure that ecological networks are maintained and enhanced.
- Natural England commented that the DPD does not include the amount of green infrastructure. SANG provision would amount to around 145 ha of suitable natural greenspace.
- The new Country Park at Salary Brook and provision of Suitable Accessible Natural Greenspace (SANG) will not have a significant impact on reducing trips to the Essex coast.
- Natural England believe a wintering bird survey should be included in the policy.
- Natural England require clarity over land take and area of green infrastructure.
- It seems unlikely that 10% biodiversity net gain can be achieved onsite.
- Latimer require clarity regarding GI features the council will allow as contributing to Biodiversity Net Gain.
- Concerns about the Habitat Regulations Assessment.

GC Policy 3 – Place Shaping Principles
(17 reps – 6 support, 11 objection)

- Sports England believe that the reference to ‘Active Design’ should be better defined/quantified.
- Elmstead PC believe that Policy 3 requirements are too general and not specific enough, too ambiguous.
- ECC would like to include the word ‘multifunctional’ to the blue and green infrastructure features
- The cost associated with the design requirements has not been considered.
- Elmstead PC believe that there is a lack of protection for undesignated heritage assets.
- There could be implications of density on the standard of design.
- Historic England believe that an enhanced level of heritage assessment should be conducted prior to examination

- Historic England share concerns that there is no mention of 'setting' of heritage assets
- Historic England believe there could be potential for archaeology of national significance
- Wivenhoe TC believe that development south of A133 will be harmful to heritage assets
- Latimer believe that greater flexibility is needed, and words such as 'must' should be replaced with 'will seek to'.
- Latimer believe that the designing out crime requirements are overly onerous.
- Latimer share concerns that there is a lack of distinction between designated and undesignated heritage assets.
- Latimer believe that there should be a focus on 'heritage assets' rather than 'historic environment'.

GC Policy 4 – Meeting Housing Needs
(15 reps – 2 support, 13 objection)

- Objections to the principle and questioned the need for 7,500 new homes in this location.
- Concerns about the affordability of new dwellings.
- Wivenhoe TC share concerns about the percentage of affordable that will actually be delivered.
- Concerns about the lack of social rented housing, 'affordable housing isn't affordable for those on low incomes'.
- Concerns around the phasing of affordable housing. 30% should apply to every phase of development (rather than late delivery) and local people/key workers should be prioritised.
- Concerns that 30% affordable housing won't be viable.
- Equal social housing nomination rights only runs until the end of the Section 1 Plan Period – an MOU should be entered into between TDC and CCC to ensure equal split of housing numbers, nomination rights and business rates in perpetuity.
- Elmstead PC share concerns about density and viability.
- Elmstead PC believe self-build should not be in the Crockleford area where there will be a stringent design code.
- Elmstead PC are Concerned about 2,000 units of student accommodation in addition to 7,500 homes.
- The University of Essex commented that the number and location of student accommodation would alter the character of the university in an unacceptable manner. Majority of student accommodation in one location would overwhelm communities living there.
- The University of Essex has asked for two additions to Part H of the policy, in order to differential between accommodation provided by the university for first year students and other priority groups (which they wish to provide on land identified for University Expansion) and other student accommodation to be accommodated within the South Neighbourhood.
- Elmstead PC believe that high density is not justified.

GC Policy 5 – Economic Employment and Activity
(12 reps – 2 support, 10 objection)

- Elmstead PC believe a higher target of jobs per household is required.
- Elmstead PC share concerns regarding the phasing of business accommodation tied to occupation of housing, but education and healthcare are not.
- Close proximity of heritage assets and the need for additional wording referring to the specific heritage assets and their setting
- Latimer require clarity to be provided in the policy to state that student households are excluded, consideration should be given as to whether an element of home working is included and that greater flexibility in wording is needed because this specific requirement would not apply to retired occupants and households.
- Object to the specific reference to 'each employment area' in this paragraph.
- Employment land within the neighbourhood centres has not been accounted for
- remove the reference to the hectares to be provided in the two main employment areas.
- Page 74 states that "the study also recommends the provision of flexible office space concentrated in the North and South Neighbourhood Centres". The wording should be amended to refer to "appropriate flexible workspaces".
- The DPD should allocate a minimum of 12 hectares of land for additional knowledge based employment growth.
- The spatial orientation of the Knowledge based employment allocation should also be changed on the Proposals Map in order to allow the creation of better links between the new employment land and the existing Knowledge Gateway and the University.
- Wivenhoe Society believe that without a link to the A120 it is unlikely there would be demand for the northern business park.
- Wivenhoe TC share concerns regarding the deliverability of a link road and whether the project can now live up to its one job per household expectation.
- One job per household is ambitious given a significant number of residents will be working in London and working at home some of the time.
- A more realistic smaller approach should be adopted.
- The business park should be better integrated with the garden community. It is severed from the Garden Community by a road, and is likely to draw in employees using the A120 rather than the Garden Community. Some heavy uses need to be segregated but many of the B1/E uses could be sensibly integrated with the housing.

GC Policy 6 – Community and Social Infrastructure
(40 reps – 5 support, 35 objection)

- Sports England requests specific policy additions related to the planning implications of shared use sports facilities.
- Elmstead PC and Wivenhoe TC share similar opinions on the inadequate infrastructure (schools and Medical facilities) and a lack in confidence that adequate provision would be delivered.
- Inadequate social housing will be provided.
- Elmstead PC question adequacy of nursery / childcare provision to be provided.

- Greater clarity is required regarding the ownership and ultimate financial responsibility for community assets associated with the Garden Community
- Concern about the impact of timing for the delivery of social infrastructure and the ability for a community to establish in advance of social infrastructure being delivered
- More information and clarity sought on the stewardship activities for the community and social infrastructure to become self-sustaining
- Impact on the social infrastructure which will be impacted which is outside of the garden Community- Hospital
- Ardleigh PC and Wivenhoe TC share similar views on the governance and role of the Parish Councils in the stewardship and management of facilities considerations- request Parish Council's involvement at early stages.
- Elmstead PC believe that the provision of health hub does not accord with the 20 minute neighbourhood principle.
- More specific wording in policy required in respect of phasing (as in the Infrastructure Delivery Plan) health needs.
- Wivenhoe TC believe that there are inadequate cemetery and allotment spaces.
- Concern about the extent to which new provision of health provision will be available to existing residents (already inadequate)
- Design codes to consider full range of social infrastructure requirements and opportunities through design at the outset (eg health and well being / active routes embedded)
- Latimer suggest some amendments to provide clarity and recognition as follows; More clarity is needed on deliverables and timescale expectations in regard to the DPD; Flexibility under Part C required to ensure that the number of schools is evidence led, based on need and demographic studies; and Supporting text should have a recognition that an estate charge will be required and payable by future households.
- The policy does not adequately or specifically cater for the evidenced requirements of the emergency services and a number of amendments to Policy are suggested to address this. There is insufficient reference to the Ambulance and other emergency services. (SoCG with (East of England Ambulance Service (NHS Trust) EEAST is proposed)
- NHS Suffolk & North East Essex Integrated Care Board made comments and requirements linked to health provision and the extent, role and number of Health Impact Assessments- raise a number of specific issues and seek to work together on a SoCG.
- ESNEFT share concerns that secondary and acute healthcare is not specifically mentioned which does not highlight all healthcare needs.

GC Policy 7 – Movement and Connections
(51 reps – 5 support, 46 objection)

- Varied comments/support/objections in relation to active travel; RTS; road provision and parking.

<u>Vision and Design Approach</u>

- Mode share targets should be stronger and more aspirational.

- DPD is unambitious re public transport and is heavily dependent on Active Travel.

Active Travel

- Plans for cycling provision should not be compromised.
- Safe and easy access cycle routes are important.
- Design of cycling infrastructure should consider need to reduce conflict between pedestrians and cyclists.
- Cycling to and from Colchester along A133 is not an attractive proposition.
- No consideration for the equestrian user in the Plan. Consideration should be given to the creation of a new circular bridleway as part of the Country Park and detail/links about Restricted Byway 162-21.
- Some comment that horse riding shouldn't be a high priority.

Public Transport

- New station (rebuilding the station) at Ardleigh would be beneficial to the site, as the capacity for additional services via Hythe station is limited by the level crossing at East Gates.
- No link up from RTS with university campus or local bus routes from Brightlingsea via Wivenhoe to Colchester. New residents would not be able to interchange to the local bus network.
- DPD unambitious re public transport. No plans to increase the frequency of rail services; no proposals for a new rail station.

RTS

- Concerns over the RTS route, funding, start date and operation.
- Insufficient detail on the RTS route, operation and implications for Clingoe Hill and Greensted roundabout.
- RTS is currently planned as a linear service from the Northern Gateway via the City Centre to the Garden Community. Some services could be run as a loop.
- RTS should use the link road and A120, going anti-clockwise around Colchester, a route which would require minimal expenditure and avoids Clingoe Hill.
- The extension of the RTS to the new Crockleford development was welcomed but there has not been adequate modelling and sceptical as to whether the links to Colchester will be the ones most needed and used.
- Ardleigh residents highlighted links to Ipswich, Manningtree and countryside and coast and to the A12 and A137.
- Unclear how RTS will interact with the link road.
- Greater distinction is needed in policy between the RTS and other bus operators. Not clear how the RTS ties in with other public transport.
- There is no indication of how the RTS will be paid for or phased.
- RTS is not realistic and a waste of money. As the new development is out of town most residents will use their own cars, public bus services are far too expensive and unreliable, people like the comfort of their own vehicles.
- RTS will be an ordinary bus, which no one will use.

- Increasing growth of out-of-town amenities around Colchester mean people need private transport to get to them.
- RTS will require expensive subsidy and capital spend to deliver. Given that usage is likely to be low, until there are a substantial number of houses, it would be better to complete the link road and delay the RTS.
- To comply with Policy SP6.1 of the Section 1 Local Plan, the DPD needs to give details of Route 1 (RTS). However, there is conflicting information on position of RTS stops, uncertainty of RTS line to Employment Areas, clarification is needed on 'Express route' to north station and the location of park and choose.
- A more direct RTS route to a junction opposite the current Knowledge Gateway would be more productive and pedestrian and cycle crossings for A133 should be provided via bridges.

Park and Choose

- Demand for the proposed Park and Choose needs to be justified.
- There is a need for an additional park and choose facility to the north of the site.
- Existing Park and Ride in Colchester failed and this Park and Choose will also fail.
- Park and Choose will not have incentive to attract enough users.
- Park and Choose without direct access to A120 is ineffective.

Parking

- Design of homes need to accommodate multiple bikes in each household.
- Concern that parking control will move parking problems elsewhere.
- Too much workplace parking in Colchester.

Link Road

- Question the need for a link road given impact on the rural character of the area.
- Some support for new link road.
- Link road should be built first with construction traffic operating from A120 and not A133, as A133 is congested and it is not safe or viable to increase traffic.
- Object to direct junction from A133, all access should be from the link road.
- Traffic from the industrial parks will put pressure on the A133 if there is no link road.
- The Garden Community cannot still be considered the most appropriate site, or sustainable without the link road and rapid transport system being proven as deliverable.

HIF funding and Link Road phasing

- Concerns the Link Road won't be fully built with a phased approach. Completed link road is critical to the success of the TCB Garden Community - completion is a matter of priority before house building commences. Without the link road, it is hard to see how the plan can work.
- DPD should be changed to support the Section 1 Local Plan and explicitly state that no new housing can be started until both phases of the A120-A133 link road are started on site, and no dwellings can be occupied before the link road is completed and operational. Full road completion is a requirement to carry out its strategic and directly important role for the local road network, delivering on its purpose and policy objectives.

- Concerns regarding funding for the Link Road and what this means for the Garden Community build out, no indication of how many dwellings might be built before completion of the link road with no guarantee that it will be fully funded and completed by the developer.
- Without the full Link Road additional pressure will be placed on an already busy network, in particular Clingoe Hill, the Hythe and Wivenhoe and the RTS will not solve the traffic problems.
- As complete funding is not secured there is a risk that priority is changed from RTS to link road and funds reallocated to complete link road first and provide access to the business park in the northern corner of the site.
- Questions on whether planning approval can be given if HIF monies are insufficient for the full cost of the Link Road; and implication if only the first phase can be completed.

Monitoring/Mode Shift

- The modal share targets included are lacking in drive, confidence and aspiration. The figures provided are not fully explained.
- Not convinced that changes to patterns of car use will happen quicky enough.
- Modal shift assumptions are too optimistic - cannot see how the proposed RTS will attract sufficient usage unless it can be competitive in terms of cost, time and convenience.
- Traffic modelling accompanying the DPD replies on demonstrably unachievable modal shifts and for longer journeys are very unambitious at 10%. Multi modal journeys are overlooked.
- Question independence and accuracy of modelling (work completed by Ringway Jacobs who are under direct appointment to ECC).
- Little detail on what mitigation measures will be and it is impossible to know if they will have a positive impact.

Traffic - General

- DPD and accompanying evidence base is unclear on the vehicular access for the Crockleford Neighbourhood - new A120 – A133 Link Road and/or the Bromley Road.
- Further detail is required for the junctions, crossings and roundabouts on the A133.
- Concern about the traffic impact on Bromley Road and routes into Colchester and/or through Ardleigh to join the A137.
- Some thought should be given to allowing access from Bromley Road to the A120 via the link road or including a linked scheme to provide a junction between the A120 and Bromley Road. This would provide residents of Greenstead, Longridge, Parsons Green and the new Crockleford neighbourhood direct access to the A120/A12 and reduce congestion on the Harwich Road and Greenstead Road roundabouts.
- Transport links give greater connectivity to Colchester than Tendring.
- Concern about the likely increase in traffic on the A133 affecting Elmstead Market, Wivenhoe, Alresford, Thorrington and Brightlingsea.
- Proposal will result in increased congestion in Clingoe Hill, roundabouts near Tesco, East Street and level crossing.
- Colchester's roads have no spare capacity, already suffer from chronic congestion and gridlock are an everyday event.

- Concerns are raised around traffic Forecasting of Strategic Models. In particular, the phasing of development; traffic forecasting of trips rates and mode shares; and design and capacity of the new A120 junction.
- Concerns over noise and air pollution from highway network on new development.
- Concerns that drainage will be into the strategic highway network system.
- The base year CTM represents a 2019 Base Year and will reflect the pattern of trip making and travel behaviour that existed prior to the Covid-19 pandemic.
- There are no detailed forecasts available to review and there has been no separate assessment of the traffic generated by the TCBGC proposals. Therefore, there is no information available to assess the impact of TCBGC on the highways network.

<u>Impact on Elmstead Market</u>

- Transport links must be improved for all residents in the area ie Elmstead Market, not just those within the proposed development.
- The additional traffic caused by the new development would be negative and result in increased wait times to travel into Colchester and beyond. The new link road would potentially not be built for a considerable time and the period in the lead up to its use negatively impact the area.

<u>Comment on Policy GC7</u>

- Latimer were supportive of the 'Monitor and Manage' approach in Reg 18 DPD but this has been removed from the Reg 19 DPD which is not supported. Request that the Monitor and Manage approach is included in the DPD, especially given this now appears in the recently updated National Highways Circular 01/2022. This will bring the DPD in line with the transport evidence base, particularly around modal shift to ensure it is justified and therefore sound.
- Various amendments to policy wording put forward.

GC Policy 8 – Sustainable Infrastructure
(18 reps – 7 support, 11 objection)

- Development will lead to an increase in air pollution.
- Concerns about lack of infrastructure.
- The policy should require delivery of a smart, innovative and sustainable water efficiency and reuse solutions that foster climate resilience and forward-looking approach to water supply, water and wastewater treatment.
- Stronger wording to ensure policy is effective.
- The financial cost of the sustainable infrastructure requirements doesn't appear to have been considered properly, including the cost of upgrading the Colchester Water Recycling Centre.
- Support for the policy, including from Sport England, the Environment Agency, and Essex County Council.

GC Policy 9 – Infrastructure Delivery and Impact Mitigation
(19 reps – 2 support, 17 objection)

- Concerns raised about the viability of the Garden Community and whether the full package of infrastructure will be provided. Insufficient detail on which areas of infrastructure will be brought forward at what time, and how this relates to phasing and timing of development – housing, schools etc.
- Objections raised to the DPD progressing without the 'A120-A133 Link Road' as this will make the Garden Community unsound and unviable. The 'A120-A133 Link Road' must be fully funded and completion guaranteed in advance of house-building on the site, and included within, or linked to, the Development Plan Document.
- The phased Link Road must include the time frame for its full completion, details of the total funding mechanism, the impact on traffic flows/congestion over the full construction period, the maximum number of dwellings to be occupied prior to the full road opening, and the contingencies included in the plan to ensure that it will be delivered.
- The policy itself is very vague with little commitment to funding other than through references to possible sources. Mechanisms need to be in place to ensure the intent of this section/policy is delivered and a higher priority provided to the A133/A120 link road provision.
- Policy refers to “timely” which requires clarification as this term is too ambiguous.
- Policy wording needs to be tighter if it is to provide adequate control, and the Infrastructure Delivery, Phasing and Funding Plan needs to be legally tied to the Plan to ensure compliance with all its timings. The councils also need to go further in identifying specifically the infrastructure required for each ‘neighbourhood’ and align with the phased building of homes.
- Clarity needed on where infrastructure will be located if – as the policy states – “it cannot be provided within, or is not appropriate to be located on, the Garden Community site itself”.
- The project isn't financially viable. TCBGC doesn't own the land or have any agreement in place with the landowners for land value capture. A phase 1 financial appraisal is needed which shows how the first 10 years can be delivered and monitored.
- The policy should be supported by a memorandum of understanding with Latimer acknowledging the IDPFP, the need to share land value uplift and the viability methodology.
- The policy should also be supported by a Phase 1 appraisal. Leaving it until planning application stage is too late in practice and in law (See the Viability PPG).
- Definition of infrastructure is too vague and developer will argue many items in the IDPFP aren’t directly needed to support the garden community, particularly offsite transport infrastructure.
- Health provision is vague. Well defined targets are needed, the developer needs to be committed to providing new surgery buildings, and the NHS needs to fund staff.
- Concern HIF conditions are confidential between ECC and Homes England.
- Monitoring: More tangible targets focussed mainly on practical infrastructure delivery are needed. Infrastructure monitoring can best be done by breaking the project into phases, where each is delivered before the next phase receives permission.
- RTS funds should be used to deliver the Link Road.
- Amendments put forward to policy wording for S106 and CIL references. Some questioned the reference to CIL and if this was needed, CIL should be aligned with the DPD.

- Request to amend Part B of policy and remove requirement for a Viability Assessment if parties agree regarding planning gain provisions (not including HIF recovery).
- Chapter should include what would happen if the modal shift targets were not achieved e.g. suspending all future building on site until modal shift targets were met.
- DPD omits reference to the basis for key infrastructure in the form of ambulance, police and firefighting facilities and policy should specifically reference such.
- The requirements and phasing of ambulance infrastructure/ facilities and delivery can be assigned into each phase of development (using that provided in the Strategic Masterplan).
- IDPFP - the list of utilities at the beginning of the section should include wastewater or sewerage, rather than only water supply. IDFPF should also refer to Anglian Water as well as Affinity Water particularly in reference to sewerage connections.

Sustainability Appraisal
(10 reps – 10 objection)

- Lack of adequate infrastructure means the development will not meet its objectives, without funding for the full road infrastructure (as initially laid out) existing congestion will be exacerbated affecting air quality.
- Green links need a definition in width and not left to the developers to decide, need for woodland management proposals to ensure protection of wildlife and associated habitat, tree preservation orders.
- The green buffers for Wivenhoe and Elmstead should also be afforded to Crockleford Heath
- Crockleford Heath not able to sustain an increase in traffic.
- Scheme is too large and should be abandoned, lack of data on water provision for the area.
- Sustainability Appraisal fails to adequately address the impacts on current levels of congestion, particularly Clingoe Hil and the residents of nearby settlements.
- Phased delivery of the link road and sustainable transport provision need to be considered in greater detail in terms of existing traffic congestion.
- Insufficient health & education infrastructure provision, hospital expansion required.
- ESNEFT believe that both on and off-site health provision to be considered, the proximity to a healthcare facility should be included as well as the services capacity.
- Request to amend Objective 3 to read "... including through the provision of new on – and off-site infrastructure of this type" and to included facilities capacity as an indicator in Objective 3.
- Improved cycle lanes and walkways required to the centre of Colchester to enable modal shift to active travel.
- Improved public transport into Colchester is required, as well as proposals for car sharing on Clingoe Hill.
- Ardleigh PC raise concern that the broad location in Fig 1.1 of the SA does not match the final DPD, it does match the broad area of search illustrated in Fig 1 in Chapter 3 of the DPD.

Habitat Regulations Assessment

- Reference to the need for wintering bird surveys should be included in Policy 2.
- Natural England advise that screening for air quality impacts should be revisited once there is traffic modelling information available to confirm which European Sites merit consideration when the DPD is considered alone and in combination.
- There is no certainty that the proposed mitigation measures will be successful in sufficiently reducing impacts on Habitats Regulations sites.

NEXT STEPS & EXAMINATION PROCESS

The Full Councils of both Tendring District Council and Colchester City Council, further to the recommendation of the Joint Committee at its meeting of the 27th February 2023, agreed that the Submission Version of the Plan, associated Sustainability Appraisal and other related evidence be published for six-weeks' public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations.

Following completion of the Regulation 19 public consultation, the Submission Version of the Plan was submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination. The Plan was submitted on the 21st September 2023.

Now that the plan has been submitted, the Inspector will take control of the examination process from start to finish. The Inspector's role is to examine whether the submitted plan meets the tests of soundness defined in the NPPF (the tests of soundness are that the plan is positively prepared, justified, effective and consistent with national policy) and meets all the relevant legislative requirements, including the duty to co-operate. The examination will therefore concentrate on the issues that affect the plan's soundness and legal compliance; it will not delve into other matters unrelated to these tests.

Within 5 weeks of submission the Councils expect that an Inspector will be appointed. It is then likely that notification would be received from the Inspector of the Matters, Issues and Questions that will form the main agenda for the examination (the hearings), as informed by the responses received to the Regulation 19 Consultation. Following the publication of the matters and issues for discussion at the hearings, those who made representations seeking changes to the Plan will be asked if they wish to participate. The final decision on who is invited to each hearing session rests with the Inspector. Then, interested parties will be invited to provide written responses to the Matters, Issues and Questions, and these will be treated as 'Hearing Statements'.

In preparation for the examination the Councils will consider the need to produce specific 'Topic Papers' providing more explanation around particular subject areas, the Inspector might specifically request Topic Papers for certain subjects.

A *Strategic Policy-Making Statement of Common Ground* has already been produced and submitted with the Plan. It sets out a written record of progress made between the Councils with the required Statutory Bodies. It documents the outcomes of effective co-operation between the parties and highlights any issues that remain at the time of submission and the approach to resolve these. To provide further clarity on areas of agreement and disagreement, specific Statements of Common Ground will be prepared to support the examination. It is expected that these will be between the Councils, statutory bodies, and other key stakeholders, including, but not limited to:

- Natural England
- Anglian Water and Affinity Water
- Historic England
- National Highways
- NHS Care Boards
- Sport England
- Essex County Council
- The University of Essex
- Latimer

An Examination Website has been set up which includes an examination library where all important and relevant documents relevant to the examination of the DPD will be published. The examination website is the principal means by which all the documents for the examination are made available to participants and the public. Latest news related to the Examination process and timetable will be published on the 'Latest news' page. Additional documents will be added to this page over time, including any further material prepared by the Councils, requested by the Inspector, and/or relevant to future Hearings.

APPENDICES

None.

BACKGROUND PAPERS

All Regulation 18 Consultation representations can be viewed via:
TCBGC Engagement Website - Regulation 18 Representations

All Regulation 19 Consultation representations can be viewed via:
TCBGC Consultation Portal - Regulation 19 Representations

Strategic Policy-Making Statement of Common Ground
TCBGC Strategic Policy-Making Statement of Common Ground

Duty to Cooperate Statement
TCBGC Duty to Cooperate Statement

Consultation Statement - Submission Version (Reg 22)
TCBGC Consultation Statement - Submission Version (Reg 22)

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