



TENDRING/COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

DATE:	Thursday, 5 September 2024
TIME:	6.00 pm
VENUE:	Colchester Rugby Club, Raven Park, Cuckoo Farm Way, Colchester, CO4 5YX (Roman Lounge)

MEMBERSHIP:

Councillor M Bush (TDC)
Councillor M Cossens (TDC)
Councillor G Guglielmi (TDC)
Councillor D King (CCC)

Councillor A Luxford-Vaughan (CCC)
Councillor L Scott (ECC)
Councillor L Wagland (ECC)
Councillor J Young (CCC)

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DATE OF PUBLICATION: FRIDAY 23RD AUGUST 2024

AGENDA

1 Election of the Chairman of the Joint Committee

To elect the Chairman of the Joint Committee for the remainder of the 2024/2025 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 2024/2025 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 7 - 18)

To confirm and sign as a correct record, the Minutes of the previous meeting of the Joint Committee, held on Monday 9 October 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 19 - 20)

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 Wednesday 4 September 2024.

Contact: Ian Ford. Email: democraticservices@tendringdc.gov.uk or Telephone: (01255) 686 584 or 686 587 or 686 585.

7 Report A.1 - Examination in Public: Inspector Modifications for Consultation (Pages 21 - 260)

To advise the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee of the modifications to the Development Plan Document (DPD) for the Garden Community that the Planning Inspector now requires the Councils to publish for consultation as part of the process of independent examination.

8 **Report A.2 - Delegation to Officers in respect of EIA Scoping Requests (Pages 261 - 266)**

To seek the agreement of the Tendring Colchester Borders Garden Community Joint Committee (“the Joint Committee”) to delegate specific decision making powers to Officers related to determining the scope of environmental issues needing to be covered in an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) that, in due course, will accompany the future planning application for the Garden Community.

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 arranged 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.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

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Public Document Pack Agenda Item 4

Tendring/Colchester Borders Garden
Community Joint Committee

9 October 2023

**MINUTES OF THE MEETING OF THE TENDRING/COLCHESTER BORDERS
GARDEN COMMUNITY JOINT COMMITTEE,
HELD ON MONDAY, 9TH OCTOBER, 2023 AT 6.00 PM
IN THE LAYER SUITE AT THE COMMUNITY STADIUM, UNITED WAY,
COLCHESTER CO4 5UP**

Present:	Councillors Andy Baker (TDC), Mike Bush (TDC), Tom Cunningham (ECC), Carlo Guglielmi (TDC), David King (CCC), Andrea Luxford-Vaughan (CCC), William Sunnucks (CCC) and Lesley Wagland (ECC)
Also Present:	Councillors Mark Cory (ECC & CCC), Zoe Fairley (TDC), Gary Scott (TDC) and Councillor Ann Wiggins (TDC)
In Attendance:	Lindsay Barker (Deputy Chief Executive), Gary Guiver (Director (Planning)), Andrew Weavers (Head of Governance & Monitoring Officer), Amy Lester (Garden Community Planning Manager), Ashley Heller (Head of Transport for Future Communities), Jonathan Schifferes (Head of Housing Growth and Garden Communities), Ian Ford (Committee Services Manager), Christopher Downes (Garden Communities Manager), William Lodge (Communications Manager), Keith Durrant (Committee Services Officer), Bethany Jones (Committee Services Officer), Catherine Gardner (Programme Support Officer) and Eleanor Storey (Development Technician)

1. ELECTION OF THE CHAIRMAN OF THE JOINT COMMITTEE

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

RESOLVED that Councillor David King be elected 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

It was moved by Councillor King, seconded by Councillor Guglielmi and:-

RESOLVED that Councillor Mike Bush be elected the Deputy Chairman of the Joint Committee for the remainder of the 2023/2024 Municipal Year.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Julie Young (CCC). CCC's Designated Substitute Member (Councillor William Sunnucks) attended in her stead.

4. MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE

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

RESOLVED that the Minutes of the meeting of the Joint Committee held on Monday 27 February 2023 be approved as a correct record and be signed by the Chairman.

5. DECLARATIONS OF INTEREST

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

6. PUBLIC SPEAKING

The Public Speaking Scheme for the Joint Committee gave 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 invited the following public speakers to come to the table in turn to speak. Their comments are in precis.

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

- *congratulated the Officers on the submission of the DPD to the Secretary of State which was a major milestone;*
- *Latimer was supportive of the DPD overall but had submitted constructive representations in order to achieve flexibility and increase the DPD's robustness in the interests of all parties and to ensure that Latimer was invited to take part in the Examination-in-Public process;*
- *Objective was that the DPD would be found sound and deliverable and Latimer would be asking the Planning Inspector to put forward modifications to the DPD that would make it so;*
- *Latimer remained committed to delivering an ambitious and progressive Garden Community consistent with the principles and vision outlined in the DPD;*
- *Latimer was progressing the planning applications through the pre-application process with Officers;*
- *Latimer had held their own public consultation events on their emerging proposals which had generated a very positive public response tempered by a number of concerns which Latimer intended to address through its application;*
- *In response to concerns raised, clarified and confirmed that no development was proposed for the slopes of Salary Brook Country Park;*
- *Latimer's proposals were in line with the agreed policies and Latimer would undertake visual impact assessments of its proposals as part of its planning applications;*
- *Latimer would now consider all of the feedback received from its public consultations and would work with its consultants to ensure that its proposals responded appropriately; and*
- *In regards to stewardship and estates management of the Garden Community and in response to requests made by Councillors, Latimer had accelerated the process of producing its stewardship strategy and expected to put forward more information on this to Officers and Councillors by the end of the year.*

Rik Andrew

- *Spoke not as a Town Councillor for Wivenhoe but in his personal capacity as Chair of the Wivenhoe Travel and Transport Working Group;*

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- *Felt it was premature to be issuing road building tenders and contracts for the link road before the DPD had undergone its Examination-in-Public (EiP) and it had been found to be sound or not;*
 - *DPD was full of caveats warning that the highly aspirational modal shift targets for active travel and the use of the RTS might well not be met;*
 - *Planning Inspector was likely to determine that the aspects of the movement strategy would require further thought for example in regards to locating all of the sports pitches south of the A133 which was not likely to encourage active travel and should instead be in the middle of the 'new town';*
 - *Essex County Council had belatedly admitted that the link road would not relieve A133 congestion as north-south traffic on the link road would be very similar and that the 'new town' would generate 4,000 vehicle movements an hour on local roads;*
 - *As the A120 was not currently congested, questioned why Phase 1 was not in the north which would then only require a short access road to the A120;*
 - *Did not consider that a housing build of 250 dwellings per year was enough to justify a dual carriageway for the link road for at least a decade especially one with three major roundabouts;*
 - *The Garden Community would eventually be the same size as Harwich which was satisfactorily served by a single carriageway road (A120 East);*
 - *Harwich also has a railway station and so should the 'new town';*
 - *Ploughing ahead with a £100million link road was not a good use of public money and it would be very wrong to do so before the outcome of the EiP was known.*

Sir Bob Russell

- *Reminded the Joint Committee of the comments that he had made regarding the Salary Brook slopes at its last meeting and the response that he had received from the Officer;*
- *Had been annoyed to see at a Latimer run exhibition that were indicative proposals for a bandstand and a children's play area on the southern slopes within the Salary Brook Country Park which he felt was inappropriate. Plus there was a school to be built at the brow of the hill which was a new development also and would be clearly visible from Greenstead and Longridge*
- *Stated his continuing grave concerns over the University of Essex's intentions regarding its use of the Salary Brook slopes for employment land to link the Knowledge Gateway whereby such development would be built on the slopes, adjacent to the slopes or be visible from Greenstead and Longridge;*
- *Urged the Joint Committee to make it clear to Latimer and all other interested parties that this would never be allowed to happen.*

Parish Councillor Adam Gladwin

- *Spoke on behalf of Elmstead Parish Council;*
- *Disappointed at how the Parish Council's representations had been portrayed in the Officer report and urged Members to read their responses in full online;*
- *Felt that the public consultation had not been well-conducted, online response forms had been over-complicated and too restrictive as to character limits for responses;*
- *Stated that the vast majority of responses from Elmstead Market residents had been negative;*

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- *Stated that Elmstead Market residents were losing their faith and trust in the process as they felt that they were not being listened to, core issues raised in previous consultations had not been addressed;*
 - *Wanted further changes made to the DPD to make it a better plan and more evidence gathered and a better consultation carried out before this project can be progressed any further in a positive manner;*
 - *Shocked to see statutory consultees raising concerns such as the North Essex NHS Foundation Trust and the East of England Ambulance Service regarding healthcare provision and phasing;*
 - *The NHS, Natural England and Highways had all pointed out the lack of an evidence base on air pollution;*
 - *Elmstead Parish Council had raised such concerns on the link road planning implication which had indicated a high to severe impact on Elmstead and yet there had been no assessment of the additional effects of the Garden Community;*
 - *Concerned about the financial viability of the Garden Community;*
 - *Provision of the link road in its entirety prior to any development commencing remained a 'red line' for the support of Elmstead Parish Council and many local residents.*

The Chairman of the Joint Committee (Councillor King) responded to Parish Councillor Gladwin's statement as follows:-

- understood the passions and concerns of the respondents whether general or specific;
- acknowledged that consultations were not a waste of time. Previous representations had changed the Councils' approach to several issues and had helped reinforce the DPD in its draft form;
- The representations now received would influence the conversations that Members and Officers would have in the run up to the Examination-in-Public;
- The message was please still continue to engage; Members do pay attention to all views put forward.

Councillor Mark Cory, Essex County Council and Colchester City Council

- *pleased there was an agreement about genuinely Garden Community principles; must avoid any further flexibility or watering down of the DPD as this would lead to a watering down of the garden community principles;*
- *Strategic green gaps were supported in the representations. All needed equal protection;*
- *reiterated that development south of the A133 was not acceptable, though its use as open space and for sports facilities might be acceptable, its use for University accommodation would not be;*
- *the A133 was a clear boundary for the settlement of the Garden Community as far as the residents and elected representatives of Wivenhoe were concerned;*
- *wondered where any contrary views to that could have come from other than from Latimer or the University of Essex;*
- *referred to the cynicism within the representations as to the transport plans and especially the RTS;*
- *public concern about the link road no longer being a link road (i.e. with the purpose of taking traffic away from Clingoe Hill);*

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- *advocated maintaining the deadline in the HIF bid whereby no more than 1,000 houses could be built before the link road was provided in its entirety.*

The Chairman of the Joint Committee (Councillor King) responded to Councillor Cory's statement as follows:-

- worth remembering that the position of the Joint Committee was consistent with a number of Councillor Cory's remarks;
- acknowledged that others could take a contrary view about the land south of the A133 and/or Salary Brook and that was a part of the process that lay ahead;
- stressed that all of the representations received would be submitted to the Planning Inspector in their entirety so if there were any weaknesses in the way representations had been summarised in the Officer report he asked for forbearance.

Councillor Gary Scott, Tendring District Council

- *endorsed Parish Councillor Gladwin's comments about Elmstead Parish Council not being listened to;*
- *welcomed the recent all day consultation event held in Elmstead by Latimer though he was concerned that the graphics had been too complex and unclear; they needed to be made clearer going forward;*
- *residents had concerns about the link road and the RTS – will it be built in full? Who is paying for it?*
- *had his concerns too about the build up of traffic through Elmstead Market on the A133 and especially construction traffic whilst the link road was built;*
- *agreed that there had been a lot of consultation and that 'fatigue' could be becoming an issue but was firmly of the belief that consultation was healthy and necessary and should occur whenever possible;*
- *wondered if the consultation online could remain continuous.*

The Chairman of the Joint Committee (Councillor King) responded to Councillor Scott's statement as follows:-

- formal consultation had, of course, now closed but it had raised the point of how the Councils were going to keep residents and other interested parties informed of developments going forward and this would be looked into.

Amy Lester, the Garden Community Planning Manager (Tendring District Council) responded to the points made by all of the speakers along the following lines:-

- the importance of the Country Park Salary Brook slopes and its concern to residents is noted and recognised. The Policies Map for the Country Park and the provision of the employment land north of the A133 has not changed and the slopes are to be protected from development though in the Country Park there will likely be some interventions and facilities provided such as a visitor centre and a playground as at Highwoods Country Park;
- in relation to protecting the views of the residents of Greenstead and Longridge Park any development would be expected to use design techniques and the existing natural landscape bolstered by additional screening as necessary to screen the development and minimise any visual impact;

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- in relation to the consultation process the Councils had been bound by the requirements of Regulation 19 that mandated that certain questions had to be asked to allow consultees the opportunity to make representations specifically on the 'soundness' and legal compliance of the DPD and therefore it had not been as broad as previous consultations such as for Regulation 18;
 - the consultation Portal had been designed to ask those questions in as simple a way as possible whilst remaining acceptable to the Planning Inspectorate;
 - Officers had been required by the Planning Inspectorate to summarise the representations not submitted through the Portal in a maximum of 100 words but all representations had been submitted in full, to the Planning Inspectorate;
 - Confirmed that with respect to the land south of the A133 the views of community representatives and residents had been consistent though the University of Essex and Latimer had differing viewpoints and aspirations;
 - It was normal that statutory consultees had raised matters on the DPD as this secured their role as a participant in the Examination-in-Public. Officers were beginning work with the statutory consultees, especially the NHS and national Highways to resolve some of those matters and to then produce statements of common ground to go forward to the public examination.

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

- restated the commitment of the Councils to deliver the entire link road as soon as possible;
- had got off to a really good start in terms of securing a significant amount of funding for the link road through the HIF;
- remained committed to the provision of the link road in total but it would now be in phases;
- link road policy was very well set out in the DPD;
- HIF creates a programme requirement to deliver the Councils' part of the link road by 2026 which was in progress and tenders for the construction of the link road were due back on 10 October 2023;
- the link road already had planning permission and would be dualled from the start to provide future resilience for the whole of the Garden Community development;
- to start this project from the north side would not be right in sustainable transport terms as the development would be isolated from Colchester and would only permit car journeys out into the wider strategic road network (e.g. A120/A12);
- reference to 1,000 houses was a business case figure as justification for the Homes England funding bid purposes and was not a figure for planning purposes so the developer would need to demonstrate through their transport assessment the right level of housing which can be sustained through the partial link road;
- accepted there was a need to overcome cynicism and to communicate better with the public on the quality of service merits of the RTS (rather than just a focus on infrastructure) and that a step change was needed to get the public to see the RTS as a viable alternative to the car.

7. **REPORT A.1 - DEVELOPMENT PLAN DOCUMENT: REPRESENTATIONS RECEIVED IN RESPONSE TO THE REGULATION 19 CONSULTATION AND NEXT STEPS**

The Joint Committee considered a detailed report (A.1) which set out 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. Those representations would be considered by a Government-appointed Planning Inspector as part of the examination process. The report did not seek to provide an account of each and every comment raised through the consultation.

The report also sought the Joint Committee's agreement that a formal request be made to the Planning Inspector to invite them to recommend any specific modifications that might be required to make the Plan sound.

Members recalled that public consultation on the Submission Version of the Plan for the Garden Community had commenced on 15th May 2023 and had closed on 25th June 2023, during which Officers had held nine face-to-face engagement events, which had been attended by 214 visitors.

The report was introduced by way of a presentation given by Amy Lester, the Garden Community Planning Manager.

It was reported that, in all, 276 representations from a total of 88 respondents had been received on different elements of the Submission Version Plan. All of those representations had been published on the Consultation Portal website for public view which allowed interested parties to see what others had said. Officers had registered and reviewed each of the representations received, all of which had been submitted in full to the Secretary of State in order to begin the process of independent examination by a Government-appointed Planning Inspector.

The Joint Committee was informed that, approximately 80% of the representations received had been in objection to the Submission Version Plan and 20% in support. The purpose of the Regulation 19 consultation stage had been to allow consultees the opportunity to make representations specifically on the 'soundness' and legal compliance of the DPD.

Members were advised that the largest number of representations had been submitted in response to GC Policy 1 – Land Uses and Spatial Approach. A number of respondents had continued to challenge the need for the Garden Community altogether; arguing that the development should not go ahead at all. However, the majority of comments had been constructive, with people keen to ensure the development was successful and genuinely met Garden Community principles.

The Joint Committee was told that, on the whole, the representations had presented a broad and diverse spectrum of views with less emphasis on the particular key issues which had 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.

Members were made aware that transport, traffic and implications for the existing road network, along with concerns about active travel and modal shift targets had 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 did not go far enough. Concerns also remained among some respondents about the funding and phasing of the Link Road and that there was insufficient detail on the RTS route, operation and implications for Clingoe Hill and Greenstead roundabout.

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

People remained particularly keen that the development was infrastructure led and did not result in existing infrastructure, services and facilities being overwhelmed; that it achieved a high level of energy efficiency; that it delivered high quality architectural and urban design; and that it protected existing historic and natural assets and incorporated high quality open spaces.

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

Members were made aware that the University of Essex, in its latest representations, had also acknowledged positives within the Submission Version DPD, but remained of the view that the Plan was unsound. The University felt that it failed both to properly provide for the University's expansion and failed to make appropriate provision for the employment land to link to the Knowledge Gateway. The University did not support student accommodation within the Garden Community's neighbourhoods as it would only consider developing new student accommodation as a seamless extension to the existing campus.

It was noted that a number of outstanding issues and areas of disagreement therefore remained. Officers would continue to work cooperatively with statutory bodies and key stakeholders to advance a series of Statements of Common Ground (SoCG) and 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 small changes to the DPD that could resolve certain minor matters and Officers were therefore asking the Joint Committee for delegated authority to put forward such changes to the Inspector for their consideration as part of the examination process.

Officers were also asking the Joint Committee to agree that, through the examination process, the Planning Inspector be 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 could be adopted.

The Joint Committee then proceeded to discuss and debate matters pertaining to the Officers' recommendations as follows:-

Recommendation 1)

Councillor Andrea Luxford-Vaughan (CCC)

- *no particular issues with the report except to question the position of land south of A133 in the conclusion rankings in the Officer presentation. It's been well established that this is a significant issue for the residents of Wivenhoe, and in addition, Wivenhoe Town Council and Elmstead Parish Council should have been included within the list of statutory consultees on the presentation slide;*

Councillor Carlo Guglielmi (TDC)

- *it had been demonstrated that concern about the land south of the A133 had been raised by only a small number of people. This land lay within the District of Tendring and that should not be lost sight of;*
- *the boundary had been pushed further and further into Tendring and away from Colchester so something had to give;*
- *always been the view of Tendring not to sterilise such a large piece of land so that also had to be noted. It was a huge piece of land that would eat into the density of the development as well as other things.*

Councillor Lesley Wagland (ECC)

- *referred to the combination of public consultation fatigue and the public belief of 'fait accompli' she wondered in whose interests it was to continue promulgating that belief that it's not worthwhile responding to a consultation;*
- *stated her belief that the opposite was true;*
- *reminded Members that the amount of consultation responses provided by the public would be vital to the success of the Examination-in-Public and therefore urged that it was always worthwhile to respond to a consultation;*
- *suggested that Officers find a way of putting into the public domain that the Regulation 19 consultation method had been set by the Planning Inspectorate and not by the Councils;*
- *further encouraged all those who disagreed with that consultation methodology should write to the Planning Inspectorate to inform them and ask them to change it.*

Recommendation 2)

Councillor William Sunnucks (CCC)

- *important now to focus on the statement of common ground with Latimer especially given the scale of their 'dissent' in their consultation representations and the gulf in position between them and the Councils. These needed to be resolved before the*

DPD inspection especially with regards to the Infrastructure Delivery Phasing and Funding Plan.

Councillor Andrea Luxford-Vaughan (CCC)

- *wanted a timescale of when Members were likely to see the statements of common ground, together with the topic papers being produced for the Inquiry.*

Councillor Lesley Wagland (ECC)

- *important to understand that statements of common ground were a process which was very well known in planning terms. Common ground avoided the need to contest it at the Examination-in-Public so producing them was a purely procedural way of saving time;*
- *public might be alarmed to see such statements where it looks like the developer and the Councils are on the same side so asked the Councils to produce an explanatory note to explain that this was merely a time saving procedural aspect for the Inquiry only;*
- *always far apart at the start but would come much closer together as time got nearer to the Inquiry.*

Councillor Mike Bush (TDC)

- *referred to the matter of stewardship and estates management and expressed his concern that the Councils were not fully engaged on this with Latimer in the run up to the Inquiry.*

Amy Lester, the Garden Community Planning Manager, responded to Members' statements as follows:-

- *in relation to the statements of common ground, Officers were at the very beginning of the process on all of those so could not give a timeline but they would not be coming forward in the near future;*
- *there was no timeline yet for the Inquiry and the production of the statements of common ground could, in theory, take right up to the date of that Inquiry. They would be put into the public domain as soon as possible;*
- *the statutory bodies statement had been prepared but had yet to be finalised;*
- *an initial Health Topic Paper had been prepared and placed on the Examination website and other topic papers on viability and the land south of the A133 had been started. There would be others;*
- *the Inspector would drive this process going forward as he decided what the issues were for the Inquiry.*

Councillor Tom Cunningham (ECC)

- *as this would be his last meeting as a member of the Joint Committee, he paid full tribute to the work, dedication, application and integrity of the various Officer teams involved. He also paid tribute to the work and dedication of the Lead Members from the Councils and for their political leadership on a very difficult project.*

Recommendation 3)

Councillor Andrea Luxford-Vaughan (CCC)

- *what was the definition of 'minor'?*
- *would they be circulated and made public?*

Amy Lester, the Garden Community Planning Manager, responded to Councillor Luxford-Vaughan as follows:-

- *yes, these are minor changes to the policy so they would not make significant changes to the policy as they would not be possible at this stage of the process;*
- *an example of such a minor change was that a healthy had asked for the inclusion of particular wording relating to "emergency services" so that where the policy refers to health and well-being services that it also refers to emergency services as well;*
- *so those would be very minor changes to the text that don't change the fundamental principles of the policy in any way;*
- *they would be put into the public domain and sent to the Inspector and would go forward into the Examination-in-Public.*

Councillor William Sunnucks (CCC)

- *stated that there was a need to make two major changes to the DPD to tighten up the clauses of the DPD relating to the link road and the Infrastructure Delivery due to the fact that there was now only going to be half a link road with no binding commitment for the remainder. Additionally, Latimer wanted to examine the evidence at the time rather than commit to the Infrastructure Delivery Plan as it currently stood;*
- *the Councils should therefore request the Inspector to make those two changes.*

Councillor Carlo Guglielmi (TDC)

- *Councils had a firm commitment from Latimer through a Memorandum of Understanding that the link road would be financed;*
- *conversation needed with Latimer was - what was going to give, given that the 'pot' was limited;*
- *now was not the time to be raising potential major modifications.*

Amy Lester, the Garden Community Planning Manager, responded to Councillor Sunnucks as follows:-

- *clarify that it was not within the Councils' gift at the moment to suggest major modifications to the submitted Plan in the lead up to the Examination;*
- *it would be for the Inspector to draw out the areas of difference and to thrash those out and to put forward any major modifications themselves.*

Councillor Lesley Wagland (ECC)

- *there were a number of different points at which those matters will be addressed including the Section 106 Agreement;*
- *this was a common occurrence when it came to such road schemes;*
- *the use of a phasing approach had the advantage of being able to be dealt with under the Section 106 Agreement by reference to a developer who has made a*

commitment to doing so and that commitment could be built into the planning process but there were innumerable steps along the way at which those matters could be addressed including planning conditions and Section 106 Agreements.

It was thereupon **RESOLVED** that the Tendring Colchester Borders Garden Community Joint Committee –

- 1) notes the contents 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 the supplementary material necessary to aid the Planning Inspector and the forthcoming Examination in Public;
- 3) authorises the Garden Community Planning Manager, in consultation with TDC's Director (Planning), CCC's Executive Director (Place), ECC's Director for Sustainable Growth, and the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to submit minor suggested modifications to the DPD for the Planning Inspector's consideration ahead of the examination-in-public;
- 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.

The meeting was declared closed at 7.54 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](mailto: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

5 SEPTEMBER 2024

A.1 EXAMINATION IN PUBLIC: INSPECTOR MODIFICATIONS FOR CONSULTATION

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

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To advise the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee of the modifications to the Development Plan Document (DPD) for the Garden Community that the Planning Inspector now requires the Councils to publish for consultation as part of the process of independent examination.

EXECUTIVE SUMMARY

The purpose of the DPD is to plan effectively for growth within the TCBGC over the long term. In 2021, Tendring District Council (TDC) and Colchester City Council (CCC) both agreed to formally adopt the 'North Essex Authorities' Shared Strategic Section 1 Local Plan' (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 DPD seeks to set an appropriate and 'sound' strategy for the future development of the TCBGC. The DPD has been prepared by CCC and TDC as the Local Planning Authorities, in partnership with Essex County Council (ECC).

In September 2023 the DPD was submitted for 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. This followed the Regulation 19 stage of public consultation as carried out in May-June 2023. Planning Inspector, Mr. Graham Wyatt, was subsequently appointed to examine the DPD, and public hearings were held in May 2024.

In advance of the hearings, the Inspector requested that the Councils prepare, and publish on the [Examination Website](#), a 'Schedule of Suggested Modifications' listing any changes to the DPD that the Councils would wish him to consider as potential modifications following a review of the Regulation 19 representations, the preparation of Statements of Common Ground (SoCG) with Statutory Bodies and key stakeholders and through the identification of errors in the drafting of the Submission Version of the DPD (i.e. typos). Members will recall that, at its meeting of the 9th October 2023, the TCBGC Joint Committee agreed 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 did not extend to making more significant changes).

None of the modifications suggested by the Councils through the 'Schedule of Suggested Modifications' were significant in that they did not seek to change the substance or intent of DPD policy.

As part of each hearing session the Inspector reviewed and asked for comment on each modification suggested, relating to the relevant policy being considered as part of that hearing session. Following the hearings the Inspector asked the Councils for an updated 'Schedule of Suggested Modifications' based on the discussions held at the hearings.

The Inspector has subsequently issued his own 'Schedule of Modifications', as appended to this report (Appendix 1), and has instructed the Councils to proceed to consultation. The modifications issued by the Inspector have been summarised in Part 3 of this report. They do not vary significantly from the Suggested Modifications that were discussed at the hearings.

The Joint Committee is asked to note the content of the Inspector's 'Schedule of Modifications', prior to their publication for consultation for a period of six weeks in September/October 2024 in accordance national requirements. The Councils will publish the modifications alongside an updated Sustainability Appraisal (SA), and an updated Habitats Regulations Assessment (HRA) to take account of them.

Following conclusion of the consultation the Inspector will consider the SA, HRA and all representations made in response to the modifications. At the end of the Examination the Inspector will send a report to the Councils recommending whether or not the DPD is legally compliant and sound (with or without some or all of the proposed modifications) and thus whether they can proceed to formally adopt the plan.

RECOMMENDATION

That the Tendring Colchester Borders Garden Community Joint Committee -

- 1. notes the content of this report and the Inspector's Schedule of Modifications (attached at Appendix 1); and**
- 2. notes the next stage of the examination process, which is to publish the Schedule of Modifications for public consultation.**

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

Consultation on the modifications to the DPD as received from the Inspector is a statutory stage of the plan making process. There is a risk that should the DPD not be adopted in an appropriate timescale, the ongoing ability for the Councils' to manage growth within the TCBGC area in a planned 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 establishes and secures funding to cover the cost of meetings and dedicated resources to facilitate the pre-application process and the assessment and determination of planning applications.

It is considered the Councils' approach to plan preparation, engagement and consultation to date has allowed the public and other stakeholders to have a significant opportunity to input into the process and, where appropriate, to shape 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 considered that the thorough process the Councils have engaged in over the last few years, 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.

A delay in the process of the Examination proceeding to consultation on the modifications is likely to pose a risk to the timetable for the overall Garden Community project and the delivery of the first phase of homes and associated infrastructure. Because the Section 1 Local Plan requires that planning permissions are not to be granted until the DPD has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground.

Whilst the receipt of the Inspector's Schedule of Modifications does not constitute a judgement on the legal compliance and soundness of the DPD, it is a positive step in the examination process.

Furthermore, the fact that the modifications provided by the Inspector do not vary significantly from those that were discussed at the examination hearings, would suggest that no fundamental issues requiring more significant changes have been identified at present. However, it will ultimately be for the Inspector to confirm whether or not this is the case once he has considered any further representations on the modifications and determined whether or not the DPD, with or without certain modifications, is legally compliant and sound.

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. To date, TDC and CCC have complied with the Duty to Cooperate, as confirmed by the government Planning Inspector in his final post-examination report which allowed the Councils 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 Co-operate.

Section 19 of the 2004 Act requires local planning authorities to carry out a 'Sustainability Appraisal' (SA) 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 SA. 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 SA is to ensure that potential environmental effects are given full consideration alongside social and economic issues. A SA was produced for the Submission Version Plan and has been updated to take account of the Inspector’s modifications. The updated SA will be published for consultation alongside the modifications.

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 is being 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 have sought to 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 (with or without the Inspector's modifications) 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 (with or without the Inspector's modifications) 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 have given 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 (with or without the Inspector’s modifications) 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 give 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

SUMMARY OF INSPECTOR’S MODIFICATIONS

The Inspector has made four (4) changes to the Councils ‘Schedule of Suggested Modifications – Post Hearing Update’. These are to GC Policy 2 ‘Nature’, GC Policy 8 ‘Sustainable Infrastructure’ and GC Policy 9 ‘Infrastructure Delivery, Impact Mitigation and Monitoring’. Changes are as follows:

GC Policy 2 – Nature

- **MM90 - Part D (to become Part E) ‘Biodiversity Net Gain’**

Inspector’s Modification:

Remove reference to ambition to achieve BNG of 15%, as such remove last sentence of first point of Part D on page 40 of the DPD as follows:

~~As such an ambition is to achieve BNG of 15% on average across the whole masterplan.~~

Inspector’s Reason:

The minimum requirement of 10% will be met across the masterplan as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

GC Policy 8 - Sustainable Infrastructure

- **MM71 - Part A ‘Net Zero Carbon’**

Inspector’s Modification:

The Inspector has changed the timeframe for an agreed strategy to achieve net zero in acceptable circumstances from ‘*within a reasonable timeframe*’ to ‘*within five years of occupation*’. As such Part A on page 117 of the DPD be amended as follows:

All buildings ~~must~~ shall be net zero in operation at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation, and achieve net zero operational energy balance ~~onsite~~ across the Garden Community.

Inspector's Reason:

At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.

- **MM72 - Part A 'Net Zero Carbon'**

Modification **not** agreed by the Inspector:

The Councils had, through the 'Schedule of Suggested Modifications' and their hearing statement for Main Matter 8, put forward for consideration that the space heating, energy consumption and renewable energy generation standards under Part A of GC Policy 8 be updated to reflect the findings of the most up-to-date technical evidence base and ensure alignment with the Essex Design Guide. The suggested modification was discussed on Day 1 of the hearing sessions under Main Matter 8.

Inspector's Reason:

The Inspector has **not agreed** the Councils suggested modification as the Essex Design Guide is not part of the Development Plan. Therefore, the suggested modification is not considered reasonable and would be likely to create issues in relation to deliverability. This modification will therefore not go forward for consultation and the standards under Part A of GC Policy 8 will remain in the DPD as outlined within the Submission Version Plan.

GC Policy 9 'Infrastructure Delivery, Impact Mitigation and Monitoring'

- **MM91 - Part A 'Infrastructure Delivery Mechanism'**

Inspector's Modification:

Remove all references to Community Infrastructure Levy.

Inspector's Reason:

The CIL charging schedule will be considered separately from the DPD.

In addition to the above modifications, the Inspector has agreed that all other modifications within the 'Schedule of Suggested Modifications - Post Hearing Update' should proceed to consultation. No other modifications have been made by the Inspector.

SUSTAINABILITY APPRAISAL

Under the Planning and Compulsory Purchase Act 2004, a Sustainability Appraisal (SA) is mandatory for Development Plan Documents (DPDs). It is also necessary to conduct an environmental assessment in accordance with the Strategic Environmental Assessment (SEA) Regulations (as amended). The SEA Regulations remain in force post-Brexit and it is a legal requirement for the Plan to be subject to SA and SEA throughout its preparation. SA and SEA are tools used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives.

Land Use Consultants (LUC) has carried out an update to the SA of the DPD, incorporating the Inspector's modifications, on behalf of the Councils (Appendix 2). Previously LUC carried out the SA for the Section 1 Local Plan and the SA for the Submission Version of the DPD. The SA report is appended to this Committee report so that members are informed of the likely effects of the Plan and why alternatives have been discounted. The SA report must be published for public consultation alongside the plan to which it relates.

The SA appraised the policies and reasonable alternatives and has considered the Plan's cumulative effects. The Plan must be in conformity with the adopted Shared Section 1 Local Plan, which limits the alternatives for both the Plan's policies and the masterplan. Options that are not in conformity with the Section 1 Local are not reasonable alternatives.

Taken as a whole, the SA concludes that the DPD, with the Inspector's modifications, sets out a positive plan for the achievement of the Garden Community. The policies of the plan set a high standard which development will be required to meet, and it is considered consistent with the principles of sustainable development.

MODIFICATIONS CONSULTATION SUMMARY PLAN

Officers intend to consult on the modifications for six weeks during September and October 2024. A downloadable PDF of the 'Inspector's Schedule of Modifications' will be made available on the engagement website and in paper form in TDC and CCC council offices and local libraries, alongside the necessary statutory documentation (for example, the SA).

Anyone wishing to comment on the modifications online will be directed to a web page where the modifications will be held. This web page will use consultation software that complies with the legal requirements of the consultation.

In addition to the Councils carrying out their statutory consultation requirements, a range of non-digital and digital publicity activities will be undertaken, this could include where appropriate and considered necessary:

Non-digital activity:

- Notice/Advert in the Daily Gazette (Colchester) and Clacton Gazette

Digital activity:

- E-newsletters
- Non-paid social media on Facebook, Twitter, and LinkedIn
- Web banners on Council websites

The consultation will be open to all. It is not in any way restricted to those who participated in the examination hearings or made representations previously.

The Committee is asked to note the Inspector's modifications and the next stage of the examination process, which is to publish the modifications for consultation. The Councils cannot change the content of the Inspector's modifications or refuse to proceed with consultation; however if Members of the Committee or other Councillors disagree with, or have comments on, the modifications, they are free to participate in the consultation and make representations like any other member of the public or interested party.

Following the consultation, the Inspector will consider any representations received and will thereafter issue his report confirming whether or not the DPD is legally compliant and sound (with or without some or all of the proposed modifications) and thus whether the Councils can proceed to formally adopt the plan. The final decision to formally adopt the DPD, as modified, will, in due course, lie with the Members of Full Council at Tendring District Council and Colchester City Council (the Local Planning Authorities) following a recommendation of the Joint Committee.

APPENDICES

Appendix 1: Inspector's 'Schedule of Modifications' to the DPD to be published for consultation

Appendix 2: Sustainability Appraisal Update – August 2024

Appendix 3: Habitats Regulations Assessment – Addendum July 2024

BACKGROUND PAPERS

- [Schedule of Suggested Modifications \(26th April 2024\)](#)
- [Schedule of Suggested Modifications – Post Hearing Update \(3rd June 2024\)](#)

Appendix 1: Inspector's Schedule of Modifications to the DPD to be published for consultation

Available as separate document

Link:

<https://talk.tcbgardencommunity.co.uk/27450/widgets/77995/documents/65774>

Appendix 2: Sustainability Appraisal Update – August 2024

Available as separate document

Link

<https://talk.tcbgardencommunity.co.uk/27450/widgets/77995/documents/66255>

Appendix 3: Habitats Regulations Assessment – Addendum July 2024

Available as separate document

Link:

<https://talk.tcbgardencommunity.co.uk/27450/widgets/77995/documents/65773>

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Modifications for Consultation

Section	Page No.	Modification Numbers	Notes
Chapter 2 - Vision	2	MM1	
GC Policy 1 - Land Uses and Spatial Approach	3	MM2 to MM13	
Policies Map	7	MM14 to MM17	
GC Policy 2 - Nature	8	MM18 to MM27 & MM90	Note MM90 not in numerical order.
GC Policy 3 - Place Shaping Principles	14	MM28 to MM34	
GC Policy 5 - Economic Activity and Employment	17	MM35 to MM38	
GC Policy 6 - Community and Social Infrastructure	19	MM39 to MM50	
GC Policy 7 - Movement and Connections	25	MM51 to MM70	
GC Policy 8 - Sustainable Infrastructure	32	MM71 to MM74	Note MM72 not for consultation as not Inspector agreed modification.
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	35	MM75 to MM84 & MM91	Note MM91 not in numerical order.
Glossary	41	MM85 to MM88 & MM91	Note MM91 not in numerical order.
Appendices	43	MM89	

Chapter 2 - Vision

Mod Ref	Part	Modification	Reason
MM1 (Minor)	Narrative	Amend page 16 'Community and Social Infrastructure' to read: The Garden Community will be known for its healthy and thriving community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport, leisure, <i>health, and wellbeing facilities</i> . It will establish long term and participative stewardship of infrastructure from the outset.	ESNEFT Rep ID.266 To ensure alignment with the NPPF.

GC Policy 1 - Land Uses and Spatial Approach

Mod Ref	Part	Modification	Reason
MM2 (Main)	Part A	Amend first point of Part A, page 20: Delivery of circa 7,500 new homes with a range of shops, jobs, services, and community facilities, including education <i>and health and wellbeing provision</i> (see Part B below).	ESNEFT Rep ID.266 To ensure the Plan includes an effective strategy for securing identified infrastructure needs.
MM3 (Main)	Part B	Amend fifth para, page 22: ...The councils will work with the University of Essex and other partners as appropriate, to deliver the key infrastructure (health, education, <i>ambulance, police, firefighting</i> and other community uses)....	EEAST Rep ID.253 To add emergency services.
MM4 (Main)	Part B	Amend last sentence of first para, page 23: <i>Accessibility to services and facilities including those that support health and wellbeing</i> , utilities infrastructure and the Rapid Transit System will be key to determining the phasing of development in the ‘Crockleford Neighbourhood’.	ESNEFT Rep ID.266 to ensure that the Policy represents an effective strategy for meeting identified infrastructure needs.
MM5 (Main)	Part B	Amend last sentence of last para. page 21: Broad locations for two distinct but interlinked Neighbourhoods, referred to as the ‘South and North Neighbourhoods’ are shown on the Policies Map. The ‘North and South Neighbourhoods’ between them will accommodate around 6,000-6,500 new homes.	Latimer Rep ID.225 Phasing will be agreed via an illustrative phasing plan for the Garden Community, submitted with the hybrid planning application.

		Development within and across the two ‘Neighbourhoods’ will be phased to ensure housing development is aligned with infrastructure delivery, with an expectation that the early phases of development will begin in the ‘South Neighbourhood’.	
MM6 (Main)	Part B	Amend first sentence of last para. page 22: <i>Subject to evidence-based work</i> , the ‘South and North Neighbourhoods’ <u>are to</u> will each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes.	Latimer SoCG (SCG06) The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work.
MM7 (Main)	Part B	Amend first sentence of first para. page 23: The ‘Crockleford Neighbourhood’ will be developed as an individual community that is physically separated from, but connected by walking, cycling and other sustainable transport modes to the ‘South and North Neighbourhoods’ and the City of Colchester.	Latimer SoCG (SCG06) Depending on the outcomes of local junction modelling along Bromley Road into Colchester, some parcels of development within the Crockleford Neighbourhood may need to access to the Link Road instead of Bromley Road. Suggested wording to reflect this flexibility.
MM8 (Main)	Part B	Amend last sentence of first para. page 23: Accessibility to services and facilities, utilities infrastructure and , the Rapid Transit System <u>and other public transport services</u> will be key to determining the phasing of development in the ‘Crockleford Neighbourhood’.	Latimer SoCG (SCG06) Acknowledging existing, enhanced and other public transport can support homes as well as the RTS removes pre-judging of phasing at Crockleford.
MM9	Part E	Amend forth para. page 24:	Historic England Rep ID.214

(Main)		Land east of the new A120-A133 Link Road and the new 'Business Park' south of the A120, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the east of the Garden Community; maintain the long-term physical and visual separation to Elmstead Market, and to assist in protecting the setting of the <i>designated</i> heritage assets of the <i>Grade I Listed</i> Church of St. Anne and St. Lawrence, <i>Grade II* Listed</i> Elmstead Hall, <i>and Grade II Listed</i> Allens Farmhouse and the Round Burrow.	Correction is suggested which removes reference to the 'Round Burrow' due to this asset being unrelated to the context of the Elmstead Strategic Green Gap.
MM10 (Main)	Part F	Amend first para. page 25: Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' for new a 'Sports and Leisure Park'. This will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University. <u>Where appropriate this will include the provision of indoor and outdoor floodlit facilities.</u>	Sport England Rep ID.66 To provide clarity over scope of sports facilities.
MM11 (Main)	Part F	Add new para. after second para. page 25: <u>Should the position of the A133 Park and Choose Facility be located south of the A133, its provision and position should be evidenced to demonstrate that it would not prejudice the expansion requirements of the University of Essex or the ability to meet the sports, leisure and open space requirements of the wider Garden Community.</u>	Statement of Common Ground SCG04 with the University of Essex. To provide clarity over the provision of the Park and Choose facility should it be located south of the A133, to ensure the full and comprehensive expansion needs of the University could be realised and that the open space requirements of the Garden Community are met.

MM12 (Main)	Part J	<p>Amend last para. page 26:</p> <p>The ‘Park and Choose Facility’ will be brought forward alongside early phases <u>first residential phases</u> of development to coincide with the first operation of with the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.</p>	<p>Latimer SoCG (SCG06)</p> <p>A sustainable infrastructure first approach should be adopted at TCBGC and that the RTS will be provided with a Park and Choose facility from the first development parcel phases. “first residential” is used rather than “first” as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS.</p>
MM13 (Minor)	Part K	<p>Amend last para. page 27:</p> <p>Each individual policy of this Plan specifies required supporting documents that must be submitted either prior to or in support of planning applications. A full list of these documents can be found at Appendix 4 <u>3</u>.</p>	<p>ESNEFT Rep ID.266</p> <p>Correction of typo.</p>

Policies Map

Mod Ref	Part	Modification	Reason
MM14 (Main)	Land South of A133	Extension of grey hatching denoting “Sports & Leisure Park: General location of sports pitches, parkland...” to cover existing woodland area south of the A133.	Omission from plan. Modification would correctly illustrate the 25ha allocation for ‘Sports and Leisure Park and University of Essex Expansion’ as required by Policy GC1 Part F.
MM15 (Minor)	Key	Reference to Gypsy and Traveller Sites is plural and should be amended to be singular.	The DPD on page 64, Part G of GC Policy 4 states that there will be a site containing a number of pitches. To avoid doubt, the policies map should reflect this.
MM16 (Minor)	Key	Spelling error to correct “Potential Vehicular Link”.	Typo.
MM17 (Main)	Key	Footnote to be added to “30m Woodland Buffer” to clarify that this is for information only.	Reference to the ‘30m’ woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. Suggest that clarification is added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.

GC Policy 2 - Nature

Mod Ref	Part	Modification	Reason
MM18 (Main)	Part A	<p>Remove the last para. page 39 as follows from Part A:</p> <p>Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the sensitive Essex coast. Proposals to incorporate the SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</p> <p>Create new Part B to read as follows:</p> <p><u>Part B: Suitable Alternative Natural Greenspace (SANG)</u> <u>Proposals will be required to provide an appropriate amount of Suitable Alternative Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage</u></p>	<p>Natural England Rep ID.223</p> <p>To provide clarity and accuracy on referenced requirements.</p> <p>Note modification to substitute ‘accessible with ‘alternative’ in ‘Suitable Alternative Natural Greenspace’ as per NE guidance and representation.</p>

		<i><u>proposed in order to count towards SANG provision. 10 The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space. Proposals must demonstrate how SANG, and access to it, will be provided for each relevant phase of the development, including access to temporary SANG where required.</u></i>	
MM19 (Minor)		<p>Re-title the following sections:</p> <p>Part B: Integrating Green and Blue (water) Spaces into Built Form - Becomes <u>Part C</u></p> <p>Part C: Protection of Biodiversity – Becomes <u>Part D</u></p> <p>Part D: Biodiversity Net Gain – Becomes <u>Part E</u></p> <p>Part E: Tree Planting – Becomes <u>Part F</u></p> <p>Part F: Productive Landscapes – Becomes <u>Part G</u></p> <p>Part G: Sustainable Drainage Systems and Blue Infrastructure – Becomes <u>Part H</u></p> <p>Part H: Integration of A120-A133 Link Road Mitigation – Becomes <u>Part I</u></p> <p>Part I: Planning Application Requirements – Becomes <u>Part J</u></p>	To accommodate new Part B.
MM20 (Main)	Part B (to become Part C)	<p>Amend last para. page 39:</p> <p>A key principle and part of the distinctive character of the Garden Community will be the green-blue infrastructure network and celebration of the natural and historic environment. Proposals should take every opportunity to integrate green and blue spaces and will be required to demonstrate, both spatially and technically, how they have</p>	<p>Essex County Council Rep ID.106</p> <p>Noted that ‘Green Roofs’ are reference twice in this section and recommended alternative wording as the design of street furniture and bin stores can add character to the landscape, reduce clutter, and benefit biodiversity. Modification suggested to provide clarity and correction.</p>

		<p>been integrated into the built form. Examples include: tree lined streets or streets that contain hedgerows appropriate to local character, habitats, and species; insect-attracting plants, hedgerows, log piles, and other places of shelter for wildlife refuge/hibernation within structural landscaping and open spaces; hedgehog friendly features in residential garden boundaries to create linked habitat; dark corridors for bat foraging; green walls and roofs and other measures of incorporating trees and plants into buildings; bat boxes, bricks or lofts and bird boxes; green roofs <i>dual purpose street furniture</i>; and Sustainable Drainage Systems (SuDS).</p>	
MM21 (Main)	Part C (to become Part D)	<p>Amend as follows:</p> <p>Part C<u>D</u>: Protection of Biodiversity</p> <p>Proposals will need to provide the following:</p> <ul style="list-style-type: none"> • Are supported with appropriate ecological surveys where necessary. • Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed. • Will minimise fragmentation of habitats. • Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements. 	<p>Natural England Rep ID.223</p> <p>To provide clarity and accuracy on referenced requirements with regard to functionally linked land and wintering bird surveys.</p>

		<p><u>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</u></p> <p>Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.</p>	
MM90 (Main)	GC Policy 2 Part D (to become Part E)	<p>Remove last sentence of first point of Part on page 40: As such an ambition is to achieve BNG of 15% on average across the whole masterplan.</p>	The minimum requirement of 10% will be met across the masterplan as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
MM23 (Main)	Part E (to become Part F)	<p>Areas for planting or regeneration should <u>will need to</u> be set out and agreed in the appropriate landscape and green-blue infrastructure strategies and management plans.</p>	Essex County Council Rep ID.107

			Recommended minor change to wording to strengthen the policy. Modification suggested to provide clarity, consistency and to strengthen the policy.
MM24 (Main)	Part J (new part)	<p><u>Part J: Air Quality</u></p> <p><u>Proposals that might lead to a deterioration in air quality or to an exceedance of the national air quality objectives, either by itself, or in combination with other development, will require the submission of an Air Quality Assessment to be carried out in accordance with industry best practice. This should address:</u></p> <p><u>a) The cumulative effect of further emissions and screening for air quality impacts.</u></p> <p><u>b) Where identified as being required, the proposed measures of mitigation, using good design, technical solutions and offsetting measures that prevent the deterioration of air quality and ensure that National Air Quality Objectives are not exceeded.</u></p> <p><u>c) The identification of measures to secure the safety and satisfactory quality of life for the future occupiers and existing residents. Development must not result in an increased exposure to poor air quality, including odour, fumes and dust, particularly where developments might be occupied or used by vulnerable people.</u></p> <p><u>The Air Quality Assessment must be informed by traffic scoping modelling for each relevant phase of development and is required to assess increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.</u></p>	<p>Natural England Rep ID.224</p> <p>To provide clarity with regard to requirements relating to Air Quality.</p>

		<u>All development proposals should promote a shift to the use of sustainable low emission transport modes, to minimise the impact of vehicle emissions on air quality.</u>	
MM25 (Main)	Part I (to become Part K)	Proposals must include a green-blue infrastructure plan, which demonstrates how the scheme reflects and complies with the Strategic Masterplan; the Colchester Tendring Open Space Strategy requirements; the Healthy Living and Play Strategy required by GC Policy 6; <u>appropriate biosecurity standards for sourcing, quarantining, and inspecting plant material supplied to the development required by GC Policy 8;</u> and demonstrate how green and blue spaces have been integrated into the built form.	Essex County Council Rep ID.115 Recommended minor change to wording to secure the submission of appropriate details at application stage. Modification suggested to provide clarity, consistency and to strengthen the policy.
MM26 (Main)	Part K (was Part I)	Add: 7. Proposals must be supported by an Air Quality Assessment to be informed by traffic scoping modelling for each relevant phase of development in accordance with industry best practice.	Natural England Rep ID.224 To provide clarity with regard to requirements relating to Air Quality.
MM27 (Main)	Justification (page 46)	Add additional paragraph: <u>Where the surveys show that mitigation is required, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds</u>	Latimer Rep ID.227 To avoid any ambiguity and allow the detailed and tailored HRA process to inform appropriate and proportionate mitigation requirements.

GC Policy 3 - Place Shaping Principles

Mod Ref	Part	Modification	Reason
MM28 (Main)	Part A	It will adopt a landscape led approach to design and build, follow healthy new towns principles, <i>in accordance with Sport England Active Design principles</i> , and <i>achieving</i> secured by design certification.	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.
MM29 (Minor)	Part B	Provide for a network of integrated <i>multifunctional</i> green and blue infrastructure features.	Essex County Council Rep ID.108 To ensure consistency throughout the DPD.
MM30 (Minor)	Parts I and J	Re-title the following sections: Part I: Historic Environment - Becomes <i>Part H</i> Part J: Planning Application Requirements – Becomes <i>Part I</i>	Correction of typo
MM31 (Main)	Part H (was Part I)	Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases	Historic England Rep ID.215 The HIA does not consider the potential for below ground archaeology or the impact of the proposed development on archaeology. To address this the suggested wording requires that this would need to be undertaken prior to the determination of any planning application for the site.

		<p>there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</p> <p><u>Future development must take into account the results and recommendations of the Councils 'Heritage Impact Assessment', and must demonstrate that any negative impacts on the significance of the Grade II* Listed Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings, have been avoided and if this is not possible minimised, through appropriate masterplan design. Proposals that would enhance or better reveal the significance of these assets will be considered positively. Specific mitigation measures must be identified through the preparation of a further detailed Heritage Impact Assessment, and pre-determination Archaeological Assessment, which will inform and be submitted prior to the determination of any application at the site.</u></p>	
MM32 (Main)	Part H (was Part I)	<p>..... In all cases there will be an expectation that any new development will <u>avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal. It should</u> enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</p>	<p>Latimer Rep ID.228</p> <p>To provide additional clarity in line with the wording of the NPPF.</p>
MM33 (Main)	Part I (was J)	<p>2. A Heritage Impact Assessment and Mitigation Strategy is required to demonstrate the measures that can minimise harm and maximise the potential to enhance the</p>	<p>Historic England Rep ID.215</p>

		heritage significance of <u>the Grade II* Listed</u> Elmstead Hall, the <u>Grade I Listed</u> Church of St Anne and St Laurence, <u>the Grade II Listed</u> Allen's Farmhouse <u>and</u> the Round Barrows (Scheduled Monument) on Annan Road, <u>and their settings.</u> "	To provide clarity and accuracy on referenced requirements.
MM34 (Main)	Part I (was J)	4. Design & Access Statement (<u>incorporating an Active Design Assessment in accordance with Sport England Active Design Guidance</u>).	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.

GC Policy 5 - Economic Activity and Employment

Mod Ref	Part	Modification	Reason
MM35 (Main)	Part A	Amend first point of Part A: How delivery of the first phase of business accommodation in each employment area is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land.	Latimer Rep ID.229 To provide additional flexibility in providing a balanced delivery of employment and residential uses.
MM36 (Minor)	Part A	Amend first point at top of page 72: Creation of the Rapid Transit System to enable a <u>fast rapid</u> commute for residents to and from all neighbourhoods within the Garden Community to key areas of employment, including the new A120 business park and centres as well as those outside of the Garden Community, such as the University of Essex, Colchester City Centre, Colchester General Hospital, Colchester Business Park and Colchester Sports Park.	Latimer SoCG (SCG06) Consistency with Council policy wording in GC Policy 1. 'Colchester Business Park' is not on the RTS Route, as it terminates at Colchester Park and Ride.
MM37 (Minor)	Justification (page 74)the study also recommends the provision of <u>appropriate flexible Commercial, Business and Service uses and office space concentrated in the North and South Neighbourhood Centres.</u>	Latimer Rep ID.229 To provide additional flexibility in allowing evidence and masterplanning to appropriately account for employment land and other employment generating uses in the neighbourhood centres.
MM38	Justification	Insert additional sentence/para to justification page 76 to read:	Latimer Main Matter 5 Hearing Statement (HS5.1)

(Main)		<i>Student and retired households are excluded from the ambition to achieve one job per household.</i>	To provide additional clarity over the aim of achieving one job per household.
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GC Policy 6 – Community and Social Infrastructure

Mod Ref	Part	Modification	Reason
MM39 (Minor)	Narrative	Amend Para.1 page 78 to read: Ensuring the Garden Community is served by community services and facilities of the right type in the right location and delivered at the appropriate time, including <i>health and wellbeing</i> , schools and sports facilities; as well as access to health <i>ambulance, police and firefighting</i> services ...	ESNEFT Rep ID.267 and EEAST Rep ID.254
MM40 (Main)	Part C	Amend third para. page 83: Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves.	Latimer SoCG (SCG06) Access will still be required by emergency vehicles and for blue badge users. The wording requires the flexibility to respond to accessible needs and “streets” and “car parks” is ambiguous.
MM41 (Main)	Part C	Amend third para. page 83: Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves. All schools should be well connected to the natural environment to provide the option of providing forest school sessions, <i>and through their design and layout encourage health and wellbeing, especially physical activity (e.g. storage facilities</i>	Sport England Rep ID.69 To strengthen links between health and education.

		<i>to support cycling, and the promotion of informal physical activity as well as providing conventional sport and play facilities).</i>	
MM42 (Main)	Part C	Include after bullet point list as paragraph: <i>The capacity and quantum of schools and early years provision will be subject to an appropriate assessment of the need at the time of submission of future planning application(s).</i>	Latimer Rep ID.230 To provide additional clarity that the number of schools should be evidence led, based on need and demographic studies at the time.
MM43 (Minor)	Part D	The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) <i>Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy (2023)</i> or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided.	Update to most recent evidence base document.
MM44 (Main)	Part D	The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided. <i>Proposals will have regard to the potential role of the University's existing or future sports facilities in meeting the needs of the development in view of the close proximity of the University site and the strategic shared use facilities that are or could be provided to help meet the</i>	Sport England Rep ID.69 To strengthen links to University/shared sports facilities.

		<p><u>needs of residents of both the development and the University.</u></p> <p>Opportunities should be taken to deliver multipurpose facilities well integrated into the built environment and well designed in terms of their landscape settings. The Councils will only consider offsite provision where it is well connected to the Garden Community and/or where it will deliver multiple benefits, including benefits to existing communities.</p>	
MM45 (Main)	Part E	<p>Amend from last para. page 83:</p> <p>Appropriate health and wellbeing services must be provided to new residents and occupiers of the Garden Community from first occupation. Proposals for the development of the Garden Community must <u>reflect national and local health related strategies, consider the evidence provided through relevant Health Impact Assessments including the joint strategic needs assessment (JSNA) and align with the outcomes within the overall ‘Health Strategy’ for the Garden Community, and are anticipated to include:</u></p> <ul style="list-style-type: none"> • <u>Enhancements to existing local facilities, including improvements to primary care provision and wider healthcare services and facilities including but not limited to those at Colchester Hospital which will support the provision of acute and community services.</u> • A new Health and Wellbeing Hub to be provided in the early phases of development (potentially via a phased approach to delivery) (underpinned by the most up-to 	<p>ESNEFT Rep ID.267</p> <p>To ensure that the Policy represents an effective strategy for securing all types of healthcare infrastructure (both on and off-site) required to serve the new communities.</p>

		<p>date evidence base delivered via a phased approach). The facility shall be designed to deliver an integrated service for patients including a cluster of general practitioners, a wide range of diagnostic services and primary care treatment – to minimise the requirement for secondary care treatment at hospital. <u>residents and include consideration of primary, community and acute services and it should be located on an accessible site close to other community facilities and transport infrastructure.</u> <u>Any approach to health and wellbeing will include facilities that provide regard to prevention and health improvement activities.</u></p> <ul style="list-style-type: none"> • Flexible space for health provision, located within the Neighbourhood Centres and community buildings. <p>Developers must enter into early conversations with the local NHS Integrated Care Board through the North East Essex Health and Wellbeing Alliance, and other relevant partners to ensure that proposals reflect current health and social care models. <u>which is the local place-based health partnership so to ensure that proposals reflect current health and social care models, local evidence and need. This partnership vehicle will also be key in supporting the development of the health impact assessment and health strategy for the GC.</u></p>	
MM46 (Main)	Part G	<p>Amend point 3, page 85:</p> <p>3. Proposals must be supported by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure, particularly schools <u>and</u></p>	ESNEFT Rep ID.267

		<u>healthcare facilities. These will also contribute to the health impact assessment.</u>	
MM47 (Main)	Part G	Amend point 6, page 85: 6. Proposals must be supported by a Healthy Living and Play Strategy, <u>which will be informed by the Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy (2023) or any updates to this Strategy.</u> This Strategy should demonstrate how the development will be designed to encourage active lifestyles, independence, and wellbeing, through the provision of sites, facilities, and informal opportunities for people to play, socialise, play sport, keep fit and have fun. <u>It must be co-ordinated with other relevant strategies for the development such as the Green Infrastructure Strategy, the Active Travel Strategy and the Active Design Assessment.</u>	Sport England Rep ID.69 To strengthen links with 2023 Colchester and Tendring Open Space Strategy.
MM48 (Main)	Part G	9. Proposals for educational use/buildings should be accompanied by a ‘Community Use Statement/Plan’ to be agreed by the authorities and <u>which must be approved as part of any planning permission granted and secured by way of a Community Use Agreement through an appropriate legal agreement.</u>	Sport England Rep ID.69 To provide clarity with regard to securing community use of education facilities.
MM49 (Main)	Justification	Amend Justification Text: Para 2, Page 86 to read: “Community and social infrastructure covers a wide range of facilities, such as health; <u>ambulance; police; firefighting;</u> education; sports; recreation and greenspace; places of worship; community halls; public houses and cultural infrastructure...”	EEAST Rep ID.257 Plan text not fully ‘justified’ as the paragraph omits reference to key infrastructure in the form of ambulance, police & firefighting facilities.

<p>MM50 (Main)</p>	<p>Justification</p>	<p>Insertion of new paragraph after Para 3, Page 88 to read: <u><i>The health strategy for the Tendring Colchester Borders Garden Community will be dependent on various factors including capacity in existing neighbouring primary care facilities, workforce recruitment, funding streams, NHS clinical and service strategies and NHS building design approaches. A comprehensive, evidence based HIA will be carried out engaging with all local health and care partners and local communities to ensure that a robust view of need is assessed. The strategy shall be designed to ensure that health is designed into the Garden Community and that any new infrastructure delivers an integrated service for the population. A consideration on the wider impact of the development on key health stakeholders including Public Health, primary, secondary and acute inpatient and outpatient facilities, ambulance, police, firefighting and others within the local partnership will need to be taken into account and mitigation of any impact appropriately provided.</i></u></p>	<p>SNEE ICB Rep ID.272 and 273 Stresses the importance of the need for a robust HIA process developed through collaborative work and carried out as early as possible.</p>
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GC Policy 7 - Movement and Connections

Mod Ref	Part	Modification	Reason
MM51 (Main)	Chapter 8 – Movement and Connections Illustrative Framework Plan	Page 93, amend footer: The location of specific land uses, facilities and activities <i>and the movement and connection features</i> are illustrative and subject to further masterplanning <i>and Transport Assessment</i> .	Latimer SoCG (SCG06) Whilst illustrative only, this is the only plan that shows vehicular access locations in the DPD so others may add significant weight to its interpretation so options and clarification need to make this clear.
MM52 (Main)	Part A	Amend third point, page 95: Achieve filtered permeability, restricting the movement of general vehicular traffic between neighbourhoods. <i>This includes amendments to the existing adopted lanes within the site to control and/or restrict vehicular access so the routes can become strategic active travel corridors.</i>	Latimer SoCG (SCG06) The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and vehicle access locations.
MM53 (Main)	Part A	Amend forth point, page 95: Demonstrate how modal share targets (the number of trips by walking, cycling, public transport and private vehicle) will be achieved, maximised and monitored in a phased approach <i>and how the targets reflect the ambitions for reducing car use over time</i> as outlined in the Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023, and as reflected in the table below.	Latimer SoCG (SCG06) The mode split targets reflect the land-use quanta tested in the DPD and the Transport Assessment will establish the targets based on detailed forecasting and will be agreed with the highway and planning authority based on the transport strategy proposed and linked to the phasing strategy for both the development, Park and Choose and Link Road. Review mechanisms for the DPD will allow updates to respond to the developing evidence base.

MM54 (Main)	Part A	Amend third para. page 96: Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to ensure <u>enable and encourage</u> sustainable travel patterns from first occupation.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel but not ensure it.
MM55 (Main)	Part C	Amend final point of Part C, page 98: 'Proposals must demonstrate how the development contributes to:... Ensuring that there is a convenient and high frequency bus <u>public transport</u> service operating that is aligned with the first phase of the Garden Community which will need to be appropriately funded by the developer.	Mr Tim Batts-Neale Rep ID.131 To provide consistent wording in policy.
MM56 (Minor)	Part J	Amend second para of Part J, page 105: will be agreed and approved by the Councils and the Highway <u>Authorities</u> Authority .	Correction of wording to refer to Highways Authorities.
MM57 (Main)	Part D	Amend first para. of Part D, page 99: All proposals will need to integrate with the RTS and demonstrate how the RTS can serve <u>provide a direct link</u> to each Neighbourhood Centre.	Latimer SoCG (SCG06) How the RTS will serve each neighbourhood centre will be the subject of plot testing within detailed masterplanning. "Accessibility" rather than "a direct link" avoids introducing a potential conflict with other policies by being prescriptive about the alignment of RTS, for example around school entrance access being vehicle free.

<p>MM58 (Main)</p>	<p>Part D</p>	<p>Amend third para. of Part D, page 99:</p> <p>It should be ready for operation during the first <u>residential parcels</u> phase of the development to influence sustainable travel behaviour and embed the use of the system and align with the Essex RTS operational model, including the phased delivery plan for services.</p>	<p>Latimer SoCG (SCG06)</p> <p>It is agreed that a quality public transport service must be available during the first phase that generates residential trips and where possible the RTS segregated route be available early.</p> <p>However, flexibility is required in the wording to avoid the wording prejudging the location of the first phase, i.e. that it must be adjacent the safeguarded RTS corridor. The RTS operating route and frequency will be related to the scale and location of a first residential phase but it is agreed they must come together.</p> <p>“First residential” was used rather than “first” as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS. Alternative wording refers to residential parcels.</p>
<p>MM59 (Main)</p>	<p>Part D</p>	<p>Amend second para. of Part D, page 99:</p> <p>Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters) <u>whilst providing for a fast service.</u></p>	<p>Latimer SoCG (SCG06)</p> <p>Added wording aligns with other policy references to RTS being a fast service.</p>
<p>MM60 (Main)</p>	<p>Part D</p>	<p>Add new para. to end of Part D page 99:</p>	<p>To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the delivery and funding of the RTS given that sections of the scheme have</p>

		<u>Before any planning approval is granted for development forming part of the Garden Community a relevant permission must have been secured to provide for the connection from the A133 Section C of the RTS (delivered by ECC under the HIF programme) to both the Park and Choose Facility and the route of the RTS through the Garden Community.</u>	been delivered through HIF. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.
MM61 (Main)	Part G	Amend forth point on page 101: How the design, location and amount of parking <u>seeks to avoid</u> ensures that there is no resulting-overspill and inappropriate on-street parking which negatively impacts on...”	Latimer SoCG (SCG06) Design can seek to avoid these issues, it cannot ensure. The monitoring strategy for TCBGC will ensure that unforeseen issues with parking are picked up and addressed in subsequent design phases.
MM62 (Main)	Part H	Amend first para of ‘H.2.’ page 103: In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the necessary <u>supporting Transport Assessment and</u> processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, <u>and reflect the ambitions set out in the</u> supporting Strategic Masterplan and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance.	Latimer SoCG (SCG06) The Transport Assessment will define what is to be agreed for TCBGC and that this should align with the ambitions established in the evidence base. The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets
MM63 (Main)	Part I	Amend second point, page 104: <u>Subject to detailed modelling</u> , the Garden Community must <u>aim to</u> restrict vehicular connectivity between individual junctions of the ‘Link Road’, except for public	Latimer SoCG (SCG06) Latimer’s testing of the capacity of the A133 junction indicates that the Southern Community will require two points of vehicular access to the Link Road. This will be confirmed through detailed modelling in the Transport

		transport and emergency vehicles, apart from the ‘Link Road’ itself”.	Assessment, but the policy wording must protect the ability for the Southern Community to have access from the A133 and Tye Lane Roundabouts on the Link Road.
MM64 (Main)	Part I	Add new para. to end of Part I page 104: <i><u>Before any planning approval is granted for development forming part of the Garden Community the full delivery of the A120-A133 link road must have secured planning consent and a commitment to full funding must be demonstrated.</u></i>	To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the ‘full’ delivery and funding of the Link Road given its delivery is now phased. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.
MM65 (Main)	Part J	Amend first para. page 105: The modal share targets will be actively monitored throughout the phasing of the development and upon full occupation via the Garden Community Travel Plan. <i><u>The monitoring approach will be agreed through the planning application.</u></i> This Travel Plan document/s will be developed in accordance with <i><u>to reflect</u></i> the latest best practice guidance and support the mode share ambitions set out in this Plan <i><u>and the supporting transport evidence.</u></i>	Latimer SoCG (SCG06) Monitoring progress towards the targets will be essential over the long build out of the development and flexibility must be built into infrastructure triggers to ensure that the transport infrastructure proposed within each development phase addresses the transport conditions at the time. In accordance with” can be interpreted to mean with the modal split targets and strategy in the evidence base. All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, and mitigation packages which the Transport Assessment will address.
MM66 (Main)	Part J	Add para to Part J, Page 105:	Latimer SoCG (SCG06)

		<i>Both internal Garden Community neighbourhood and external modal splits will be measured and monitored, and robust management and oversight will be activated to see that the targets are met.</i>	The RTS and active travel modes are the priority and ambitious mode split targets are important to this and external modal split targets need to be measured and monitored. Monitoring travel patterns of internal trips is more problematic than external trip monitoring regardless of technology. Internal modal split data will be gathered, but this will rely on selfreporting as part of the Travel Plans for the on-site employment, retail, and school travel plans and self-reported travel diaries from residents so will be sample based only. Whilst technology (such as cameras) can count numbers of pedestrians and cyclists on key routes within the site, it cannot determine whether these are internal trips or external trips. This would require facial recognition which presents significant GDPR and data protection issues. The method for obtaining internal and external modal split data will be agreed with Essex and the Councils.
MM67 (Main)	Part K	Amend first para of Part K, page 105: Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed <u>above and will be redefined based on the findings of the Transport Assessment.</u>	Latimer SoCG (SCG06) The phased delivery of infrastructure is important. However some flexibility is required in the DPD to fully understand network and road capacities within the TA and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets.
MM68 (Main)	Part K	Amend first para of Part K, page 105: Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel, but not ensure it.

		the provision of key infrastructure for early phases of development to ensure <i>enable and encourage</i> sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants.	
MM69 (Main)	Part K	Amend first point '1' of Part K, page 105: The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and <i>the principles of the Healthy Streets for Life Assessment</i> . A copy of the results of the Healthy Streets for Life Assessment <i>should be provided at the appropriate stage of planning</i> .	Latimer SoCG (SCG06) To reflect that the completion of a Healthy Streets for Life Assessment may only be possible at particular stages of the planning process. New wording to be clear principles are incorporated early but the assessment will follow.
MM70 (Main)	Part K	Amend point '5g' of Part K, page 107: Targets which are monitored and submitted for approval <i>from the outset at a frequency as agreed with the Councils</i> and review by the Councils annually from the outset ; and of the operation of a Transport Review Group (TRG) including terms of reference".	Latimer SoCG (SCG06) For a development this scale, annual monitoring does not give time for the full cycle of monitoring, review, agreement of measures, implementation of measures and evaluation of impacts of the interventions. Wording change to reflect the frequency will be agreed at a later date.

GC Policy 8 - Sustainable Infrastructure

Mod Ref	Part	Modification	Reason
MM71 (Main)	Part A	Part A, first para. page 117 to read: All buildings must <i>shall</i> be net zero in operation <i>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation,</i> and achieve net zero operational energy balance onsite <i>across the Garden Community.</i>	At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.
MM72 MM72 not for consultation. See Inspectors Note.	Part A	Part A, second para. page 117 to read: Proposals must demonstrate how new homes <i>and buildings</i> will achieve: <ul style="list-style-type: none"> • Space heating demand of <i>15 kWh/m2 GIA/yr or less (except Bungalows which must achieve 20 kWh/m2 GIA/yr or less) than 30kWh/m2/per annum.</i> • Total energy consumption (energy use intensity) of <i>35 kWh/m2 GIA/yr or less 40kWh/m2/annum for residential. For non-residential buildings they must achieve a total energy use consumption (energy use intensity) of no more than the following (where technically feasible) by building type or nearest equivalent:</i> <ul style="list-style-type: none"> - <i>70 kWh/m2 GIA/year or less for offices</i> - <i>65 kWh/m2 GIA/year or less for schools</i> - <i>35 kWh/m2 GIA/year or less for light industrial</i> 	To reflect the findings of the most up-to-date technical evidence base and ensure alignment with the Essex Design Guide. Inspectors Note: Suggested Modification NOT agreed. The Essex Design Guide is not part of the Development Plan. Therefore, the suggested modification is not considered reasonable and would be likely to create issues in relation to deliverability.

<p>MM73 (Main)</p>	<p>Part D</p>	<p>Part D, page 118 to read:</p> <p>All buildings must include water efficiency measures and seek to achieve water neutrality. All homes must include water saving measures and, as a minimum, meet the Building Regulations optional tighter water standard of 110 litres per person per day. <i><u>the Government’s Environment Improvement Plan (Water Efficiency Roadmap) standard of 100 litres per person per day.</u></i> Proposals should submit a water efficiency calculator report to demonstrate compliance, <i><u>and developers are encouraged to demonstrate how they can go further utilising integrated water management and a fittings-based approach to minimise potable water use.</u></i> <i><u>Non-residential development proposals must demonstrate that water efficiency measures and water reuse have been incorporated in proposals. Where significant non-domestic water use is required, a Water Resources Assessment should be submitted with the planning application following consultation with the relevant water company to ascertain water availability and feasibility of the proposed scheme.</u></i></p> <p>Proposals must include clear evidence on the approach to water conservation, including the potential for the re-use of greywater and rainwater capture and re-use and should also provide the infrastructure to support options for rainwater re-use in the building design, e.g. rainwater harvesting systems, water saving devices, greywater recycling or other agreed solutions. The Councils will require safe systems and measures to be implemented for all new development within the Garden Community.</p>	<p>Anglian Water Rep ID. 123 Affinity Water Rep ID. 99</p> <p>To align with the Government’s Environment Improvement Plan (Water Efficiency Roadmap) intention to require 100 l/p/d in water stressed areas.</p>
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<p>MM74 (Minor)</p>	<p>Justification</p>	<p>Policy Justification to include a new sentence at the end of the second paragraph on page 121:</p> <p><i><u>It should also be noted that the Garden Community is located with the ECAC Climate Focus Area (CFA). The principal objective of the CFA is to become net zero carbon – meaning that the amount of carbon emitted from the area is no higher than that absorbed. The Garden Community can contribute to the CFA targets.</u></i></p>	<p>Essex County Council Rep ID.115</p> <p>To make reference to the Garden Community being situated within the Essex Climate Action Commission’s recommended Climate Focus Area (CFA).</p>
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GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring

Mod Ref	Part	Modification	Reason
MM75 (Main)	Part A	Developers will need to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the <i>'Infrastructure Delivery, Phasing & Funding Plan'</i> or relevant Infrastructure Delivery Plan (IDP) and other policies in this Plan...	Consistency of terminology of documentation reference needed to align with the terminology of the evidence base document with respect to the 'Infrastructure Delivery Plan'.
MM76 (Main)	Part A	Amendment to fourth paragraph on page 129: “...including the A120-A133 Link Road and Rapid Transit System in accordance with <i>taking into account the conditions of</i> the Housing Infrastructure Fund”.	Latimer Rep ID.238 Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording.
MM91 (Main)	Part A	Remove all references to Community Infrastructure Levy Point 1, Page 128: Enter into Section 106 agreements to make provisions to mitigate the impacts of the development where necessary or appropriate. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL ; and/or Second para, Page 129: The Councils will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas	The CIL charging schedule will be considered separately from the DPD

	<p>Justification</p>	<p>and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain <u>to be</u> the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.</p> <p>First and second para, Page 131:</p> <p>The Councils will seek contributions from developers to fund improvements to existing infrastructure and the environment and new infrastructure. Contributions will be made through <u>Section 106 agreements which address the provision of affordable housing and the Community Infrastructure Levy (if adopted), which applies a standard charge to developers to fund supporting infrastructure</u> such as transport, schools, community facilities and health facilities. and/or Section 106 agreements which address the provision of affordable housing and more site-specific infrastructure requirements. The necessary infrastructure requirements through the use of planning condition and/or planning obligation and/or financial contributions <u>will be through Community Infrastructure Levy (CIL) charges</u> in accordance with The Community Infrastructure Regulations 2019.</p> <p>Some infrastructure providers will fund and deliver infrastructure themselves. Other infrastructure will be funded by developers and landowners, secured by planning obligations or the CIL (if adopted) or its successor as part of the planning permission. On-site infrastructure provision will usually be secured by planning conditions or legal agreements. Off-site provision will usually be secured</p>	
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		by legal agreements and through other financial contributions.	
MM78 (Main)	Justification	Amend para 1, Page 129 to read: “The Garden community will require the provision of new physical infrastructure such as footways, cycleways, roads, and sewers; social infrastructure such as health, <i>ambulance, police, firefighting</i> , education and community facilities, and green infrastructure such as open and recreational spaces.”	EEAST Rep ID.259 Plan text not fully ‘justified’ as paragraph omits reference to key infrastructure in the form of ambulance, police & firefighting facilities
MM79 (Main)	Justification	Amend second paragraph on page 130: “In negotiating <i>Where planning obligations are required by planning policy and/or to mitigate the impacts of development but are not agreed for development viability reasons</i> , the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development, <i>provided the additional obligations are required to mitigate the impact of the development.</i>	Latimer Rep ID.238 Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording. The amended wording provides additional clarity that viability assessment would only be required if proposals were not achieving requirement due to viability matters.
MM80 (Main)	Justification	Amend final paragraph on page 130: “The Councils have prepared an <i>‘Infrastructure Delivery, Phasing & Funding Plan’</i> which performs the role as the ‘Infrastructure Delivery Plan’...	Consistency of terminology of documentation.

<p>MM81 (Main)</p>	<p>Justification</p>	<p>Amend third paragraph on page 131: “Essex County Council, working with CCC and TDC, were successful in attracting funding under the Housing Infrastructure Fund (administered by Homes England) for the delivery of <i>the first phase of the A120-A133 Link Road...</i>”</p>	<p>For clarity in relation to the current position in respect of the works that the Housing Infrastructure Fund was being related to.</p>
<p>MM82 (Main)</p>	<p>Monitoring</p>	<p>Add additional paragraphs before the table of objectives & indicators: Monitoring is a way of assessing the effectiveness of a plan once it is adopted. It helps to identify if plan policies are not being implemented and whether an early review of the plan is required. Monitoring indicators for the Plan will reflect <i>a combination of policy requirements</i>, the indicators monitored in the Councils Authority Monitoring Reports (<i>AMR</i>) and will be <i>are</i> linked to the Sustainability Appraisal (SA) Framework. The table below outlines the Councils monitoring objectives and will evolve over time as the monitoring indicators evolve, <i>relevant Plan policies and monitoring indicators. The AMRs will be used to report the performance of the Plan as well as recommending any actions required to ensure the delivery of the DPD.</i></p> <p><i>Monitoring will be undertaken on an annual basis, with the result being published at the end of each calendar year within both Colchester City Council and Tendring District Council ‘Authority Monitoring Reports’ (AMRs). Information on the following objectives and indicators will be collated and assessed by the Councils. The AMRs will contain consistent information on the implementation of policies and the delivery of new development and</i></p>	<p>The Councils consider the additional text provides further clarity as to how the effectiveness of the DPD will be monitored over time.</p>

		<p><u>supporting infrastructure. Where necessary the information will be tailored to the need of each separate Council and AMR approach. The monitoring will have a particular focus on the delivery of development, floorspace and land use change, alongside securing wider policy objectives in relation to infrastructure delivery.</u></p> <p><u>The Councils will also ensure that appropriate monitoring frameworks and approaches are established through the determination and approval of planning applications for the Garden Community, with the associated use of planning conditions and other control mechanisms such as S106 agreements to ensure that appropriate monitoring is undertaken and information provided as the Garden Community is built out.</u></p>	
MM83 (Main)	Monitoring	<p>Monitoring Indicator of SA Objective 9 on page 134, to be updated as follows:</p> <p>Percentage of journeys to work, <u>to education (and other land uses)</u> by walking and cycling and percentage of journeys to work by public transport.</p>	<p>Tim Batts-Neale Rep ID.249</p> <p>Clarification of text.</p>
MM84 (Main)	Monitoring	<p>Monitoring Indicator of SA Objective 7 on page 133, to be updated as follows:</p> <p><u>All permissions granted which affect a designated and/or non-designated heritage asset, and/or archaeology sites are in accordance with the policy</u></p> <p>Recorded loss of listed buildings Grade I and II+ (by demolition), Scheduled Monuments or nationally</p>	<p>Philip Robinson Rep ID.179</p> <p>Clarification of text.</p>

		important archaeological sites and assets on the Colchester Local List to development	
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Glossary

Mod Ref	Part	Modification	Reason
MM85 (Main)	Gypsies and Travellers	Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily <i>or permanently</i> , but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining whether persons are “gypsies and travellers” consideration will be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.	To reflect the outcome of the ‘Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022’ judgement and the 19 December 2023 Government update to the PPTS (notwithstanding the transitional NPPF arrangements).
MM86 (Minor)	Biodiversity Net Gain	Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. The Environment Act contains a new biodiversity net gain condition for planning permissions. To meet this requirement biodiversity gains will need to be measured using a <i>the</i> biodiversity metric <i>as specified in the Environment Act (or otherwise agreed)</i> .	Latimer Rep ID.227 To provide additional clarity on an appropriate metric.
MM87 (Minor)	Community Facilities	Are buildings, which enable a variety of local activity to take place including, but not limited to, the following: Schools, Universities and other educational facilities; Libraries and community centres; Doctors surgeries, medical centres and hospitals, <i>including emergency, and acute inpatient and outpatient facilities</i> ; Public houses and local shops; Museums and art galleries; Child care centres;	ESNEFT Rep ID.267

		Sport and recreational facilities; Youth clubs; Playgrounds; Cemeteries; and Places of worship.	
MM91 (Main)	Community Infrastructure Levy (CIL)	Remove all references to Community Infrastructure Levy Community Infrastructure Levy (CIL) A mechanism by which Councils can set a standard charge on specified development in their area to pay for new infrastructure required to support growth.	The CIL charging schedule will be considered separately from the DPD
MM88 (Minor)	Infrastructure	Infrastructure means any structure, building, system, facility and/or provision required by an area for its social and/or economic function and/ or well-being including (but not exclusively): footways, cycleways and highways; public transport; drainage and flood protection; waste recycling facilities; education and childcare; healthcare; <u>ambulance, police & firefighting facilities</u> ; sports, leisure and recreation facilities; community and social facilities; cultural facilities; emergency services; green infrastructure; open space; affordable housing; broadband; facilities for specific sections of the community such as youth or the elderly.	EEAST Rep ID.263

Appendices

Mod Ref:
MM89

(Main)

Add 'Appendix 4'

Appendix 4: Section 2 Plan Status

For the purposes of all land within the Site Allocation Boundary of the Garden Community, all policies within the Tendring District Council (TDC) and Colchester City Council (CCC) Section 2 Local Plans will be replaced by the **Tendring Colchester Borders Garden Community Development Plan Document (DPD)**. None of the Section 2 Plan policies will apply to land within the Site Allocation Boundary of the DPD.

With regard to the TDC Section 2 Local Plan the following policies will **NOT** apply to the Site Allocation Boundary of the Garden Community:

Policy SPL 1	MANAGING GROWTH
Policy SPL 2	SETTLEMENT DEVELOPMENT BOUNDARIES
Policy SPL 3	SUSTAINABLE DESIGN
Policy HP 1	IMPROVING HEALTH AND WELLBEING
Policy HP 2	COMMUNITY FACILITIES
Policy HP 3	GREEN INFRASTRUCTURE
Policy HP 4	SAFEGUARDED OPEN SPACE
Policy HP 5	OPEN SPACE, SPORTS AND RECREATION FACILITIES
Policy LP 1	HOUSING SUPPLY
Policy LP 2	HOUSING CHOICE
Policy LP 3	HOUSING DENSITY AND STANDARDS
Policy LP 4	HOUSING LAYOUT
Policy LP 5	AFFORDABLE HOUSING
Policy LP 6	RURAL EXCEPTION SITES

Policy LP 7	SELF-BUILD AND CUSTOM-BUILT HOMES
Policy LP 8	BACKLAND RESIDENTIAL DEVELOPMENT
Policy LP 9	GYPSY AND TRAVELLER SITES
Policy LP 10	CARE, INDEPENDENT ASSISTED LIVING
Policy LP 11	HMO AND BEDSITS
Policy PP 1	NEW RETAIL DEVELOPMENT
Policy PP 2	RETAIL HIERARCHY
Policy PP 3	VILLAGE AND NEIGHBOURHOOD CENTRES
Policy PP 4	LOCAL IMPACT THRESHOLD
Policy PP 5	TOWN CENTRE USES
Policy PP 6	EMPLOYMENT SITES
Policy PP 7	EMPLOYMENT ALLOCATIONS
Policy PP 8	TOURISM
Policy PP 9	HOTELS AND GUESTHOUSES
Policy PP 10	CAMPING AND TOURING CARAVAN SITES
Policy PP 11	HOLIDAY PARKS
Policy PP 12	IMPROVING EDUCATION AND SKILLS
Policy PP 13	THE RURAL ECONOMY
Policy PP 14	PRIORITY AREAS FOR REGENERATION
Policy PPL 1	DEVELOPMENT AND FLOOD RISK
Policy PPL 2	COASTAL PROTECTION BELT
Policy PPL 3	THE RURAL LANDSCAPE
Policy PPL 4	BIODIVERSITY AND GEODIVERSITY
Policy PPL 5	WATER CONSERVATION, DRAINAGE AND SEWERAGE
Policy PPL 6	STRATEGIC GREEN GAPS
Policy PPL 7	ARCHAEOLOGY
Policy PPL 8	CONSERVATION AREAS
Policy PPL 9	LISTED BUILDINGS
Policy PPL 10	RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES
Policy PPL 11	THE AVENUES AREA OF SPECIAL CHARACTER, FRINTON-ON-SEA
Policy PPL 12	THE GARDENS AREA OF SPECIAL CHARACTER, CLACTON-ON-SEA
Policy PPL 13	ARDLEIGH RESERVOIR CATCHMENT AREA

Policy PPL 14	SAFEGUARDING OF CIVIL TECHNICAL SITE, NORTH EAST OF LITTLE CLACTON/SOUTH OF THORPE-LE-SOKEN
Policy PPL 15	SAFEGUARDING OF HAZARDOUS SUBSTANCE SITE, SOUTH EAST OF GREAT OAKLEY/SOUTH WEST OF HARWICH
Policy CP 1	SUSTAINABLE TRANSPORT AND ACCESSIBILITY
Policy CP 2	IMPROVING THE TRANSPORT NETWORK
Policy CP 3	IMPROVING THE TELECOMMUNICATIONS NETWORK
Policy SAMU1	DEVELOPMENT AT EDME MALTINGS, MISTLEY
Policy SAMU2	DEVELOPMENT AT HARTLEY GARDENS, CLACTON
Policy SAMU3	DEVELOPMENT AT OAKWOOD PARK, CLACTON
Policy SAMU4	DEVELOPMENT AT ROUSES FARM, JAYWICK LANE, CLACTON
Policy SAMU5	DEVELOPMENT SOUTH OF THORPE ROAD, WEELEY
Policy SAH2	DEVELOPMENT LOW ROAD, DOVERCOURT
Policy SAE1	CARLESS EXTENSION, HARWICH
Policy DI1	INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION

With regard to the CCC Section 2 Local Plan the following policies will **NOT** apply to the Site Allocation Boundary of the Garden Community:

SG1	Colchester’s Spatial Strategy
SG2	Housing Delivery
SG3	Economic Growth Provision
SG4	Local Economic Areas
SG5	Centre Hierarchy
SG6	Town Centre Uses
SG6a	Local Centres
SG7	Infrastructure Delivery and Impact Mitigation
SG8	Neighbourhood Plan
ENV1	Environment
ENV2	Coastal Areas
ENV3	Green Infrastructure
ENV4	Dedham Vale Area of Outstanding Natural Beauty
ENV5	Pollution and Contaminated Land

CC1	Climate Change
PP1	Generic Infrastructure and Mitigation Requirements
TC1	Town Centre Policy and Hierarchy
TC2	Retail Frontages
TC3	Town Centre allocations
TC4	Transport in Colchester Town centre
NC1	North Colchester and Severalls Strategic Economic Areas
NC2	North Station Special Policy Area
NC3	North Colchester
NC4	Transport in North Colchester
SC1	South Colchester Allocations
SC2	Middlewick Ranges
SC3	Transport in South Colchester
EC1	Knowledge gateway and University of Essex Strategic Economic Area
EC2	East Colchester / Hythe Special Policy Area
EC3	East Colchester
EC4	Transport in East Colchester
WC1	Stanway Strategic Economic Area
WC2	Stanway
WC3	Colchester Zoo
WC4	West Colchester
WC5	Transport in West Colchester
SS1	Abberton and Langenhoe
SS2	Boxted
SS3	Chappel and Wakes Colne
SS4	Copford
SS5	Eight Ash Green
SS6	Fordham
SS7	Great Horkesley
SS8	Great Tey
SS9	Langham
SS10	Layer de La Haye

SS11	Marks Tey
SS12a	West Mersea
SS12b	Coast Road West Mersea
SS12c	Mersea Island Caravan Parks
SS13	Rowhedge
SS14	Tiptree
SS15	West Bergholt
SS16	Wivenhoe
OV1	Development in Other Villages
OV2	Countryside
DM1	Health and Wellbeing
DM2	Community Facilities
DM3	Education Provision
DM4	Sports Provision
DM5	Tourism, leisure, Culture and Heritage
DM6	Economic Development in Rural Areas and the Countryside
DM7	Agricultural Development and Diversification
DM8	Affordable Housing
DM11	Gypsies, Travellers and Travelling Showpeople
DM12	Housing Standards
DM13	Domestic Development
DM14	Rural Workers Dwellings
DM15	Design and Amenity
DM16	Historic Environment
DM17	Retention of Open Space
DM18	Provision of Open Space and Recreation Facilities
DM19	Private Amenity Space DP16
DM20	Promoting Sustainable Transport and Changing Travel Behaviour
DM21	Sustainable Access to development
DM22	Parking
DM23	Flood Risk and Water Management
DM24	Sustainable Urban Drainage Systems

	DM25	Renewable Energy, Water Waste and Recycling	
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END.



Tendring Colchester Borders

Garden Community

Development Plan Document

Sustainability Appraisal

SA Report Addendum: Main Modifications

**Colchester Borough Council, Tendring District
Council and Essex County Council**

Final report

Prepared by LUC

August 2024

Version	Status	Prepared	Checked	Approved	Date
1	Draft	R Finnigan O Dunham	O Dunham	J Pearson	30.07.2024
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Chapter 1

SA of Main Modifications

Introduction

1.1 This SA Addendum report presents an assessment of the implications of the Tendring Colchester Borders Garden Community Development Plan Document (DPD) Main Modifications for the findings of the May 2023 Sustainability Appraisal (SA) that accompanied Regulation 19 Garden Community DPD and that was subsequently submitted as an Examination document. This report should be read in conjunction with the May 2023 SA report.

Modifications to the DPD

1.2 The DPD was submitted to the Secretary of State for independent examination in September 2023 along with proposed Main Modifications. The Hearings were held between 7 May and 10 May 2024. After the hearings, the Council amended their proposed Main Modifications to take into account the matters raised by representations, hearing statements and through the hearing sessions. These revised Main Modifications, which the Inspector considers to be necessary for soundness, are the subject of this SA Addendum.

1.3 LUC has also reviewed the proposed minor modifications to the DPD and does not consider that any of them would alter the previously reported SA findings. As such, the minor modifications have not been included alongside the main modifications in Appendix A.

Background

1.4 LUC was commissioned in October 2021 by Colchester Borough Council, Tendring District Council and Essex County Council to carry out Sustainability Appraisal (SA) of the Tendring Colchester Borders Garden Community Development Plan Document (DPD).

1.5 There have been four key stages in the SA of the DPD to date:

- An SA Scoping Report was prepared by the Council in November 2017.
- An SA Report that accompanied the Draft DPD was published for consultation in February 2022.
- An SA Report that accompanied the Reg 19 DPD was published for consultation in May 2023.
- This SA Addendum prepared in August 2024 in relation to the main modifications of the DPD.

Garden Community DPD

1.6 Tendring District Council and Colchester Borough Council adopted the North Essex Authorities' Shared Strategic Section 1 Local Plan in January and February 2021, respectively. Adoption of the Strategic Policies within the Section 1 Plan has allowed the Councils to proceed to the next phase of plan development: a DPD for the Garden Community. This builds upon the Section 1 Local Plan and contains further policies setting out how the new Garden Community will be designed, developed and delivered in phases, in accordance with a masterplan.

1.7 Policy SP8 of the Section 1 Local Plan allocates a new Garden Community at a defined broad location on the Tendring/Colchester border. This will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period (2013-2033) as part of an

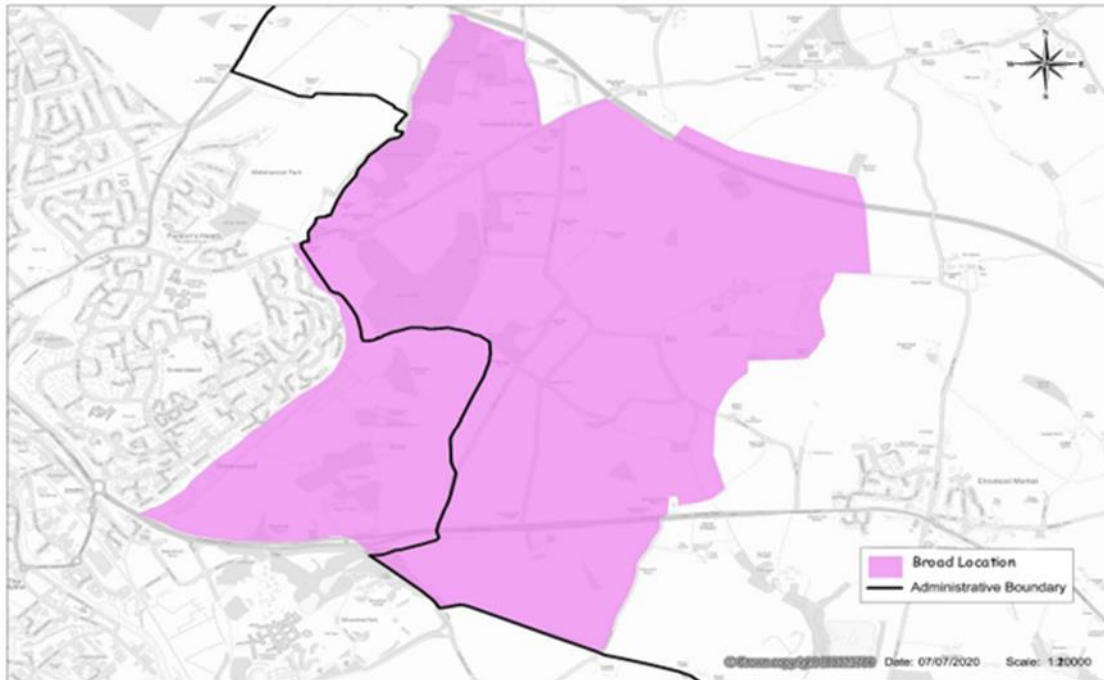
expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033. It states that a DPD will be prepared for the Garden Community, containing policies setting out how the new community will be designed, developed and delivered in phases, in accordance with 14 principles set out in the policy.

1.8 Policy SP9 of the Section 1 Local Plan sets out that the DPD will define the boundary of the new community and the amount of development it will contain. This policy also includes principles that the DPD and any planning application will address and requirements for the design, development and delivery of the Garden Community.

The Plan Area

1.9 The broad location identified for the Garden Community in the Section 1 Local Plan lies to the east of Colchester and west of the settlement of Elmstead Market within Tendring District. It takes in land that lies within the districts of both Colchester and Tendring. This broad location also takes in sections of the A120 and A133. The University of Essex Colchester Campus borders the southern area of the broad location and to the south of the A133. The location of the broad location for the Garden Community is shown in Map 10.2 of the Section 1 Local Plan and reproduced in Figure 1.1 below.

Figure 1.1: Tendring Colchester Borders Garden Community - Broad Location



1.10 The DPD contains detail about the growth of the Garden Community and the specific requirements that developers will be expected to follow when applying for planning permission and carrying out the development. The structure of the DPD follows some overarching ‘themes’ from which a vision from the Garden Community has been drafted. These themes emerged from the main requirements for the Garden Community set out in the Section 1 Local Plan, the National Model Design Code, the main topics of interest raised and discussed during public engagement activities and wider evidence gathering that have fed into the masterplanning and policy writing process. Policies are set out to guide development at the site in relation to topics related to each theme. Since the appraisal of the Regulation 19 DPD, the format/numbering of the policies has changed, but the SA findings have not. The policies that were appraised in the May 2023 SA report are set out below. If a policy has been updated in any way the update is presented in parentheses.

- Policy 1: Land Uses and Spatial Approach – sets out how different parts of the site are expected to be developed and protected as well as detailing

requirements for additional future masterplanning and design codes for the site.

- Policy 2 (now Policy 4 and renamed Meeting Housing Needs): Requirements for all New Development – sets out the minimum design criteria against which the Councils will consider all development proposals for the Garden Community and any subsequent developments or changes of use.
- Policy 3 (now Policy 2): Nature – sets out requirements for the protection of habitats and designated biodiversity assets as well as the protection and enhancement of green infrastructure.
- Policy 4 (now Policy 3 and renamed Place Shaping Principles): Buildings, Places and Character – sets 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 for a range of users.
- Policy 5: Economic Activity and Employment – sets out the approach for the economic growth of the Garden Community alongside support for the education and training of its residents, with the aim of creating at least one job per new household within or in close proximity to the Garden Community.
- Policy 6: Community and Social Infrastructure – requires the provision of a full range of services and facilities at the Garden Community with the requirement for these to be delivered to align with each phase of development.
- Policy 7: Movement and Connections – requires the movement towards net zero carbon transport by 2050, with measures including services and facilities accessible by active modes in accordance with the principle of a walkable 15-minute neighbourhood and the incorporation of a new rapid transit system.
- Policy 8: Sustainable Infrastructure – sets out the approach to provide energy efficient and sustainable buildings and create places which are resilient to change and will support decisions by residents who wish to live lower impact lives.

- Policy 9: Infrastructure Delivery and Impact Mitigation (now named Infrastructure Delivery, Impact Mitigation and Monitoring) – sets out the approach to achieve the required and appropriate level of infrastructure in a timely manner for the sustainable development of the Garden Community.

Methodology

1.11 The approach to assessing the SA implications of the proposed Main Modifications firstly involved considering each proposed modification as set out in the Schedule of Main Modifications. A column was added to the Schedule of Main Modifications to consider and record whether the proposed modification would be likely to change the SA findings presented in the Regulation 19 SA Report. Many of the proposed modifications relate to providing clarity and additional detail. The Schedule of Main Modifications with the additional SA implications column is presented in **Appendix A** of this SA Addendum. The SA findings are also summarised in the main body of this report.

1.12 In the Schedule of Main Modifications, the Council also noted minor modifications. These were reviewed but it was considered that none of them would significantly alter the previously reported SA findings.

SA framework

1.13 The assessments reported in this document used the same sustainability objectives that provided the framework for the SA work at earlier stages of plan preparation, as reproduced below. The SA objectives are set out first followed by sub questions. The sub questions are not intended to be exhaustive but helped to guide identification of the likely sustainability effects of the DPD.

Form of assessment and use of SA matrices

1.14 The SA uses colour-coded symbols to indicate the likely sustainability effects of a policy in relation to each SA objective. Table 1.1 shows how these symbols were applied during appraisals.

Table 1.1: Key to symbol and colour coding used in the SA

Symbol and Colour Coding	Description
++	Significant positive effect likely.
++/-	Mixed significant positive and minor negative effect likely.
+	Minor positive effect likely.
+/-	Mixed minor positive and minor negative effect likely.
-	Minor negative effect likely.
--/+	Mixed significant negative and minor positive effect likely.
--	Significant negative effect likely.
0	Negligible effect likely.
?	Likely effect uncertain.

SA Objective 1: To create safe environments which improve quality of life, community cohesion

Appraisal questions

- Does it seek to improve / supply community facilities for young people?
- Does it seek to increase cultural activities or suitable development to stimulate them? Does it seek to support cultural identity and social inclusion?
- Will there be measures to increase the safety and security of new development and public realm where residents can partake of frequent and unplanned social interactions?
- Will it support design which reduces the potential for crime or anti-social behaviour?

SA Objective 2: To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford

Appraisal questions

- Will it increase the range and affordability of housing to support the growing population and for all social groups?
- Does it respond to the needs of an ageing population?
- Does it seek to provide appropriate rural affordable housing?
- Will it deliver well designed and sustainable housing?

- Will it contribute to meeting Gypsy and Traveller pitch requirements of the GTAA?
- Will it help to deliver a suitable mix of housing sizes, types and tenures to meet local needs?

SA Objective 3: To improve health/reduce health inequalities

Appraisal questions

- Will it ensure access to and prevent overburdening of health facilities, including primary, acute and emergency services, including through the provision of new infrastructure of this type?
- Will it ensure access to sport and recreation facilities, open space and accessible natural green space, including through the provision of new infrastructure of this type?
- Will it encourage access by walking or cycling?

SA Objective 4: To ensure and improve the vitality and viability of centres

Appraisal questions

- Does it seek to prevent loss of retail and other services or deliver these types of services in locations where they are accessible to a large number of residents?
- Does it support the creation of new viable centres while promoting and enhancing the viability of existing centres?
- Does it seek to locate development close to centres?

- Does it seek to locate development within easy public travelling distance to town centres?
- Does it seek to improve public transport networks to town centres?

SA Objective 5: To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways

Appraisal questions

- Will it improve the delivery of a range of employment opportunities to support the growing population?
- Will it tackle employment associated deprivation?
- Will it enhance the area's potential for tourism?
- Will it promote development of the ports?
- Will it support business innovation, diversification, entrepreneurship and changing economies while building on links to nearby employment sites?
- Does it seek to improve links to and enhance existing training and learning facilities and/or create more facilities?
- Will the employment opportunities available be mixed to suit a varied employment skills base?
- Will it provide new residents with appropriate space and infrastructure (including ultra-fast broadband) as to allow for homeworking?

SA Objective 6: To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity

Appraisal questions

- Will development have a potential impact on a national, international or European designated site (SPA, SAC, Ramsar, SSSI)?
- Will it maintain and enhance sites otherwise designated for their nature conservation interest?
- Will it conserve and enhance natural/semi natural habitats, including those that are not presently designated?
- Will it conserve and enhance species diversity, and in particular avoid harm to indigenous BAP priority species?
- Will it result in biodiversity net gain?

SA Objective 7: To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion

Appraisal questions

- Will it increase and/or improve the availability and usability of sustainable transport modes, including infrastructure for electric vehicles?
- Will it seek to encourage people to use alternative modes of transportation other than private vehicle?
- Will it support the viability of existing public transport and lead to the integration of different transport modes?

- Will it improve rural public transport?
- Does it seek to increase the uptake or viability of walking and cycling as methods of transportation, through new infrastructure or integration?
- Will it support an increased level of self-containment in the area through the incorporation of services and facilities and employment floorspace to meet a high proportion of residents needs in the locality?

SA Objective 8: To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development

Appraisal questions

- Will it contribute positively to reduce social exclusion by ensuring access to jobs, shopping, services and leisure facilities for all?
- Does it seek to concentrate development and facilities where access via sustainable travel is greatest?
- Does it seek to minimise congestion at key destinations / areas that witness a large amount of vehicle movements at peak times?
- Would the scale of development require significant supporting transport infrastructure in an area of identified need?
- Will it ensure adequate school places (through expansion / new facilities) and early years provision to support growth as well as supporting good access to these types of facilities?
- Will it ensure the required improvements to utilities infrastructure?
- Will it ensure access to and necessary increases in capacity to GP services?

- Will it ensure access to and necessary increases in capacity to acute healthcare services?
- Will it provide a suitable amount of sports, recreational, leisure and open space facilities?

SA Objective 9: To conserve and enhance historic and cultural heritage and assets and townscape character

Appraisal questions

- Will it protect and enhance designations, features and areas of historical, archaeological and cultural value in both urban and rural areas?
- Will it have a negative impact on the significance of a designated historic environment asset or its setting?
- Does it seek to enhance the range and quality of the public realm and open spaces?
- Will it reduce the amount of derelict, degraded and underused land?
- Does it encourage the use of high quality design principles to respect local character?
- Will / can any perceived adverse impacts be reduced through adequate mitigation?

SA Objective 10: To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation

Appraisal questions

- Will it reduce emissions of greenhouse gases by reducing energy consumption?
- Will it lead to an increased generation of energy from renewable sources?
- Will it encourage greater energy efficiency?
- Will it improve the efficient use of natural resources, minimising waste and promoting recycling?
- Will it support the siting and design of development as to adapt to climatic change through measures such as the incorporation of green infrastructure, building orientation and choice of materials?
- The contribution promoting more sustainable modes of transport can make to limiting carbon emissions is addressed through SA objective 7: sustainable travel.

SA Objective 11: To improve water quality and address water scarcity and sewerage capacity

Appraisal questions

- Will it lead to no deterioration on the quality of water bodies?
- Will water resources and sewerage capacity be able to accommodate growth?
- Does it seek to support the recycling of rainwater and greywater?

SA Objective 12: To reduce the risk of fluvial, coastal and surface water flooding

Appraisal questions

- Does it promote the inclusion of Sustainable Drainage Systems (SuDS) in new developments and will their integration be viable?
- Does it seek to avoid development in areas at risk of flooding (fluvial, coastal, surface water) and where this is not possible ensure that development is safe?
- Does it seek to avoid increasing flood risk (fluvial, surface water, groundwater) in areas away from initial development?

SA Objective 13: To improve air quality

Appraisal questions

- Will it improve, or not detrimentally affect air quality along the A12, A120 or A133?
- Will it help to limit traffic within AQMAs within Colchester and surroundings?
- Does it seek to improve or avoid increasing traffic flows generally?

SA Objective 14: To conserve and enhance the quality of landscapes

Appraisal questions

- Will landscapes sensitive to development be protected?

- Will it lead to rural expansion or development outside development boundaries/limits that increases coalescence with neighbouring settlements?
- Is the scale / density of development in keeping with important and valued features of the local landscape and the existing rural character of the site and surrounding small settlements?
- Will it help to conserve and enhance existing natural landscape features within the site?
- Will it help to conserve and enhance the existing rural urban fringe and support the integration of development within the natural context?

SA Objective 15: To safeguard and enhance the quality of soil and mineral deposits

Appraisal questions

- Will it avoid the loss of high quality agricultural land?
- Will it avoid the sterilisation of mineral deposits / is the site within a Minerals Safeguarding Area (MSA)?
- Will it support or lead to the remediation of contaminated land, avoiding environmental pollution or exposure of occupiers or neighbouring land uses to unacceptable health risk?
- Will it support the efficient use of land resources, by achieving appropriate densities of development thereby limiting the need for the development of greenfield land?

Modifications to policies

1.15 This section outlines the proposed modifications to the DPD since the Reg 19 stage and presents the SA findings for these. The proposed modifications and whether they affect the SA findings are set out in **Appendix A**.

1.16 The proposed main modifications to Policy 2: Nature alter the findings of the SA because the added requirement for development proposals to include an Air Quality Assessment will help to further limit the potential for air quality issues to arise in the Garden Community and wider area. Therefore, **the minor positive effect in relation to SA objective 13: air quality has been strengthened to a significant positive effect**. Table 1.1 below shows the revised SA findings for Policy 2: Nature.

Table 1.2: Revised SA findings for Policy 2: Nature

SA Objective	Policy 2
SA 1: Safety and community cohesion	+
SA 2: Housing	-
SA 3: Health	+
SA 4: Vitality and viability of centres	0
SA 5: Economy	-
SA 6: Biodiversity and geological diversity	++
SA 7: Sustainable travel	+
SA 8: Services and infrastructure	+
SA 9: Historic environment and townscape	+
SA 10: Energy efficiency and climate change	+

SA Objective	Policy 2
SA 11: Water resources and quality	+
SA 12: Flood risk	+
SA 13: Air quality	++
SA 14: Landscape	++
SA 15: Soils and minerals resources	+

1.17 The rest of the other main modifications will have no effect on the appraisals of the key vision themes, principles and objectives and the rest of the policies.

Summary of HRA Findings

1.18 LUC has reviewed the HRA Addendum prepared by Place Services (July 2024). This assesses the effects of the Main Modifications and concludes that those modifications will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects. This is the same as the conclusion of the HRA of the Reg. 19 Plan, which was reflected at paragraph 5.14 of the Reg. 19 SA report. As such, no changes are necessary to the findings of the HRA that were reported in the SA at Reg 19 stage.

Cumulative effects

1.19 This SA of the proposed Main Modifications has identified changes to the sustainability effects of one policy, as summarised above. The following changes are pertinent to the cumulative effects of the plan:

1.20 It is noted that the requirement for an Air Quality Assessment in Policy 2: Nature has now been proposed. A significant positive mixed with a minor negative effect was identified in the SA of the Regulation 19 DPD. The cumulative effects remain unchanged.

Monitoring indicators

1.21 There are also no amendments proposed to the monitoring indicators within the Schedule of Main Modifications.

Appendix A

Schedule of Main Modifications with SA implications

A.1 Just to note this appendix is not in the accessible format because LUC have taken a non-accessible Council document and amended it to include the SA implications.

Main Modifications for Consultation¹

Section	Page No.	Modification Numbers	Notes
GC Policy 1 - Land Uses and Spatial Approach	2	MM2 to MM12	
Policies Map	8	MM14 & MM17	
GC Policy 2 - Nature	9	MM18 to MM27 & MM90	Note MM90 not in numerical order.
GC Policy 3 - Place Shaping Principles	19	MM28 to MM34	
GC Policy 5 - Economic Activity and Employment	22	MM35 & MM38	
GC Policy 6 - Community and Social Infrastructure	23	MM40 to MM50	
GC Policy 7 - Movement and Connections	30	MM51 to MM70	
GC Policy 8 - Sustainable Infrastructure	39	MM71 to MM73	Note MM72 not for consultation as Inspector has not agreed modification.
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	42	MM75 to MM84 & MM91	Note MM91 not in numerical order.
Glossary	49	MM85 & MM91	Note MM91 not in numerical order.
Appendices	50	MM89	

¹ To note this Appendix does not include Minor Modifications as LUC has reviewed them and does not consider that any of them would alter the previously reported SA findings.

GC Policy 1 - Land Uses and Spatial Approach

Mod Ref	Part	Modification	Reason	Does it affect SA findings?
MM2 (Main)	Part A	Amend first point of Part A, page 20: Delivery of circa 7,500 new homes with a range of shops, jobs, services, and community facilities, including education <i>and health and wellbeing provision</i> (see Part B below).	ESNEFT Rep ID.266 To ensure the Plan includes an effective strategy for securing identified infrastructure needs.	No change to SA findings: the change provides greater certainty in relation to required health infrastructure. The provision of health and wellbeing infrastructure reinforces the previously assessed significant positive effect in relation to SA objective 3: health and wellbeing. This is because the combination of the requirement for layout of the site to ensure that a range of services and facilities are easily accessible to residents, which is likely to help promote active modes of transport, and that key infrastructure including that relating to health is provided.
MM3 (Main)	Part B	Amend fifth para, page 22: ...The councils will work with the University of Essex and other partners as appropriate, to deliver the key infrastructure (health, education, <i>ambulance, police, firefighting</i> and other community uses)...	EEAST Rep ID.253 To add emergency services.	No change to SA findings: as above, this modification provides additional detail and clarification, but does not affect the previously assessed significant positive effect in relation to SA objective 3: health and wellbeing.

MM4 (Main)	Part B	<p>Amend last sentence of first para, page 23:</p> <p>Accessibility to services and facilities <i>including those that support health and wellbeing</i>, utilities infrastructure and the Rapid Transit System will be key to determining the phasing of development in the ‘Crockleford Neighbourhood’.</p>	<p>ESNEFT Rep ID.266</p> <p>to ensure that the Policy represents an effective strategy for meeting identified infrastructure needs.</p>	<p>No change to SA findings: as above, this modification provides additional detail and clarification, but does not affect the previously assessed significant positive effect in relation to SA objective 3: health and wellbeing.</p>
MM5 (Main)	Part B	<p>Amend last sentence of last para. page 21:</p> <p>Broad locations for two distinct but interlinked Neighbourhoods, referred to as the ‘South and North Neighbourhoods’ are shown on the Policies Map. The ‘North and South Neighbourhoods’ between them will accommodate around 6,000-6,500 new homes. Development within and across the two ‘Neighbourhoods’ will be phased to ensure housing development is aligned with infrastructure delivery, with an expectation that the early phases of development will begin in the ‘South Neighbourhood’.</p>	<p>Latimer Rep ID.225</p> <p>Phasing will be agreed via an illustrative phasing plan for the Garden Community, submitted with the hybrid planning application.</p>	<p>No change to SA findings: this modification provides additional clarification and does not affect the SA.</p>
MM6 (Main)	Part B	<p>Amend first sentence of last para. page 22:</p>	<p>Latimer SoCG (SCG06)</p> <p>The RTS and active travel modes are the priority however some flexibility is required</p>	<p>No change to SA findings: this modification provides additional detail and clarification regarding the RTS and active travel modes and does not affect the SA.</p>

		<i>Subject to evidence-based work</i> , the 'South and North Neighbourhoods' <u>are to</u> will each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes.	in the DPD to fully understand network and road capacities and how this will inform the masterplan work.	
MM7 (Main)	Part B	Amend first sentence of first para. page 23: The 'Crockleford Neighbourhood' will be developed as an individual community that is physically separated from, but connected by walking, cycling and other sustainable transport modes to the 'South and North Neighbourhoods' and the City of Colchester.	Latimer SoCG (SCG06) Depending on the outcomes of local junction modelling along Bromley Road into Colchester, some parcels of development within the Crockleford Neighbourhood may need to access to the Link Road instead of Bromley Road. Suggested wording to reflect this flexibility.	No change to SA findings: this modification provides flexibility and does not affect the SA.
MM8 (Main)	Part B	Amend last sentence of first para. page 23: Accessibility to services and facilities, utilities infrastructure and , the Rapid Transit System <u>and other public transport services</u> will be key to determining the phasing of development in the 'Crockleford Neighbourhood.	Latimer SoCG (SCG06) Acknowledging existing, enhanced and other public transport can support homes as well as the RTS removes pre-judging of phasing at Crockleford.	No change to the SA findings: this modification provides additional detail and clarification, but does not affect the previously assessed significant positive effect in relation to SA objective 7: sustainable travel.

<p>MM9 (Main)</p>	<p>Part E</p>	<p>Amend fourth para. page 24: Land east of the new A120-A133 Link Road and the new 'Business Park' south of the A120, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the east of the Garden Community; maintain the long-term physical and visual separation to Elmstead Market, and to assist in protecting the setting of the <i>designated</i> heritage assets of the <i>Grade I Listed</i> Church of St. Anne and St. Lawrence, <i>Grade II* Listed</i> Elmstead Hall, <i>and Grade II Listed</i> Allens Farmhouse and the Round Burrow.</p>	<p>Historic England Rep ID.214 Correction is suggested which removes reference to the 'Round Burrow' due to this asset being unrelated to the context of the Elmstead Strategic Green Gap.</p>	<p>No change to SA findings: this modification provides additional clarification and does not affect the SA.</p>
<p>MM10 (Main)</p>	<p>Part F</p>	<p>Amend first para. page 25: Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' for new a 'Sports and Leisure Park'. This will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden</p>	<p>Sport England Rep ID.66 To provide clarity over scope of sports facilities.</p>	<p>No change to SA findings: this modification provides additional detail and clarification but does not affect the previously assessed significant positive effect in relation to SA objective 3: health and wellbeing.</p>

		Community and the University. <u>Where appropriate this will include the provision of indoor and outdoor floodlit facilities.</u>		
MM11 (Main)	Part F	<p>Add new para. after second para. page 25:</p> <p><u>Should the position of the A133 Park and Choose Facility be located south of the A133, its provision and position should be evidenced to demonstrate that it would not prejudice the expansion requirements of the University of Essex or the ability to meet the sports, leisure and open space requirements of the wider Garden Community.</u></p>	<p>Statement of Common Ground SCG04 with the University of Essex.</p> <p>To provide clarity over the provision of the Park and Choose facility should it be located south of the A133, to ensure the full and comprehensive expansion needs of the University could be realised and that the open space requirements of the Garden Community are met.</p>	<p>No change to the SA findings: this modification provides additional clarification regarding the Park and Choose facility and does not affect the SA.</p>

<p>MM12 (Main)</p>	<p>Part J</p>	<p>Amend last para. page 26: The ‘Park and Choose Facility’ will be brought forward alongside early phases <u>first residential phases</u> of development to coincide with the first operation of with the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.</p>	<p>Latimer SoCG (SCG06) A sustainable infrastructure first approach should be adopted at TCBGC and that the RTS will be provided with a Park and Choose facility from the first development parcel phases. “first residential” is used rather than “first” as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS.</p>	<p>No change to the SA findings: this modification provides additional clarification about phasing and does not affect the SA.</p>
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Policies Map

Mod Ref	Part	Modification	Reason	Does it affect SA findings?
MM14 (Main)	Land South of A133	Extension of grey hatching denoting “Sports & Leisure Park: General location of sports pitches, parkland...” to cover existing woodland area south of the A133.	Omission from plan. Modification would correctly illustrate the 25ha allocation for ‘Sports and Leisure Park and University of Essex Expansion’ as required by Policy GC1 Part F.	No change to the SA findings: this modification provides additional clarification on the policies map and does not affect the SA.
MM17 (Main)	Key	Footnote to be added to “30m Woodland Buffer” to clarify that this is for information only.	Reference to the ‘30m’ woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. Suggest that clarification is added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.	No change to the SA findings: this modification provides additional clarification and does not affect the SA.

GC Policy 2 - Nature

Mod Ref	Part	Modification	Reason	Does it affect the SA?
MM18 (Main)	Part A	<p>Remove the last para. page 39 as follows from Part A:</p> <p>Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the sensitive Essex coast. Proposals to incorporate the SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</p> <p>Create new Part B to read as follows:</p> <p><u>Part B: Suitable Alternative Natural Greenspace (SANG)</u> <u>Proposals will be required to provide an appropriate amount of Suitable</u></p>	<p>Natural England Rep ID.223</p> <p>To provide clarity and accuracy on referenced requirements.</p> <p>Note modification to substitute 'accessible with 'alternative' in 'Suitable Alternative Natural Greenspace' as per NE guidance and representation.</p>	<p>No change to SA findings: this modification provides additional detail and clarification regarding Suitable Alternative Natural Greenspace requirements and does not affect the SA.</p>

		<p><u>Alternative Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</u></p> <p><u>10 The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space. Proposals must demonstrate how SANG, and access to it, will be provided for each relevant phase of the development, including access to temporary SANG where required.</u></p>		
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<p>MM20 (Main)</p>	<p>Part B (to become Part C)</p>	<p>Amend last para. page 39:</p> <p>A key principle and part of the distinctive character of the Garden Community will be the green-blue infrastructure network and celebration of the natural and historic environment. Proposals should take every opportunity to integrate green and blue spaces and will be required to demonstrate, both spatially and technically, how they have been integrated into the built form.</p> <p>Examples include: tree lined streets or streets that contain hedgerows appropriate to local character, habitats, and species; insect-attracting plants, hedgerows, log piles, and other places of shelter for wildlife refuge/hibernation within structural landscaping and open spaces; hedgehog friendly features in residential garden boundaries to create linked habitat; dark corridors for bat foraging; green walls and roofs and other measures of incorporating trees and plants into buildings; bat boxes, bricks or lofts and bird boxes; green roofs <i>dual purpose street furniture</i>; and Sustainable Drainage Systems (SuDS).</p>	<p>Essex County Council Rep ID.106</p> <p>Noted that ‘Green Roofs’ are reference twice in this section and recommended alternative wording as the design of street furniture and bin stores can add character to the landscape, reduce clutter, and benefit biodiversity. Modification suggested to provide clarity and correction.</p>	<p>No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.</p>
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<p>MM21 (Main)</p>	<p>Part C (to become Part D)</p>	<p>Amend as follows:</p> <p>Part C<u>D</u>: Protection of Biodiversity</p> <p>Proposals will need to provide the following:</p> <ul style="list-style-type: none"> • Are supported with appropriate ecological surveys where necessary. • Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed. • Will minimise fragmentation of habitats. • Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements. <p><i><u>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified,</u></i></p>	<p>Natural England Rep ID.223</p> <p>To provide clarity and accuracy on referenced requirements with regard to functionally linked land and wintering bird surveys.</p>	<p>No change to SA findings: this modification provides additional detail and clarification regarding wintering bird surveys and does not affect the SA.</p>
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		<p><u>development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</u></p> <p>Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.</p>		
MM22 (Main)	Part D (to become Part E)	Amend last point of Part on page 41: Habitat enhancement and creation for delivering biodiversity net gain	Latimer Rep ID.227	No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.

		within the Strategic Green Gaps, Salary Brook Country Park, SANG, and SuDS <i>and other green infrastructure</i> will be supported, where true additionality through stacking of ecosystem services can be demonstrated. <i>Stacking of ecosystem services will be permitted where additionality can be demonstrated, taking account of emerging guidance on stacking from Natural England and Defra.</i>	To provide additional clarity for applicants and future decision maker.	
MM90 (Main)	GC Policy 2 Part D (to become Part E)	Remove last sentence of first point of Part on page 40: As such an ambition is to achieve BNG of 15% on average across the whole masterplan.	The minimum requirement of 10% will be met across the masterplan as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).	No change to SA findings: this modification provides detail regarding the mandatory minimum for BNG and does not affect the SA as this point is set out in the SA.
MM23 (Main)	Part E (to become Part F)	Areas for planting or regeneration should <i>will need to</i> be set out and agreed in the appropriate landscape and green-blue infrastructure strategies and management plans.	Essex County Council Rep ID.107 Recommended minor change to wording to strengthen the policy. Modification suggested to provide clarity, consistency and to strengthen the policy.	No change to SA findings: this modification strengthens policy wording and does not affect the SA.

<p>MM24 (Main)</p>	<p>Part J (new part)</p>	<p><u>Part J: Air Quality</u></p> <p><u>Proposals that might lead to a deterioration in air quality or to an exceedance of the national air quality objectives, either by itself, or in combination with other development, will require the submission of an Air Quality Assessment to be carried out in accordance with industry best practice. This should address:</u></p> <p><u>a) The cumulative effect of further emissions and screening for air quality impacts.</u></p> <p><u>b) Where identified as being required, the proposed measures of mitigation, using good design, technical solutions and offsetting measures that prevent the deterioration of air quality and ensure that National Air Quality Objectives are not exceeded.</u></p> <p><u>c) The identification of measures to secure the safety and satisfactory quality of life for the future occupiers and existing residents. Development must not result in an increased exposure to poor air quality, including odour, fumes and dust, particularly where developments might be occupied or used by vulnerable people.</u></p>	<p>Natural England Rep ID.224</p> <p>To provide clarity with regard to requirements relating to Air Quality.</p>	<p>More sustainable (change to SA effects score):</p> <p>this modification enhances the policy by providing detailed guidance for how to not worsen air quality in the Garden Community. Minor positive effects were identified in relation to SA objective 13: air quality. The proposed Main Modifications will alter the findings of the SA for SA objective 13 as the modification includes the requirement for development proposals to include an Air Quality Assessment which could have a significant positive effect in terms of avoiding deterioration of air quality in the area. As such, the effect of Policy 2 in relation to SA objective 13: air quality has been strengthened from a minor positive effect to a significant positive effect.</p>
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		<p><u>The Air Quality Assessment must be informed by traffic scoping modelling for each relevant phase of development and is required to assess increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.</u></p> <p><u>All development proposals should promote a shift to the use of sustainable low emission transport modes, to minimise the impact of vehicle emissions on air quality.</u></p>		
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MM25 (Main)	Part I (to become Part K)	Proposals must include a green-blue infrastructure plan, which demonstrates how the scheme reflects and complies with the Strategic Masterplan; the Colchester Tendring Open Space Strategy requirements; the Healthy Living and Play Strategy required by GC Policy 6; <u>appropriate biosecurity standards for sourcing, quarantining, and inspecting plant material supplied to the development required by GC Policy 8;</u> and demonstrate how green and blue spaces have been integrated into the built form.	Essex County Council Rep ID.115 Recommended minor change to wording to secure the submission of appropriate details at application stage. Modification suggested to provide clarity, consistency and to strengthen the policy.	No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.
MM26 (Main)	Part K (was Part I)	Add: 7. Proposals must be supported by an Air Quality Assessment to be informed by traffic scoping modelling for each relevant phase of development in accordance with industry best practice.	Natural England Rep ID.224 To provide clarity with regard to requirements relating to Air Quality.	No change to SA findings: this modification provides additional detail and clarification regarding air quality requirements and does not affect the SA.

<p>MM27 (Main)</p>	<p>Justification (page 46)</p>	<p>Add additional paragraph: <i><u>Where the surveys show that mitigation is required, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds</u></i></p>	<p>Latimer Rep ID.227 To avoid any ambiguity and allow the detailed and tailored HRA process to inform appropriate and proportionate mitigation requirements.</p>	<p>No change to SA findings: this modification provides additional clarification regarding mitigation requirements and does not affect the SA.</p>
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GC Policy 3 - Place Shaping Principles

Mod Ref	Part	Modification	Reason	Does it affect SA findings?
MM28 (Main)	Part A	It will adopt a landscape led approach to design and build, follow healthy new towns principles, <i>in accordance with Sport England Active Design principles</i> , and <i>achieving</i> secured by design certification.	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.	No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.
MM31 (Main)	Part H (was Part I)	Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that	Historic England Rep ID.215 The HIA does not consider the potential for below ground archaeology or the impact of the proposed development on archaeology. To address this the suggested wording requires that this would need to be undertaken prior to the determination of any planning application for the site.	No change to SA findings: although this modification provides additional detail regarding below ground archaeology and what is necessary to submit as part of planning applications for the site, the SA findings will not change as a minor positive effect has already been identified for SA objective 9: historic environment and townscape.

		<p>any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</p> <p><u><i>Future development must take into account the results and recommendations of the Councils 'Heritage Impact Assessment', and must demonstrate that any negative impacts on the significance of the Grade II* Listed Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings, have been avoided and if this is not possible minimised, through appropriate masterplan design. Proposals that would enhance or better reveal the significance of these assets will be considered positively. Specific mitigation measures must be identified through the preparation of a further detailed Heritage Impact Assessment, and pre-determination Archaeological Assessment, which will inform and be submitted prior to the determination of any application at the site.</i></u></p>		
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MM32 (Main)	Part H (was Part I) In all cases there will be an expectation that any new development will <u>avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal</u> . It should enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.	Latimer Rep ID.228 To provide additional clarity in line with the wording of the NPPF.	No change to SA findings: this modification provides additional clarification and does not affect the SA.
MM33 (Main)	Part I (was J)	2. A Heritage Impact Assessment and Mitigation Strategy is required to demonstrate the measures that can minimise harm and maximise the potential to enhance the heritage significance of <u>the Grade II* Listed Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings.</u>	Historic England Rep ID.215 To provide clarity and accuracy on referenced requirements.	No change to SA findings: this modification provides additional detail and clarification regarding heritage assets and does not affect the SA.
MM34 (Main)	Part I (was J)	4. Design & Access Statement <u>(incorporating an Active Design Assessment in accordance with Sport England Active Design Guidance).</u>	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.	No change to SA findings: this modification provides additional detail and clarification regarding the Design and Access Statement and does not affect the SA.

GC Policy 5 - Economic Activity and Employment

Mod Ref	Part	Modification	Reason	Does it affect the SA?
MM35 (Main)	Part A	Amend first point of Part A: How delivery of the first phase of business accommodation in each employment area is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land.	Latimer Rep ID.229 To provide additional flexibility in providing a balanced delivery of employment and residential uses.	No change to SA findings: this modification amends some policy wording and does not affect the SA.
MM38 (Main)	Justification	Insert additional sentence/para to justification page 76 to read: <i>Student and retired households are excluded from the ambition to achieve one job per household.</i>	Latimer Main Matter 5 Hearing Statement (HS5.1) To provide additional clarity over the aim of achieving one job per household.	No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.

GC Policy 6 – Community and Social Infrastructure

Mod Ref	Part	Modification	Reason	Does it affect the SA?
MM40 (Main)	Part C	Amend third para. page 83: Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks , connected by safe and direct walking and cycling routes to the Neighbourhood the school serves.	Latimer SoCG (SCG06) Access will still be required by emergency vehicles and for blue badge users. The wording requires the flexibility to respond to accessible needs and “streets” and “car parks” is ambiguous.	No change to SA findings: this modification amends policy wording around access for emergency vehicles and blue badge users and does not affect the SA.
MM41 (Main)	Part C	Amend third para. page 83: Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves. All schools should be well connected to the natural environment to provide the option of providing forest school sessions, <i>and through their design and layout encourage health and wellbeing, especially physical activity (e.g. storage facilities to support cycling, and the promotion of informal physical activity</i>	Sport England Rep ID.69 To strengthen links between health and education.	No change to SA findings: this modification provides additional detail and clarification regarding the link between health and education, but does not affect the SA.

		<i>as well as providing conventional sport and play facilities).</i>		
MM42 (Main)	Part C	<p>Include after bullet point list as paragraph:</p> <p><i><u>The capacity and quantum of schools and early years provision will be subject to an appropriate assessment of the need at the time of submission of future planning application(s).</u></i></p>	<p>Latimer Rep ID.230</p> <p>To provide additional clarity that the number of schools should be evidence led, based on need and demographic studies at the time.</p>	<p>No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.</p>
MM44 (Main)	Part D	<p>The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided. <i><u>Proposals will have regard to the potential role of the University’s existing or future sports facilities in meeting the needs of the development in view of the close proximity of the University site and the strategic shared use facilities that are or could be provided to help meet the needs of residents of both the development and the University.</u></i></p>	<p>Sport England Rep ID.69</p> <p>To strengthen links to University/shared sports facilities.</p>	<p>No change to SA findings: this modification provides additional detail and clarification around the relationship between the University and the Garden Community and does not affect the SA.</p>

		<p>Opportunities should be taken to deliver multipurpose facilities well integrated into the built environment and well designed in terms of their landscape settings. The Councils will only consider offsite provision where it is well connected to the Garden Community and/or where it will deliver multiple benefits, including benefits to existing communities.</p>		
MM45 (Main)	Part E	<p>Amend from last para. page 83:</p> <p>Appropriate health and wellbeing services must be provided to new residents and occupiers of the Garden Community from first occupation. Proposals for the development of the Garden Community must <u>reflect national and local health related strategies, consider the evidence provided through relevant Health Impact Assessments including the joint strategic needs assessment (JSNA) and align with the outcomes within the overall ‘Health Strategy’ for the Garden Community, and are anticipated to include:</u></p> <ul style="list-style-type: none"> • <u>Enhancements to existing local facilities, including improvements to primary care provision and wider healthcare services and facilities including but not limited to those at</u> 	<p>ESNEFT Rep ID.267</p> <p>To ensure that the Policy represents an effective strategy for securing all types of healthcare infrastructure (both on and off-site) required to serve the new communities.</p>	<p>No change to SA findings: this modification provides additional detail and clarification regarding the delivery of healthcare infrastructure. This does not affect the SA as the addition of detail for healthcare infrastructure supports the significant positive effects that were already recognised for this policy in relation to SA objectives 3: Health and 8: Services and infrastructure.</p>

		<p><u>Colchester Hospital which will support the provision of acute and community services.</u></p> <ul style="list-style-type: none"> • A new Health and Wellbeing Hub to be provided in the early phases of development (potentially via a phased approach to delivery) (underpinned by the most up-to date evidence base delivered via a phased approach). The facility shall be designed to deliver an integrated service for patients including a cluster of general practitioners, a wide range of diagnostic services and primary care treatment – to minimise the requirement for secondary care treatment at hospital. <u>residents and include consideration of primary, community and acute services and it</u> should be located on an accessible site close to other community facilities <u>and transport infrastructure. Any approach to health and wellbeing will include facilities that provide regard to prevention and health improvement activities.</u> • Flexible space for health provision, located within the Neighbourhood Centres and community buildings. <p>Developers must enter into early conversations with the local NHS</p>		
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		Integrated Care Board through the North East Essex Health and Wellbeing Alliance, and other relevant partners to ensure that proposals reflect current health and social care models. <u>which is the local place-based health partnership so to ensure that proposals reflect current health and social care models, local evidence and need. This partnership vehicle will also be key in supporting the development of the health impact assessment and health strategy for the GC.</u>		
MM46 (Main)	Part G	Amend point 3, page 85: 3. Proposals must be supported by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure, particularly schools <u>and healthcare facilities. These will also contribute to the health impact assessment.</u>	ESNEFT Rep ID.267	No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.
MM47 (Main)	Part G	Amend point 6, page 85: 6. Proposals must be supported by a Healthy Living and Play Strategy, <u>which will be informed by the Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility -</u>	Sport England Rep ID.69 To strengthen links with 2023 Colchester and Tendring Open Space Strategy.	No change to SA findings: this modification provides additional detail and aims to strengthen the relationship between the DPD and the Colchester and Tendring Open Space Strategy (2023) and does not affect the SA.

		<u>Overarching Strategy (2023) or any updates to this Strategy.</u> This Strategy should demonstrate how the development will be designed to encourage active lifestyles, independence, and wellbeing, through the provision of sites, facilities, and informal opportunities for people to play, socialise, play sport, keep fit and have fun. <u>It must be co-ordinated with other relevant strategies for the development such as the Green Infrastructure Strategy, the Active Travel Strategy and the Active Design Assessment.</u>		
MM48 (Main)	Part G	9. Proposals for educational use/buildings should be accompanied by a 'Community Use Statement/ <i>Plan</i> ' to be agreed by the authorities and <u>which must be approved as part of any planning permission granted and secured by way of a Community Use Agreement through an appropriate legal agreement.</u>	Sport England Rep ID.69 To provide clarity with regard to securing community use of education facilities.	No change to SA findings: this modification provides additional detail and clarification regarding use of education facilities by the community and does not affect the SA.
MM49 (Main)	Justification	Amend Justification Text: Para 2, Page 86 to read: "Community and social infrastructure covers a wide range of facilities, such as health; <u>ambulance; police; firefighting;</u> education; sports; recreation and	EEAST Rep ID.257 Plan text not fully 'justified' as the paragraph omits reference to key infrastructure in the form of ambulance, police & firefighting facilities.	No change to SA findings: this modification provides additional detail and does not affect the SA.

		greenspace; places of worship; community halls; public houses and cultural infrastructure...”		
MM50 (Main)	Justification	<p>Insertion of new paragraph after Para 3, Page 88 to read:</p> <p><i><u>The health strategy for the Tendring Colchester Borders Garden Community will be dependent on various factors including capacity in existing neighbouring primary care facilities, workforce recruitment, funding streams, NHS clinical and service strategies and NHS building design approaches. A comprehensive, evidence based HIA will be carried out engaging with all local health and care partners and local communities to ensure that a robust view of need is assessed. The strategy shall be designed to ensure that health is designed into the Garden Community and that any new infrastructure delivers an integrated service for the population. A consideration on the wider impact of the development on key health stakeholders including Public Health, primary, secondary and acute inpatient and outpatient facilities, ambulance, police, firefighting and others within the local partnership will need to be taken into account and mitigation of any impact appropriately provided.</u></i></p>	<p>SNEE ICB Rep ID.272 and 273</p> <p>Stresses the importance of the need for a robust HIA process developed through collaborative work and carried out as early as possible.</p>	<p>No change to SA findings: this modification provides additional detail regarding the need for a robust HIA process. This does not affect the SA as the addition of detail for healthcare infrastructure supports the significant positive effects that were already recognised for this policy in relation to SA objective 3: Health.</p>

GC Policy 7 - Movement and Connections

Mod Ref	Part	Modification	Reason	Does it affect the SA?
MM51 (Main)	Chapter 8 – Movement and Connections Illustrative Framework Plan	Page 93, amend footer: The location of specific land uses, facilities and activities <u>and the movement and connection features</u> are illustrative and subject to further masterplanning <u>and Transport Assessment</u> .	Latimer SoCG (SCG06) Whilst illustrative only, this is the only plan that shows vehicular access locations in the DPD so others may add significant weight to its interpretation so options and clarification need to make this clear.	No change to SA findings: this modification provides additional detail and clarification to the movement and connections illustrative framework plan and does not affect the SA.
MM52 (Main)	Part A	Amend third point, page 95: Achieve filtered permeability, restricting the movement of general vehicular traffic between neighbourhoods. <u>This includes amendments to the existing adopted lanes within the site to control and/or restrict vehicular access so the routes can become strategic active travel corridors.</u>	Latimer SoCG (SCG06) The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and vehicle access locations.	No change to SA findings: this modification provides additional detail regarding the RTP and active travel modes and does not affect the SA.
MM53 (Main)	Part A	Amend forth point, page 95: Demonstrate how modal share targets (the number of trips by walking, cycling, public transport and private vehicle) will be achieved, maximised and monitored in a phased approach <u>and how the targets reflect the ambitions for</u>	Latimer SoCG (SCG06) The mode split targets reflect the land-use quanta tested in the DPD and the Transport Assessment will establish the targets based on detailed forecasting and will be agreed with the highway and planning authority based on the	No change to SA findings: this modification provides some flexibility for the mode split targets within the DPD and does not affect the SA.

		<i>reducing car use over time</i> as outlined in the Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023, and as reflected in the table below.	transport strategy proposed and linked to the phasing strategy for both the development, Park and Choose and Link Road. Review mechanisms for the DPD will allow updates to respond to the developing evidence base.	
MM54 (Main)	Part A	Amend third para. page 96: Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to ensure <u>enable and encourage</u> sustainable travel patterns from first occupation.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel but not ensure it.	No change to SA findings: this modification slightly changes policy wording but does not affect the SA.
MM55 (Main)	Part C	Amend final point of Part C, page 98: 'Proposals must demonstrate how the development contributes to:... Ensuring that there is a convenient and high frequency bus <u>public transport</u> service operating that is aligned with the first phase of the Garden Community which will need to be appropriately funded by the developer.	Mr Tim Batts-Neale Rep ID.131 To provide consistent wording in policy.	No change to SA findings: this modification provides additional clarification and does not affect the SA.

MM57 (Main)	Part D	<p>Amend first para. of Part D, page 99:</p> <p>All proposals will need to integrate with the RTS and demonstrate how the RTS can <u>serve</u> provide a direct link to each Neighbourhood Centre.</p>	<p>Latimer SoCG (SCG06)</p> <p>How the RTS will serve each neighbourhood centre will be the subject of plot testing within detailed masterplanning. “Accessibility” rather than “a direct link” avoids introducing a potential conflict with other policies by being prescriptive about the alignment of RTS, for example around school entrance access being vehicle free.</p>	<p>No changes to SA findings: this modification relates to the flexibility needed at this stage for the RTS. This is already reflected in the SA findings for this policy and therefore does not affect the SA.</p>
MM58 (Main)	Part D	<p>Amend third para. of Part D, page 99:</p> <p>It should be ready for operation during the first <u>residential parcels</u> phase of the development to influence sustainable travel behaviour and embed the use of the system and align with the Essex RTS operational model, including the phased delivery plan for services.</p>	<p>Latimer SoCG (SCG06)</p> <p>It is agreed that a quality public transport service must be available during the first phase that generates residential trips and where possible the RTS segregated route be available early.</p> <p>However, flexibility is required in the wording to avoid the wording prejudging the location of the first phase, i.e. that it must be adjacent the safeguarded RTS corridor. The RTS operating route and frequency will be related to the scale and location of a first residential phase but it is agreed they must come together.</p> <p>“First residential” was used rather than “first” as there may be a requirement for infrastructure enabling works</p>	<p>No change to SA findings: this modification provides flexibility in the policy wording around the delivery of public transport. This is already reflected in the SA findings for this policy and therefore does not affect the SA.</p>

			relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS. Alternative wording refers to residential parcels.	
MM59 (Main)	Part D	Amend second para. of Part D, page 99: Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters) <i>whilst providing for a fast service.</i>	Latimer SoCG (SCG06) Added wording aligns with other policy references to RTS being a fast service.	No change to SA findings: this modification provides additional policy wording to provide consistency and does not affect the SA.
MM60 (Main)	Part D	Add new para. to end of Part D page 99: <i><u>Before any planning approval is granted for development forming part of the Garden Community a relevant permission must have been secured to provide for the connection from the A133 Section C of the RTS (delivered by ECC under the HIF programme) to both the Park and Choose Facility and the route of the RTS through the Garden Community.</u></i>	To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the delivery and funding of the RTS given that sections of the scheme have been delivered through HIF. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.	No change to SA findings: this modification provides additional detail and clarification regarding the delivery and funding of the RTS and does not affect the SA.
MM61	Part G	Amend forth point on page 101:	Latimer SoCG (SCG06)	No change to SA findings: this modification provides additional detail

(Main)		How the design, location and amount of parking seeks to avoid ensures that there is no resulting overspill and inappropriate on-street parking which negatively impacts on...”	Design can seek to avoid these issues, it cannot ensure. The monitoring strategy for TCBGC will ensure that unforeseen issues with parking are picked up and addressed in subsequent design phases.	and clarification and does not affect the SA.
MM62 (Main)	Part H	Amend first para of ‘H.2’ page 103: In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the necessary <u>supporting Transport Assessment and</u> processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, <u>and reflect the ambitions set out in the supporting Strategic Masterplan</u> and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance.	Latimer SoCG (SCG06) The Transport Assessment will define what is to be agreed for TCBGC and that this should align with the ambitions established in the evidence base. The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets	No change to SA findings: this modification provides additional detail and clarification regarding the transport strategy and does not affect the SA.
MM63 (Main)	Part I	Amend second point, page 104: <u>Subject to detailed modelling</u> , the Garden Community must <u>aim to</u> restrict vehicular connectivity between individual junctions of the ‘Link Road’, except for public transport and emergency vehicles, apart from the ‘Link Road’ itself”.	Latimer SoCG (SCG06) Latimer’s testing of the capacity of the A133 junction indicates that the Southern Community will require two points of vehicular access to the Link Road. This will be confirmed through detailed modelling in the Transport Assessment, but the policy wording must protect the ability for the Southern Community to have access from the	No change to SA findings: this modification provides additional flexibility regarding vehicular access to the Link Road, but this will be confirmed at a later date. As such it does not affect the SA as the SA notes uncertainty around the Link Road delivery.

			A133 and Tye Lane Roundabouts on the Link Road.	
MM64 (Main)	Part I	Add new para. to end of Part I page 104: <i><u>Before any planning approval is granted for development forming part of the Garden Community the full delivery of the A120-A133 link road must have secured planning consent and a commitment to full funding must be demonstrated.</u></i>	To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the ‘full’ delivery and funding of the Link Road given its delivery is now phased. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.	No change to SA findings: this modification provides additional detail and clarification regarding the delivery of the Link Road and does not affect the SA.
MM65 (Main)	Part J	Amend first para. page 105: The modal share targets will be actively monitored throughout the phasing of the development and upon full occupation via the Garden Community Travel Plan. <i><u>The monitoring approach will be agreed through the planning application.</u></i> This Travel Plan document/s will be developed in accordance with to <i><u>reflect</u></i> the latest best practice guidance and support the mode share ambitions set out in this Plan <i><u>and the supporting transport evidence.</u></i>	Latimer SoCG (SCG06) Monitoring progress towards the targets will be essential over the long build out of the development and flexibility must be built into infrastructure triggers to ensure that the transport infrastructure proposed within each development phase addresses the transport conditions at the time. In accordance with” can be interpreted to mean with the modal split targets and strategy in the evidence base. All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy,	No change to SA findings: this modification provides additional clarification regarding the monitoring approach to modal share targets and does not affect the SA.

			and mitigation packages which the Transport Assessment will address.	
MM66 (Main)	Part J	Add para to Part J, Page 105: <i>Both internal Garden Community neighbourhood and external modal splits will be measured and monitored, and robust management and oversight will be activated to see that the targets are met.</i>	Latimer SoCG (SCG06) The RTS and active travel modes are the priority and ambitious mode split targets are important to this and external modal split targets need to be measured and monitored. Monitoring travel patterns of internal trips is more problematic than external trip monitoring regardless of technology. Internal modal split data will be gathered, but this will rely on selfreporting as part of the Travel Plans for the on-site employment, retail, and school travel plans and self-reported travel diaries from residents so will be sample based only. Whilst technology (such as cameras) can count numbers of pedestrians and cyclists on key routes within the site, it cannot determine whether these are internal trips or external trips. This would require facial recognition which presents significant GDPR and data protection issues. The method for obtaining internal and external modal split data will be agreed with Essex and the Councils.	No change to SA findings: this modification provides additional detail regarding the monitoring of travel mode split targets and does not affect the SA.
MM67	Part K	Amend first para of Part K, page 105:	Latimer SoCG (SCG06)	No change to SA findings: this modification provides additional

(Main)		Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed <u>above and will be redefined based on the findings of the Transport Assessment.</u>	The phased delivery of infrastructure is important. However some flexibility is required in the DPD to fully understand network and road capacities within the TA and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets.	flexibility for the transport infrastructure to be confirmed later in the Garden Community development process. This does not affect the SA.
MM68 (Main)	Part K	Amend first para of Part K, page 105: Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to ensure <u>enable and encourage</u> sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel, but not ensure it.	No change to SA findings: this modification slightly changes policy wording but does not affect the SA.
MM69 (Main)	Part K	Amend first point '1' of Part K, page 105: The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and <u>the principles of the Healthy Streets for Life Assessment.</u> A copy of the results of the	Latimer SoCG (SCG06) To reflect that the completion of a Healthy Streets for Life Assessment may only be possible at particular stages of the planning process. New wording to be clear principles are incorporated early but the assessment will follow.	No change to SA findings: this modification provides additional detail and clarification and does not affect the SA.

		Healthy Streets for Life Assessment <i>should be provided at the appropriate stage of planning.</i>		
MM70 (Main)	Part K	Amend point '5g' of Part K, page 107: Targets which are monitored and submitted for approval <i>from the outset at a frequency as agreed with the Councils</i> and review by the Councils annually from the outset ; and of the operation of a Transport Review Group (TRG) including terms of reference".	Latimer SoCG (SCG06) For a development this scale, annual monitoring does not give time for the full cycle of monitoring, review, agreement of measures, implementation of measures and evaluation of impacts of the interventions. Wording change to reflect the frequency will be agreed at a later date.	No change to SA findings: this modification provides flexibility for the monitoring schedule and does not affect the SA.

GC Policy 8 - Sustainable Infrastructure

Mod Ref	Part	Modification	Reason	Does it affect the SA?
MM71 (Main)	Part A	Part A, first para. page 117 to read: All buildings must <i>shall</i> be net zero in operation <i>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation,</i> and achieve net zero operational energy balance onsite <i>across the Garden Community.</i>	At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.	No change to SA findings: the new policy wording provides flexibility in relation to the construction of buildings within the Garden Community. As the buildings should still be net zero in operation at occupation or in exceptional circumstances to be achieved within five years of occupation the significant positive effect recognised by the SA for SA objective 10: energy efficiency and climate change remains unchanged.
MM72 See Inspectors Note.	Part A	Part A, second para. page 117 to read: Proposals must demonstrate how new homes <i>and buildings</i> will achieve: <ul style="list-style-type: none"> Space heating demand of <i>15 kWh/m2 GIA/yr or less (except Bungalows which must achieve 20 kWh/m2 GIA/yr or less) than</i> 30kWh/m2/per annum. Total energy consumption (energy use intensity) of <i>35 kWh/m2 GIA/yr or less</i> 40kWh/m2/annum for residential. <i>For non-residential buildings they must achieve a total energy</i> 	To reflect the findings of the most up-to-date technical evidence base and ensure alignment with the Essex Design Guide. Inspectors Note: Suggested Modification NOT agreed. The Essex Design Guide is not part of the Development Plan. Therefore, the suggested modification is not considered reasonable and would be likely to create issues in relation to deliverability.	No change to SA findings: this modification, if incorporated in the adopted DPD, provides additional detail and clarification and would not affect the SA.

		<p><i>use consumption (energy use intensity) of no more than the following (where technically feasible) by building type or nearest equivalent:</i></p> <ul style="list-style-type: none"> - <i>70 kWh/m2 GIA/year or less for offices</i> - <i>65 kWh/m2 GIA/year or less for schools</i> - <i>35 kWh/m2 GIA/year or less for light industrial</i> 		
MM73 (Main)	Part D	<p>Part D, page 118 to read:</p> <p>All buildings must include water efficiency measures and seek to achieve water neutrality. All homes must include water saving measures and, as a minimum, meet the Building Regulations optional tighter water standard of 110 litres per person per day. <u>the Government’s Environment Improvement Plan (Water Efficiency Roadmap) standard of 100 litres per person per day.</u> Proposals should submit a water efficiency calculator report to demonstrate compliance, <u>and developers are encouraged to demonstrate how they can go further utilising integrated water management and a fittings-based approach to minimise potable water use.</u></p>	<p>Anglian Water Rep ID. 123 Affinity Water Rep ID. 99</p> <p>To align with the Government’s Environment Improvement Plan (Water Efficiency Roadmap) intention to require 100 l/p/d in water stressed areas.</p>	<p>No change to SA findings: the new policy wording aligns the policy with the Government’s Environment Improvement Plan (Water Efficiency Roadmap) which will ensure that a standard of 100 litres per person per day is achieved. The significant positive effect recognised by the SA for SA objective 11: water resources and quality remains unchanged.</p>

		<p><u>Non-residential development proposals must demonstrate that water efficiency measures and water reuse have been incorporated in proposals. Where significant non-domestic water use is required, a Water Resources Assessment should be submitted with the planning application following consultation with the relevant water company to ascertain water availability and feasibility of the proposed scheme.</u></p> <p>Proposals must include clear evidence on the approach to water conservation, including the potential for the re-use of greywater and rainwater capture and re-use and should also provide the infrastructure to support options for rainwater re-use in the building design, e.g. rainwater harvesting systems, water saving devices, greywater recycling or other agreed solutions. The Councils will require safe systems and measures to be implemented for all new development within the Garden Community.</p>		
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GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring

Mod Ref	Part	Modification	Reason	Does it affect the SA?
MM75 (Main)	Part A	Developers will need to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the <i>'Infrastructure Delivery, Phasing & Funding Plan'</i> or relevant Infrastructure Delivery Plan (IDP) and other policies in this Plan...	Consistency of terminology of documentation reference needed to align with the terminology of the evidence base document with respect to the 'Infrastructure Delivery Plan'.	No change to SA findings: this modification aims to provide consistency throughout the document and does not affect the SA.
MM76 (Main)	Part A	Amendment to fourth paragraph on page 129: “...including the A120-A133 Link Road and Rapid Transit System in accordance with <i>taking into account the conditions of</i> the Housing Infrastructure Fund”.	Latimer Rep ID.238 Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording.	No change to SA findings: this modification provides additional clarification and does not affect the SA.
MM91 (Main)	Part A	Remove all references to Community Infrastructure Levy Point 1, Page 128: Enter into Section 106 agreements to make provisions to mitigate the impacts of the development where necessary or appropriate. Section 106 will remain the appropriate mechanism for securing land and works along with financial	The CIL charging schedule will be considered separately from the DPD.	No change to SA findings: this modification provides clarification and does not affect the SA.

	<p>Justification</p>	<p>contributions where a sum for the necessary infrastructure is not secured via CIL; and/or</p> <p>Second para, Page 129:</p> <p>The Councils will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain <u>to be</u> the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.</p> <p>First and second para, Page 131:</p> <p>The Councils will seek contributions from developers to fund improvements to existing infrastructure and the environment and new infrastructure. Contributions will be made through <u>Section 106 agreements which address the provision of affordable housing and the Community Infrastructure Levy (if adopted)</u>, which applies a standard charge to developers to fund supporting infrastructure such as transport, schools, community facilities and health facilities. and/or Section 106 agreements which</p>		
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		<p>address the provision of affordable housing and more site-specific infrastructure requirements. The necessary infrastructure requirements through the use of planning condition and/or planning obligation and/or financial contributions will be through Community Infrastructure Levy (CIL) charges in accordance with The Community Infrastructure Regulations 2019.</p> <p>Some infrastructure providers will fund and deliver infrastructure themselves. Other infrastructure will be funded by developers and landowners, secured by planning obligations or the CIL (if adopted) or its successor as part of the planning permission. On-site infrastructure provision will usually be secured by planning conditions or legal agreements. Off-site provision will usually be secured by legal agreements and through other financial contributions.</p>		
MM78 (Main)	Justification	<p>Amend para 1, Page 129 to read:</p> <p>“The Garden community will require the provision of new physical infrastructure such as footways, cycleways, roads, and sewers; social infrastructure such as health, <i>ambulance, police, firefighting,</i></p>	<p>EEAST Rep ID.259</p> <p>Plan text not fully ‘justified’ as paragraph omits reference to key infrastructure in the form of ambulance, police & firefighting facilities</p>	<p>No change to SA findings: this modification provides additional detail and does not affect the SA.</p>

		education and community facilities, and green infrastructure such as open and recreational spaces.”		
MM79 (Main)	Justification	Amend second paragraph on page 130: “ In negotiating <i>Where planning obligations are required by planning policy and/or to mitigate the impacts of development but are not agreed for development viability reasons</i> , the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development, <i>provided the additional obligations are required to mitigate the impact of the development.</i> ”	Latimer Rep ID.238 Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording. The amended wording provides additional clarity that viability assessment would only be required if proposals were not achieving requirement due to viability matters.	No change to SA findings: this modification provides additional clarification and does not affect the SA.
MM80 (Main)	Justification	Amend final paragraph on page 130: “The Councils have prepared an <i>‘Infrastructure Delivery, Phasing & Funding Plan’ which performs the role as the ‘Infrastructure Delivery Plan’...</i> ”	Consistency of terminology of documentation.	No change to SA findings: this modification aims to provide consistency throughout the document and does not affect the SA.
MM81 (Main)	Justification	Amend third paragraph on page 131:	For clarity in relation to the current position in respect of the works that the	No change to SA findings: this modification provides additional clarification and does not affect the SA.

		<p>“Essex County Council, working with CCC and TDC, were successful in attracting funding under the Housing Infrastructure Fund (administered by Homes England) for the delivery of <u>the first phase of the A120-A133 Link Road...</u>”</p>	<p>Housing Infrastructure Fund was being related to.</p>	
MM82 (Main)	Monitoring	<p>Add additional paragraphs before the table of objectives & indicators:</p> <p>Monitoring is a way of assessing the effectiveness of a plan once it is adopted. It helps to identify if plan policies are not being implemented and whether an early review of the plan is required. Monitoring indicators for the Plan will reflect <u>a combination of policy requirements</u>, the indicators monitored in the Councils Authority Monitoring Reports (<u>AMR</u>) and will be <u>are</u> linked to the Sustainability Appraisal (SA) Framework. The table below outlines the Councils monitoring objectives and will evolve over time as the monitoring indicators evolve, <u>relevant Plan policies and monitoring indicators. The AMRs will be used to report the performance of the Plan as well as recommending any actions required to ensure the delivery of the DPD.</u></p> <p><u>Monitoring will be undertaken on an annual basis, with the result being</u></p>	<p>The Councils consider the additional text provides further clarity as to how the effectiveness of the DPD will be monitored over time.</p>	<p>No change to SA findings: this modification provides additional information regarding monitoring of the DPD but these amendments do not affect the SA.</p>

	<p><u>published at the end of each calendar year within both Colchester City Council and Tendring District Council 'Authority Monitoring Reports' (AMRs).</u></p> <p><u>Information on the following objectives and indicators will be collated and assessed by the Councils. The AMRs will contain consistent information on the implementation of policies and the delivery of new development and supporting infrastructure. Where necessary the information will be tailored to the need of each separate Council and AMR approach. The monitoring will have a particular focus on the delivery of development, floorspace and land use change, alongside securing wider policy objectives in relation to infrastructure delivery.</u></p> <p><u>The Councils will also ensure that appropriate monitoring frameworks and approaches are established through the determination and approval of planning applications for the Garden Community, with the associated use of planning conditions and other control mechanisms such as S106 agreements to ensure that appropriate monitoring is undertaken and information provided as the Garden Community is built out.</u></p>		
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MM83 (Main)	Monitoring	<p>Monitoring Indicator of SA Objective 9 on page 134, to be updated as follows:</p> <p>Percentage of journeys to work, <u>to education (and other land uses)</u> by walking and cycling and percentage of journeys to work by public transport.</p>	<p>Tim Batts-Neale Rep ID.249</p> <p>Clarification of text.</p>	<p>No change to SA findings: this modification provides additional clarification and does not affect the SA.</p>
MM84 (Main)	Monitoring	<p>Monitoring Indicator of SA Objective 7 on page 133, to be updated as follows:</p> <p><u>All permissions granted which affect a designated and/or non-designated heritage asset, and/or archaeology sites are in accordance with the policy</u></p> <p>Recorded loss of listed buildings Grade I and II+ (by demolition), Scheduled Monuments or nationally important archaeological sites and assets on the Colchester Local List to development</p>	<p>Philip Robinson Rep ID.179</p> <p>Clarification of text.</p>	<p>No change to SA findings: this modification provides additional clarification and does not affect the SA.</p>

Glossary

Mod Ref	Part	Modification	Reason	Will this affect the SA?
MM85 (Main)	Gypsies and Travellers	Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily <i>or permanently</i> , but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining whether persons are "gypsies and travellers" consideration will be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.	To reflect the outcome of the 'Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022' judgement and the 19 December 2023 Government update to the PPTS (notwithstanding the transitional NPPF arrangements).	No change to SA findings: this modification updates text to reflect the outcome of recent judgements and government updates and does not affect the SA.
MM91 (Main)	Community Infrastructure Levy (CIL)	Remove all references to Community Infrastructure Levy Community Infrastructure Levy (CIL) A mechanism by which Councils can set a standard charge on specified development in their area to pay for new infrastructure required to support growth.	The CIL charging schedule will be considered separately from the DPD.	No change to SA findings: this modification provides clarification and does not affect the SA.

Appendices

<p>Mod Ref: MM89</p> <p>(Main)</p>	<p>Does it affect SA findings?</p>																								
<p>Add 'Appendix 4'</p>	<p>No change to SA findings: this modification provides additional detail and does not affect the SA.</p>																								
<p>Appendix 4: Section 2 Plan Status</p> <p>For the purposes of all land within the Site Allocation Boundary of the Garden Community, all policies within the Tendring District Council (TDC) and Colchester City Council (CCC) Section 2 Local Plans will be replaced by the Tendring Colchester Borders Garden Community Development Plan Document (DPD). None of the Section 2 Plan policies will apply to land within the Site Allocation Boundary of the DPD.</p> <p>With regard to the TDC Section 2 Local Plan the following policies will NOT apply to the Site Allocation Boundary of the Garden Community:</p> <table border="1" data-bbox="300 954 1258 1398"> <tr> <td>Policy SPL 1</td> <td>MANAGING GROWTH</td> </tr> <tr> <td>Policy SPL 2</td> <td>SETTLEMENT DEVELOPMENT BOUNDARIES</td> </tr> <tr> <td>Policy SPL 3</td> <td>SUSTAINABLE DESIGN</td> </tr> <tr> <td>Policy HP 1</td> <td>IMPROVING HEALTH AND WELLBEING</td> </tr> <tr> <td>Policy HP 2</td> <td>COMMUNITY FACILITIES</td> </tr> <tr> <td>Policy HP 3</td> <td>GREEN INFRASTRUCTURE</td> </tr> <tr> <td>Policy HP 4</td> <td>SAFEGUARDED OPEN SPACE</td> </tr> <tr> <td>Policy HP 5</td> <td>OPEN SPACE, SPORTS AND RECREATION FACILITIES</td> </tr> <tr> <td>Policy LP 1</td> <td>HOUSING SUPPLY</td> </tr> <tr> <td>Policy LP 2</td> <td>HOUSING CHOICE</td> </tr> <tr> <td>Policy LP 3</td> <td>HOUSING DENSITY AND STANDARDS</td> </tr> <tr> <td>Policy LP 4</td> <td>HOUSING LAYOUT</td> </tr> </table>	Policy SPL 1	MANAGING GROWTH	Policy SPL 2	SETTLEMENT DEVELOPMENT BOUNDARIES	Policy SPL 3	SUSTAINABLE DESIGN	Policy HP 1	IMPROVING HEALTH AND WELLBEING	Policy HP 2	COMMUNITY FACILITIES	Policy HP 3	GREEN INFRASTRUCTURE	Policy HP 4	SAFEGUARDED OPEN SPACE	Policy HP 5	OPEN SPACE, SPORTS AND RECREATION FACILITIES	Policy LP 1	HOUSING SUPPLY	Policy LP 2	HOUSING CHOICE	Policy LP 3	HOUSING DENSITY AND STANDARDS	Policy LP 4	HOUSING LAYOUT	
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Policy LP 5	AFFORDABLE HOUSING
Policy LP 6	RURAL EXCEPTION SITES
Policy LP 7	SELF-BUILD AND CUSTOM-BUILT HOMES
Policy LP 8	BACKLAND RESIDENTIAL DEVELOPMENT
Policy LP 9	GYPSY AND TRAVELLER SITES
Policy LP 10	CARE, INDEPENDENT ASSISTED LIVING
Policy LP 11	HMO AND BEDSITS
Policy PP 1	NEW RETAIL DEVELOPMENT
Policy PP 2	RETAIL HIERARCHY
Policy PP 3	VILLAGE AND NEIGHBOURHOOD CENTRES
Policy PP 4	LOCAL IMPACT THRESHOLD
Policy PP 5	TOWN CENTRE USES
Policy PP 6	EMPLOYMENT SITES
Policy PP 7	EMPLOYMENT ALLOCATIONS
Policy PP 8	TOURISM
Policy PP 9	HOTELS AND GUESTHOUSES
Policy PP 10	CAMPING AND TOURING CARAVAN SITES
Policy PP 11	HOLIDAY PARKS
Policy PP 12	IMPROVING EDUCATION AND SKILLS
Policy PP 13	THE RURAL ECONOMY
Policy PP 14	PRIORITY AREAS FOR REGENERATION
Policy PPL 1	DEVELOPMENT AND FLOOD RISK
Policy PPL 2	COASTAL PROTECTION BELT
Policy PPL 3	THE RURAL LANDSCAPE
Policy PPL 4	BIODIVERSITY AND GEODIVERSITY
Policy PPL 5	WATER CONSERVATION, DRAINAGE AND SEWERAGE
Policy PPL 6	STRATEGIC GREEN GAPS
Policy PPL 7	ARCHAEOLOGY
Policy PPL 8	CONSERVATION AREAS
Policy PPL 9	LISTED BUILDINGS
Policy PPL 10	RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

Policy PPL 11	THE AVENUES AREA OF SPECIAL CHARACTER, FRINTON-ON-SEA
Policy PPL 12	THE GARDENS AREA OF SPECIAL CHARACTER, CLACTON-ON-SEA
Policy PPL 13	ARDLEIGH RESERVOIR CATCHMENT AREA
Policy PPL 14	SAFEGUARDING OF CIVIL TECHNICAL SITE, NORTH EAST OF LITTLE CLACTON/SOUTH OF THORPE-LE-SOKEN
Policy PPL 15	SAFEGUARDING OF HAZARDOUS SUBSTANCE SITE, SOUTH EAST OF GREAT OAKLEY/SOUTH WEST OF HARWICH
Policy CP 1	SUSTAINABLE TRANSPORT AND ACCESSIBILITY
Policy CP 2	IMPROVING THE TRANSPORT NETWORK
Policy CP 3	IMPROVING THE TELECOMMUNICATIONS NETWORK
Policy SAMU1	DEVELOPMENT AT EDME MALTINGS, MISTLEY
Policy SAMU2	DEVELOPMENT AT HARTLEY GARDENS, CLACTON
Policy SAMU3	DEVELOPMENT AT OAKWOOD PARK, CLACTON
Policy SAMU4	DEVELOPMENT AT ROUSES FARM, JAYWICK LANE, CLACTON
Policy SAMU5	DEVELOPMENT SOUTH OF THORPE ROAD, WEELEY
Policy SAH2	DEVELOPMENT LOW ROAD, DOVERCOURT
Policy SAE1	CARLESS EXTENSION, HARWICH
Policy DI1	INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION

With regard to the CCC Section 2 Local Plan the following policies will **NOT** apply to the Site Allocation Boundary of the Garden Community:

SG1	Colchester’s Spatial Strategy
SG2	Housing Delivery
SG3	Economic Growth Provision
SG4	Local Economic Areas

SG5	Centre Hierarchy	
SG6	Town Centre Uses	
SG6a	Local Centres	
SG7	Infrastructure Delivery and Impact Mitigation	
SG8	Neighbourhood Plan	
ENV1	Environment	
ENV2	Coastal Areas	
ENV3	Green Infrastructure	
ENV4	Dedham Vale Area of Outstanding Natural Beauty	
ENV5	Pollution and Contaminated Land	
CC1	Climate Change	
PP1	Generic Infrastructure and Mitigation Requirements	
TC1	Town Centre Policy and Hierarchy	
TC2	Retail Frontages	
TC3	Town Centre allocations	
TC4	Transport in Colchester Town centre	
NC1	North Colchester and Severalls Strategic Economic Areas	
NC2	North Station Special Policy Area	
NC3	North Colchester	
NC4	Transport in North Colchester	
SC1	South Colchester Allocations	
SC2	Middlewick Ranges	
SC3	Transport in South Colchester	
EC1	Knowledge gateway and University of Essex Strategic Economic Area	
EC2	East Colchester / Hythe Special Policy Area	
EC3	East Colchester	
EC4	Transport in East Colchester	
WC1	Stanway Strategic Economic Area	
WC2	Stanway	
WC3	Colchester Zoo	
WC4	West Colchester	

WC5	Transport in West Colchester	
SS1	Abberton and Langenhoe	
SS2	Boxted	
SS3	Chappel and Wakes Colne	
SS4	Copford	
SS5	Eight Ash Green	
SS6	Fordham	
SS7	Great Horkesley	
SS8	Great Tey	
SS9	Langham	
SS10	Layer de La Haye	
SS11	Marks Tey	
SS12a	West Mersea	
SS12b	Coast Road West Mersea	
SS12c	Mersea Island Caravan Parks	
SS13	Rowhedge	
SS14	Tiptree	
SS15	West Bergholt	
SS16	Wivenhoe	
OV1	Development in Other Villages	
OV2	Countryside	
DM1	Health and Wellbeing	
DM2	Community Facilities	
DM3	Education Provision	
DM4	Sports Provision	
DM5	Tourism, leisure, Culture and Heritage	
DM6	Economic Development in Rural Areas and the Countryside	
DM7	Agricultural Development and Diversification	
DM8	Affordable Housing	
DM11	Gypsies, Travellers and Travelling Showpeople	
DM12	Housing Standards	
DM13	Domestic Development	

	DM14	Rural Workers Dwellings	
	DM15	Design and Amenity	
	DM16	Historic Environment	
	DM17	Retention of Open Space	
	DM18	Provision of Open Space and Recreation Facilities	
	DM19	Private Amenity Space DP16	
	DM20	Promoting Sustainable Transport and Changing Travel Behaviour	
	DM21	Sustainable Access to development	
	DM22	Parking	
	DM23	Flood Risk and Water Management	
	DM24	Sustainable Urban Drainage Systems	
	DM25	Renewable Energy, Water Waste and Recycling	

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Tendring Colchester Borders Garden
Community: Development Plan Document
(DPD) Submission Version Plan
Habitats Regulations Assessment
Addendum

July 2024





About us

Place Services is a leading public sector provider of integrated environmental assessment, planning, design and management services. Our combination of specialist skills and experience means that we are uniquely qualified to help public organisations meet the requirements of the planning process, create practical design solutions and deliver environmental stewardship.

Our Natural Environment Team has expertise of arboriculture, biodiversity, countryside management and ecology. This multidisciplinary approach brings together a wide range of experience, whether it is for large complex briefs or small discrete projects. We aim to help our clients protect and improve the natural environment through their planning, regulatory or land management activities. This approach ensures that not only that our clients will fulfil their legal duties towards the natural environment, but they do so in a way that brings positive benefits to wildlife and people.

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1. Introduction

- 1.1 Tendring District Council and Colchester City Council, in partnership of Essex County Council, are currently preparing a Development Plan Document (DPD) for the proposed Tendring Colchester Borders Garden Community. The Garden Community will be on a large area of land east of Colchester, bordering Tendring District and adjacent to the University of Essex. It is intended to meet the needs of a growing population within Tendring District Council and Colchester City Council over the next 30 to 40 years, for housing, employment and associated community facilities and infrastructure.
- 1.2 The DPD sets out the detail of a new Garden Community proposed for land crossing the Tendring and Colchester border, which is being prepared by Tendring District Council and Colchester City Council, in partnership with Essex County Council. The DPD sets out specific requirements that developers will be expected to follow, when applying for planning permission and carrying out the development.
- 1.3 The Tendring Colchester Borders Garden Community Development Plan Document (DPD) Submission Version Plan¹ along with other publication and submission documents was submitted to the Secretary of State for independent 'Examination in Public' by a Planning Inspector on the 21st September 2023, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012². Place Services have been assisting the Councils via the provision of a Habitats Regulations Assessment including Appropriate Assessment³ to support the public consultation on the DPD Submission Version Plan.

¹ Colchester City Council, Tendring District Council, Essex County Council (2023) Tendring Colchester Borders Garden Community: Development Plan Document Submission Version Plan. (Regulation 19 Consultation) May – June 2023. Available from: <https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-null-TCBGC-Development-Plan-Document-Submission-Version-TCBGC%20DPD%20Submission%20Version%20Plan%20FINAL.pdf> [Accessed April 2024].

² HM Government (2012) The Town and Country Planning (Local Planning) (England) Regulations 2012. Available from http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf [Accessed April 2024].

³ Place Services (2023) Tendring Colchester Borders Garden Community: Development Plan Document Submission Version Plan - Habitats Regulations Assessment including Appropriate Assessment. Available from: https://ehq-production-europe.s3.eu-west-1.amazonaws.com/51e4cd27cc66a66bcca731291f07eb3900e5b578/original/1695302779/87d0d3ab7b31c504dd1bf57bcb579a4c_CD5_TCBGC_HRA_including_Appropriate_Assessment.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20240405%2Ffeu-west-1%2Fs3%2Faws4_request&X-Amz-Date=20240405T162919Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=ff60a96e9021bb29455a22af36aced51ed16b046a6f83bcae2abe88e72cb8cdb [Accessed March 2024].



- 1.4 Natural England provided representation for the Regulation 19 Consultation and comments on the Habitats Regulations Assessment including Appropriate Assessment. The comments include advice on green infrastructure provision, highlighting the need for the Garden Community to deliver sufficient Suitable Alternative Natural Greenspace (SANG) to avoid the increased recreational pressure that the new housing will give rise to at the Habitats (European) sites at the Essex Coast. In addition, the comments highlighted that there was a need to deliver mitigation required by Habitats Regulations Assessment – Appropriate Assessment in DPD Policy, in regard to functionally linked land and air quality impacts.
- 1.5 Place Services and Tendring District Council and Colchester City Council attended a meeting with Natural England on the 10th of October 2023 to discuss Natural England's representation for the Regulation 19 Consultation. This confirmed that modifications to the DPD policy text will be undertaken to embed measures for Suitable Alternative Natural Greenspace, as well as functionally linked land and air quality impacts. It was also agreed that Place Services shall provide this Habitats Regulations Assessment Addendum to demonstrate that the amendments following the modifications of the DPD have been reviewed to ensure it remains robust, with regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.6 This Habitats Regulations Assessment Addendum provides a review of the 'Inspector's Schedule of Modifications' prior to public consultation on said modifications. Therefore, the report summarises the review process and its findings and sets out the proposed conclusions of the HRA process. It therefore does not repeat the baseline or assessments set out in the Habitats Regulations Assessment including Appropriate Assessment (Place Services, April 2023) and should therefore be read in conjunction with this report.

2. Previous Habitats Regulations Assessment Work

- 2.1 The Tendring Colchester Borders Garden Community Development Plan Document has been the subject of Habitats Regulations Assessment throughout its preparation. The following stages have been undertaken:
 - Tendring Colchester Borders Garden Community: Development Plan Document Preferred Options - Habitats Regulations Assessment Screening Report (Place Services, February 2022)
 - Tendring Colchester Borders Garden Community: Development Plan Document (DPD) Submission Version Plan - Habitats Regulations Assessment including Appropriate Assessment (Place Services, April 2023)



- Tendring Colchester Borders Garden Community: Development Plan Document (DPD) Submission Version Plan - Habitats Regulations Assessment Addendum (Place Services, April 2024)

3. Approach

- 3.1 The Habitats Regulations Assessment including Appropriate Assessment has been prepared by Place Services for the Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document to Tendring District Council and Colchester City Council to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, this Habitats Regulations Assessment Addendum aims to provide clarity on the changes to this document and should be in read in conjunction with the Habitats Regulations Assessment including Appropriate Assessment (Place Services, April 2023).
- 3.2 The Habitats Regulations Assessment Addendum addresses the comments provided by Natural England's representation at Regulation 19 Consultation.
- 3.3 This Habitats Regulations Assessment Addendum provides a review of the Schedule of Modifications, as well as a review of the 'Inspector's Schedule of Modifications' prior to public consultation on said modifications. The modifications have been reviewed to consider whether they would:
- lead to any new effects on any Habitats sites (alone or in combination) that have not been considered by the HRA to date; or
 - alter the magnitude (etc.) of any effects previously considered through the HRA, such that the proposed conclusions of the HRA are no longer valid.

4. Review of Natural England issues raised within their representation at Regulation 19 Consultation

- 4.1 Place Services and Tendring District Council and Colchester City Council attended a meeting with Natural England to resolve the comments provided by Natural England for the provided representation of the Development Plan Document. The meeting concluded that further amendments were required within the Development Plan Document in regard to ensure mitigation for functionally linked land and air quality impacts was embedded within the Plan. This is necessary to avoid adverse effects on the integrity of Habitats Sites, either alone or in combination with other plans and projects, and ensure the Development Plan Document is legally compliant and sound. As a result, the following appendices have been



included with this Habitats Regulations Addendum to set out the actions undertaken following Natural England's Pre-submission comments:

- Appendix 1 sets out the Policy updates undertaken following consultation with Natural England, which has been agreed as part of the Statement of Common Ground. Table 1 also sets out whether the policy changes will need to result in modifications to the Habitats Regulations Assessment including Appropriate Assessment.
- Appendix 2 sets out the policy changes undertaken as part of the wider Schedule of Modifications and whether any of these policy changes will result in effects to the Habitats Regulations Assessment including Appropriate Assessment.
- Appendix 3 sets out the changes recommended by the Inspector upon the Schedule of Modifications and whether any of these policy changes will result in effects to the Habitats Regulations Assessment including Appropriate Assessment.
- Appendix 4 sets out the modifications undertaken to the Habitats Regulations Assessment including Appropriate Assessment, to ensure that document has been updated accordingly following the amendment undertaken to the Development Plan Document

4.2 The measures set out below summarise Natural England's representation at Regulation 19 Consultation, as well as the updates undertaken within the modifications of the Development Plan Document and as part of the Habitats Regulations Assessment Addendum. In addition, further clarification has been provided on whether the proposed amendments will affect the conclusion of the TCBGC Development Plan Document.

Green Infrastructure Provision

4.3 Natural England provided the following comments within their representation at Regulation 19 Consultation, with regard to green infrastructure:

"Natural England has previously highlighted the need for the Garden Community to deliver sufficient Suitable Alternative Natural Greenspace (SANG) to mitigate the increased recreational pressure that the new housing will give rise to at the European Sites at the Essex Coast. We referenced Natural England's SANG guidance as a suitable tool for assessing the amount and quality of provision and we are pleased that the proposed policy GC Policy 2: Nature specifically requires proposals to accord with this guidance. However, there is no information provided in the DPD (or supporting documents) on the overall size of the Garden Community land take; the size of the likely developable area; or the amount of land that will be identified as Green Infrastructure (including the different typologies – recreation space; natural greenspace; allotments etc). Without this information it isn't possible for Natural



England to establish whether the SANG guidance can be met site-wide, and consequently whether the policy requirement is deliverable in practice. This is an important consideration given that some reliance is being placed on the contribution to SANG that can be made by Salary Brook Local Nature Reserve when, as yet, there is no information on the carrying capacity of the Nature Reserve. Based on a planned total of 7,500 dwellings, the SANG provision would amount to around 145 hectares of suitable, natural greenspace.”

- 4.4 As highlighted within Appendix 1, GC Policy 2 – Nature (Part A) has been amended to demonstrate that sufficient SANG will be delivered across each phase of the garden community, including access to temporary SANG where required. The policy also sets out that proposals to incorporate the new Country Park will be supported, where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.
- 4.5 As a result, Natural England has supported the suggested word changes within GC Policy 2 – Nature.
- 4.6 Furthermore, Appendix 4 sets out that the Habitats Regulations Assessment including Appropriate Assessment has been modified to ensure that GC Policy 2 – Nature is referenced, with regard to recreational disturbance within the Appropriate Assessment stage. These minor revisions do not alter the conclusions of the HRA such that additional assessment is required.

Delivery of mitigation required by HRA/AA in DPD Policy – Functionally Linked Land

- 4.7 Natural England provided the following comments within their representation at Regulation 19 Consultation, with regard to functionally linked land:

“The potential for the loss of functionally linked land (i.e. land which supports mobile species that are qualifying features of a European Sites) is identified as an issue to be progressed to Appropriate Assessment (AA) in the HRA that accompanies the DPD (undertaken by Essex Place Services, dated May 2023). The European Sites of specific interest are the Colne Estuary SPA/Ramsar and the Stour and Orwell Estuaries SPA/Ramsar.

As mitigation for such likely significant effects the HRA/AA states at 4.8.7:

“Each phase of development must be supported by up-to-date over-wintering bird surveys to determine the usage of the phases by individual waterbirds and the importance of their assemblages. If any over-wintering bird surveys at application stage identifies that the proposals will result in impacts upon the individual waterbirds or the waterbird assemblage associated within the Colne Estuary SPA and Ramsar site or the Stour and Orwell Estuaries SPA and Ramsar site, then bespoke mitigation measures must be secured either by legal



agreement or a condition of any consent with landowners located in Tendring District Council and Colchester City Council within close proximity of the relevant Habitats sites.”

The reference to the need for wintering bird surveys only features in the “Justification” section for GC Policy 2: Nature and does not appear in the wording of this Policy or any other policies in the DPD. The wording of Policy 2 states that “proposals must be supported with appropriate ecological surveys” but this should be made more explicit to ensure that i) the Local Planning Authority can require that wintering bird surveys are undertaken ahead of the submission of relevant planning applications and ii) prospective developers are clear about the need for such surveys. Without explicit reference in the wording of the Policy there is scope for different interpretations at the application validation stage and there would remain some doubt as to a conclusion of No Adverse Effects on Integrity through HRA/AA of the Submission DPD.”

- 4.8 As highlighted within Appendix 1, GC Policy 2 – Nature (Part C) has been amended to set out that wintering bird surveys will be completed at each phase of development before the granting of planning consent. Where wintering bird surveys confirm that off-site functionally linked land is present, the policy sets out that development must firstly avoid impacts upon the SPA qualifying features. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. In addition, the policy sets out that any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.
- 4.9 As a result, Natural England has supported the suggested word changes within GC Policy 2 – Nature.
- 4.10 Furthermore, Appendix 4 sets out that the Habitats Regulations Assessment including Appropriate Assessment has been modified to ensure that GC Policy 2 – Nature is referenced in regard to functionally linked land within the Appropriate Assessment stage. These minor revisions do not alter the conclusions of the HRA such that additional assessment is required.

Delivery of mitigation required by HRA/AA in DPD Policy – Air Quality Impacts

- 4.11 Natural England provided the following comments within their representation at Regulation 19 Consultation, with regard to air quality impacts:

The potential for the development of the Garden Community to have impacts upon air quality at certain European Sites is also identified as an issue to be progressed to AA. Assessment is required due to the potential for the development (alone and in combination) to result in increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.



The HRA/AA is specific about the need for traffic modelling to be undertaken to assess whether any mitigation for traffic-related impacts will be necessary. At 4.9.12 it states:

“Each relevant phase of development for the garden community should be supported by traffic scoping modelling to fully determine whether further mitigation measures to avoid adverse impacts from air quality are required...”

The HRA/AA goes on to outline the methodology that should be used for the modelling and identifies the trigger points for further air quality monitoring. A key traffic route to be considered in this context is the A137 which passes alongside the Stour and Orwell SPA/Ramsar. According to the HRA/AA, this route is expected to see an increase in annual average daily traffic (AADT), due to the Garden Community development, which exceeds the recognised trigger for potential likely significant effects (over 1,000 AADT increase).

In view of this anticipated increase, it would be reasonable for the AA to consider in more detail the specific circumstances at the relevant European Site to establish whether mitigation is required as a consequence of the proposed development (alone or in combination) because it doesn't necessarily follow that a more than 1000 AADT will result in an adverse effect on site integrity.

The AA could consider (through site survey and APIS sourced information) the presence/absence of air quality (Nitrogen) sensitive habitat that exists within 200m of the relevant route; and if such habitats are present, the extent to which the qualifying features of the SPA are supported by such habitats. APIS-based information on trends in background pollution could also be examined to provide context. Some of this analysis appears to have been undertaken in the Screening section of the HRA/AA but the focus shifts in the AA to traffic scoping modelling and the results of traffic modelling (once compared with the air quality monitoring recently undertaken in connection with the Babergh, Mid Suffolk Joint Local Plan) is identified as the basis for assessing whether mitigation is required.

It is unfortunate that the air quality monitoring information is not yet available, nor is there any traffic modelling information available which would offer a more solid basis for ruling in/out individual European Sites at HRA screening stage. As a result, the mitigation that is identified (4.9.12 and 4.9.13) does not provide mitigation per se; rather it requires traffic scoping modelling to establish whether there is the need for air quality monitoring which, in turn, may indicate that mitigation is required. In any event, the requirement for traffic scoping modelling to be undertaken ahead of each phase of the development does not appear in the text of any of the proposed Policies in the DPD. If traffic modelling is being identified as the tool to be used to establish whether mitigation will be required to avoid adverse effects on the integrity of European Site(s), the requirement for the modelling to be undertaken ahead of each phase of development needs to be clearly set out in DPD policy.



In conclusion, Natural England advises that the screening for air quality impacts should be revisited once there is traffic modelling information available to confirm which European Sites merit consideration (due to exceedance of relevant AADT triggers) when the DPD is considered “alone” and “in combination”. Once that filter has been applied, consideration would shift to the Site-specific circumstances as outlined above. Only at this stage will it become apparent whether mitigation is likely to be required and, if required, the mitigation options available can then be identified, tested and embedded in DPD Policy.

It is also worth noting that the APIS data has been recently updated and now provides a more fine-grained (1Km grid square) position on deposited Nitrogen at protected sites.

- 4.12 As highlighted within Appendix 1, GC Policy 2 – Nature (New part) has been amended to ensure that an Air Quality Assessment must be provided at application stage, which must be informed by traffic scoping modelling for each relevant phase of development. This has been required to assess increases in traffic levels on routes that lie within 200m of Habitats (European) sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.
- 4.13 As a result, Natural England has supported the suggested word changes within GC Policy 2 – Nature.
- 4.14 Furthermore, Appendix 4 sets out that the Habitats Regulations Assessment including Appropriate Assessment has been modified to ensure that GC Policy 2 – Nature is referenced in regard to functionally linked land within the Appropriate Assessment stage. These minor revisions do not alter the conclusions of the HRA such that additional assessment is required.

5. Conclusions

- 5.1 It is concluded that the Inspector’s Schedule of Modifications for the Tendring Colchester Borders Garden Community: Development Plan Document will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects, with mitigation embedded into the DPD Policy text. Therefore, Tendring District Council and Colchester City Council can demonstrate that the DPD is legally and procedurally compliant and sound.



6. Appendix

Appendix 1. Statement of Common Ground and its effect on the conclusion of the Habitats Regulations Assessment

Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
Green Infrastructure Provision	GC2, Part A	Comment Noted. The policy is considered sound, however, upon further assessment the Councils consider that a proposed change to the DPD could be appropriate.	<p>Amend GC Policy 2, to add:</p> <p><i><u>Part *: Suitable Accessible Natural Greenspace (SANG)</u></i></p> <p><i><u>Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic</u></i></p>	We agree with the suggested changes to the wording of GC Policy 2	Yes	The amendment to policy wording will require the HRA to be amended to reflect changes.



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</u></p> <p><u>The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space.</u></p> <p><u>Proposals must demonstrate how SANG, and access to it, will be provided for each relevant phase of the development, including access</u></p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
Functionally Linked Land	GC2, Part C	<p>Comment Noted. The policy is considered sound, however, upon further assessment the Councils consider that a proposed change to the DPD could be appropriate.</p> <p>Further, in response to the proposed amendment to the policy wording an update to the HRA/AA has been prepared.</p>	<p><u>to temporary SANG where required.</u></p> <p>Amend GC Policy 2, Part C to read:</p> <p>Proposals will need to provide the following:</p> <ul style="list-style-type: none"> • Are supported with appropriate ecological surveys where necessary. • Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must 	<p>We are happy to review the updated HRA. We are happy with the suggested changes to the wording of GC Policy 2</p>	<p>Yes</p>	<p>The amendment to policy wording will require the HRA to be amended to reflect changes.</p>



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p>be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed.</p> <ul style="list-style-type: none"> • Will minimise fragmentation of habitats. • Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements. <p><u>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly</u></p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</u></p> <p>Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich</p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.			
Air quality Impact	GC2, New* Part	<p>Comment Noted. The policy is considered sound, however, upon further assessment the Councils consider that a proposed change to the DPD could be appropriate.</p> <p>Further, in response to the proposed amendment to the policy wording an</p>	<p>Amend GC Policy 2, to add:</p> <p><u>Part *: Air Quality</u></p> <p><u>Proposals that might lead to a deterioration in air quality or to an exceedance of the national air quality objectives, either by itself, or in combination with other development, will require the submission of an Air Quality Assessment to be carried out in accordance with industry best practice. This should address:</u></p>	We are happy to review the updated HRA. We are happy with the suggested changes to the wording of GC Policy 2	Yes	The amendment to policy wording will require the HRA to be amended to reflect changes.



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
		update to the HRA/AA has been prepared.	<ul style="list-style-type: none"> a) <u>The cumulative effect of further emissions and screening for air quality impacts.</u> b) <u>Where identified as being required, the proposed measures of mitigation, using good design, technical solutions and offsetting measures that prevent the deterioration of air quality and ensure that National Air Quality Objectives are not exceeded.</u> c) <u>The identification of measures to secure the safety and satisfactory quality of life for the future occupiers. Development must not result in an increased exposure to poor air quality, including odour, fumes and dust, particularly where developments might</u> 			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>be occupied or used by vulnerable people.</u></p> <p><u>The Air Quality Assessment must be informed by traffic scoping modelling for each relevant phase of development and is required to assess increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.</u></p> <p><u>All development proposals should promote a shift to the use of sustainable low emission transport modes, to minimise the impact of vehicle emissions on air quality.</u></p> <p>Amend GC Policy 2, Part I to add:</p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>7. Proposals must be supported by an Air Quality Assessment to be informed by traffic scoping modelling for each relevant phase of development in accordance with industry best practice.</u></p>			



Appendix 2. Schedule of Suggested Modifications – Post Hearing Update and the effect upon the conclusions of the HRA

Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Chapter 2 - Vision	MM1	Narrative	<p>Amend page 16 ‘Community and Social Infrastructure’ to read:</p> <p>The Garden Community will be known for its healthy and thriving community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport, leisure, <u>health, and wellbeing facilities</u>. It will establish long term and participative stewardship of infrastructure from the outset.</p>	<p>ESNEFT Rep ID.266</p> <p>To ensure alignment with the NPPF.</p>	No effect
GC Policy 1 - Land Uses and Spatial Approach	MM2	Part A	<p>Amend first point of Part A, page 20:</p> <p>Delivery of circa 7,500 new homes with a range of shops, jobs, services, and community facilities, including education <u>and health and wellbeing provision</u> (see Part B below).</p>	<p>ESNEFT Rep ID.266</p> <p>To ensure the Plan includes an effective strategy for securing identified infrastructure needs.</p>	No effect
GC Policy 1 - Land Uses	MM3	Part B	Amend fifth para, page 22:	EEAST Rep ID.253	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Spatial Approach			...The councils will work with the University of Essex and other partners as appropriate, to deliver the key infrastructure (health, education, <u>ambulance</u> , <u>police</u> , <u>firefighting</u> and other community uses)....	To add emergency services.	
GC Policy 1 - Land Uses and Spatial Approach	MM4	Part B	Amend last sentence of first para, page 23: <i>Accessibility to services and facilities <u>including those that support health and wellbeing</u>, utilities infrastructure and the Rapid Transit System will be key to determining the phasing of development in the 'Crockleford Neighbourhood'.</i>	ESNEFT Rep ID.266 to ensure that the Policy represents an effective strategy for meeting identified infrastructure needs.	No effect
GC Policy 1 - Land Uses and Spatial Approach	MM5	Part B	Amend last sentence of last para. page 21: Broad locations for two distinct but interlinked Neighbourhoods, referred to as the 'South and North Neighbourhoods' are shown on the Policies Map. The 'North and South Neighbourhoods' between them will accommodate around 6,000-6,500 new homes. Development within and across the two	Latimer Rep ID.225 Phasing will be agreed via an illustrative phasing plan for the Garden Community, submitted with the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			'Neighbourhoods' will be phased to ensure housing development is aligned with infrastructure delivery, with an expectation that the early phases of development will begin in the 'South Neighbourhood'.	hybrid planning application.	
GC Policy 1 - Land Uses and Spatial Approach	MM6	Part B	Amend first sentence of last para. page 22: <i>Subject to evidence-based work</i> , the 'South and North Neighbourhoods' <u>are to</u> will each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes.	Latimer SoCG (SCG06) The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work.	No effect
GC Policy 1 - Land Uses	MM7	Part B	Amend first sentence of first para. page 23:	Latimer SoCG (SCG06)	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Spatial Approach			The 'Crockleford Neighbourhood' will be developed as an individual community that is physically separated from, but connected by walking, cycling and other sustainable transport modes to the 'South and North Neighbourhoods' and the City of Colchester.	Depending on the outcomes of local junction modelling along Bromley Road into Colchester, some parcels of development within the Crockleford Neighbourhood may need to access to the Link Road instead of Bromley Road. Suggested wording to reflect this flexibility.	No effect
GC Policy 1 - Land Uses and Spatial Approach	MM8	Part B	Amend last sentence of first para. page 23: Accessibility to services and facilities, utilities infrastructure and, the Rapid Transit System <u>and other public transport services</u> will be key to determining the phasing of development in the 'Crockleford Neighbourhood.	Latimer SoCG (SCG06) Acknowledging existing, enhanced and other public	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				transport can support homes as well as the RTS removes pre-judging of phasing at Crockleford.	
GC Policy 1 - Land Uses and Spatial Approach	MM9	Part E	Amend forth para. page 24: Land east of the new A120-A133 Link Road and the new 'Business Park' south of the A120, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the east of the Garden Community; maintain the long-term physical and visual separation to Elmstead Market, and to assist in protecting the setting of the <i>designated</i> heritage assets of the <i>Grade I Listed</i> Church of St. Anne and St. Lawrence, <i>Grade II* Listed</i> Elmstead Hall, <i>and Grade II Listed</i> Allens Farmhouse and the Round Burrow.	Historic England Rep ID.214 Correction is suggested which removes reference to the 'Round Burrow' due to this asset being unrelated to the context of the Elmstead Strategic Green Gap.	No effect
GC Policy 1 - Land Uses	MM10	Part F	Amend first para. page 25:	Sport England Rep ID.66	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Spatial Approach			Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' for new a 'Sports and Leisure Park'. This will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University. <u>Where appropriate this will include the provision of indoor and outdoor floodlit facilities.</u>	To provide clarity over scope of sports facilities.	
GC Policy 1 - Land Uses and Spatial Approach	MM11	Part F	Add new para. after second para. page 25: <u>Should the position of the A133 Park and Choose Facility be located south of the A133, its provision and position should be evidenced to demonstrate that it would not prejudice the expansion requirements of the University of Essex or the ability to meet the sports, leisure and open space requirements of the wider Garden Community.</u>	Statement of Common Ground SCG04 with the University of Essex. To provide clarity over the provision of the Park and Choose facility should it be located south of the	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				A133, to ensure the full and comprehensive expansion needs of the University could be realised and that the open space requirements of the Garden Community are met.	
GC Policy 1 - Land Uses and Spatial Approach	MM12	Part J	Amend last para. page 26: The 'Park and Choose Facility' will be brought forward alongside early phases <u>first residential phases</u> of development to coincide with the first operation of with the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.	Latimer SoCG (SCG06) A sustainable infrastructure first approach should be adopted at TCBGC and that the RTS will be provided with a Park and Choose facility from the first	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				development parcel phases. “first residential” is used rather than “first” as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS.	
GC Policy 1 - Land Uses and Spatial Approach	MM13	Part K	Amend last para. page 27: Each individual policy of this Plan specifies required supporting documents that must be submitted either	ESNEFT Rep ID.266 Correction of typo.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			prior to or in support of planning applications. A full list of these documents can be found at Appendix 4 <u>3</u> .		
Policies Map	MM14	Land South of A133	Extension of grey hatching denoting “Sports & Leisure Park: General location of sports pitches, parkland...” to cover existing woodland area south of the A133.	Omission from plan. Modification would correctly illustrate the 25ha allocation for ‘Sports and Leisure Park and University of Essex Expansion’ as required by Policy GC1 Part F.	No effect
Policies Map	MM15	Key	Reference to Gypsy and Traveller Sites is plural and should be amended to be singular.	The DPD on page 64, Part G of GC Policy 4 states that there will be a site containing a number of pitches. To avoid doubt, the policies map should reflect this.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Policies Map	MM16	Key	Spelling error to correct "Potential Vehicular Link".	Typo	No effect
Policies Map	MM17	Key	Footnote to be added to "30m Woodland Buffer" to clarify that this is for information only.	Reference to the '30m' woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. Suggest that clarification is added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 2 - Nature	MM18	Part A	<p>Remove the last para. page 39 as follows from Part A:</p> <p>Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the sensitive Essex coast. Proposals to incorporate the SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</p> <p>Create new Part B to read as follows:</p>	<p>Natural England Rep ID.223</p> <p>To provide clarity and accuracy on referenced requirements.</p> <p>Note modification to substitute 'accessible with 'alternative' in 'Suitable Alternative Natural Greenspace' as per NE guidance and representation.</p>	<p>Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect changes.</p>



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>Part B: Suitable Alternative Natural Greenspace (SANG)</u></p> <p><u>Proposals will be required to provide an appropriate amount of Suitable Alternative Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision. 10 The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space. Proposals must demonstrate how SANG, and access to it, will be provided for each relevant</u></p>		



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u>phase of the development, including access to temporary SANG where required.</u>		
GC Policy 2 - Nature	MM19	N/A	Re-title the following sections: Part B: Integrating Green and Blue (water) Spaces into Built Form - Becomes <u>Part C</u> Part C: Protection of Biodiversity – Becomes <u>Part D</u> Part D: Biodiversity Net Gain – Becomes <u>Part E</u> Part E: Tree Planting – Becomes <u>Part F</u> Part F: Productive Landscapes – Becomes <u>Part G</u> Part G: Sustainable Drainage Systems and Blue Infrastructure – Becomes <u>Part H</u> Part H: Integration of A120-A133 Link Road Mitigation – Becomes <u>Part I</u> Part I: Planning Application Requirements – Becomes <u>Part J</u>	To accommodate new Part B.	No effect
GC Policy 2 - Nature	MM20	Part B (to become Part C)	Amend last para. page 39: A key principle and part of the distinctive character of the Garden Community will be the green-blue	Essex County Council Rep ID.106	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			infrastructure network and celebration of the natural and historic environment. Proposals should take every opportunity to integrate green and blue spaces and will be required to demonstrate, both spatially and technically, how they have been integrated into the built form. Examples include: tree lined streets or streets that contain hedgerows appropriate to local character, habitats, and species; insect-attracting plants, hedgerows, log piles, and other places of shelter for wildlife refuge/hibernation within structural landscaping and open spaces; hedgehog friendly features in residential garden boundaries to create linked habitat; dark corridors for bat foraging; green walls and roofs and other measures of incorporating trees and plants into buildings; bat boxes, bricks or lofts and bird boxes; green roofs <u>dual purpose street furniture</u> ; and Sustainable Drainage Systems (SuDS).	Noted that 'Green Roofs' are reference twice in this section and recommended alternative wording as the design of street furniture and bin stores can add character to the landscape, reduce clutter, and benefit biodiversity. Modification suggested to provide clarity and correction.	
GC Policy 2 - Nature	MM21	Part C (to become Part D)	Amend as follows: Part C -D: Protection of Biodiversity Proposals will need to provide the following:	Natural England Rep ID.223 To provide clarity and accuracy on referenced	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<ul style="list-style-type: none"> • Are supported with appropriate ecological surveys where necessary. • Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed. • Will minimise fragmentation of habitats. • Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements. <p><u>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site</u></p>	requirements with regard to functionally linked land and wintering bird surveys.	changes.



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</u></p> <p>Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.</p>		
GC Policy 2 - Nature	MM22	Part D (to become Part E)	<p>Amend last point of Part on page 41: Habitat enhancement and creation for delivering biodiversity net gain within the Strategic Green Gaps,</p>	Latimer Rep ID.227	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 2 - Nature	MM23	Part E (to become Part F)	Salary Brook Country Park, SANG, and SuDS <u>and other green infrastructure</u> will be supported, where true additionality through stacking of ecosystem services can be demonstrated. <u>Stacking of ecosystem services will be permitted where additionality can be demonstrated, taking account of emerging guidance on stacking from Natural England and Defra.</u>	To provide additional clarity for applicants and future decision maker.	No effect
			Areas for planting or regeneration should <u>will need to</u> be set out and agreed in the appropriate landscape and green-blue infrastructure strategies and management plans.	Essex County Council Rep ID.107 Recommended minor change to wording to strengthen the policy. Modification suggested to provide clarity, consistency and to strengthen the policy.	
GC Policy 2 - Nature	MM24	Part J (new part)	<u>Part J: Air Quality</u>	Natural England Rep ID.224	Text agreed as part of the SOCG with NE. The amendment to



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>Proposals that might lead to a deterioration in air quality or to an exceedance of the national air quality objectives, either by itself, or in combination with other development, will require the submission of an Air Quality Assessment to be carried out in accordance with industry best practice. This should address:</u></p> <p><u>a) The cumulative effect of further emissions and screening for air quality impacts.</u></p> <p><u>b) Where identified as being required, the proposed measures of mitigation, using good design, technical solutions and offsetting measures that prevent the deterioration of air quality and ensure that National Air Quality Objectives are not exceeded.</u></p> <p><u>c) The identification of measures to secure the safety and satisfactory quality of life for the future occupiers and existing residents. Development must not result in an increased exposure to poor air quality, including odour, fumes and dust, particularly where developments might be occupied or used by vulnerable people.</u></p>	<p>To provide clarity with regard to requirements relating to Air Quality.</p>	<p>policy wording will require the HRA to be amended to reflect changes.</p>



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>The Air Quality Assessment must be informed by traffic scoping modelling for each relevant phase of development and is required to assess increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.</u></p> <p><u>All development proposals should promote a shift to the use of sustainable low emission transport modes, to minimise the impact of vehicle emissions on air quality.</u></p>		
GC Policy 2 - Nature	MM25	Part I (to become Part K)	Proposals must include a green-blue infrastructure plan, which demonstrates how the scheme reflects and complies with the Strategic Masterplan; the Colchester Tendring Open Space Strategy requirements; the Healthy Living and Play Strategy required by GC Policy 6; <u>appropriate biosecurity standards for sourcing, quarantining, and inspecting plant material supplied to the development required by GC Policy 8;</u> and demonstrate how green and blue spaces have been integrated into the built form.	Essex County Council Rep ID.115 Recommended minor change to wording to secure the submission of appropriate details at application stage.	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				Modification suggested to provide clarity, consistency and to strengthen the policy.	
GC Policy 2 - Nature	MM26	Part K (was Part I)	<p>Add:</p> <p>7. Proposals must be supported by an Air Quality Assessment to be informed by traffic scoping modelling for each relevant phase of development in accordance with industry best practice.</p>	<p>Natural England Rep ID.224</p> <p>To provide clarity with regard to requirements relating to Air Quality.</p>	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect changes.
GC Policy 2 - Nature	MM27	Justification (page 46)	<p>Add additional paragraph:</p> <p><u>Where the surveys show that mitigation is required, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds</u></p>	<p>Latimer Rep ID.227</p> <p>To avoid any ambiguity and allow the detailed and tailored HRA process to inform appropriate and proportionate</p>	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect changes.



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				mitigation requirements.	
GC Policy 3 - Place Shaping Principles	MM28	Part A	It will adopt a landscape led approach to design and build, follow healthy new towns principles, <i>in accordance with Sport England Active Design principles</i> , and <i>achieving</i> secured by design certification.	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.	No effect
GC Policy 3 - Place Shaping Principles	MM29	Part B	Provide for a network of integrated <i>multifunctional</i> green and blue infrastructure features.	Essex County Council Rep ID.108 To ensure consistency throughout the DPD.	No effect
GC Policy 3 - Place Shaping Principles	MM30	Parts I and J	Re-title the following sections: Part I: Historic Environment - Becomes <i>Part H</i> Part J: Planning Application Requirements – Becomes <i>Part I</i>	Correction of typo	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 3 - Place Shaping Principles	MM31	Part H (was Part I)	<p>Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.</p> <p>Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</p> <p><u>Future development must take into account the results and recommendations of the Councils 'Heritage Impact Assessment', and must demonstrate that any negative impacts on the significance of the Grade II* Listed</u></p>	<p>Historic England Rep ID.215</p> <p>The HIA does not consider the potential for below ground archaeology or the impact of the proposed development on archaeology. To address this the suggested wording requires that this would need to be undertaken prior to the determination of any planning application for the site.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u><i>Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings, have been avoided and if this is not possible minimised, through appropriate masterplan design. Proposals that would enhance or better reveal the significance of these assets will be considered positively. Specific mitigation measures must be identified through the preparation of a further detailed Heritage Impact Assessment, and pre-determination Archaeological Assessment, which will inform and be submitted prior to the determination of any application at the site.</i></u>		
GC Policy 3 - Place Shaping Principles	MM32	Part H (was Part I) In all cases there will be an expectation that any new development will <u>avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal. It should enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</u>	Latimer Rep ID.228 To provide additional clarity in line with the wording of the NPPF.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 3 - Place Shaping Principles	MM33	Part I (was J)	2. A Heritage Impact Assessment and Mitigation Strategy is required to demonstrate the measures that can minimise harm and maximise the potential to enhance the heritage significance of <i>the Grade II* Listed Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings.</i>	Historic England Rep ID.215 To provide clarity and accuracy on referenced requirements.	No effect
GC Policy 3 - Place Shaping Principles	MM34	Part I (was J)	4. Design & Access Statement (<i>incorporating an Active Design Assessment in accordance with Sport England Active Design Guidance</i>).	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.	No effect
GC Policy 5 - Economic Activity and	MM35	Part A	Amend first point of Part A:	Latimer Rep ID.229	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Employment			How delivery of the first phase of business accommodation in each employment area is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land.	To provide additional flexibility in providing a balanced delivery of employment and residential uses.	
GC Policy 5 - Economic Activity and Employment	MM36	Part A	Amend first point at top of page 72: Creation of the Rapid Transit System to enable a <u>fast</u> rapid commute for residents to and from all neighbourhoods within the Garden Community to key areas of employment, including the new A120 business park and centres as well as those outside of the Garden Community, such as the University of Essex, Colchester City Centre, Colchester General Hospital, Colchester Business Park and Colchester Sports Park.	Latimer SoCG (SCG06) Consistency with Council policy wording in GC Policy 1. 'Colchester Business Park' is not on the RTS Route, as it terminates at	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				Colchester Park and Ride.	
GC Policy 5 - Economic Activity and Employment	MM37	Justification (page 74)	...the study also recommends the provision of <u>appropriate</u> flexible <u>Commercial, Business and Service uses and</u> office space concentrated in the North and South Neighbourhood Centres.	Latimer Rep ID.229 To provide additional flexibility in allowing evidence and masterplanning to appropriately account for employment land and other employment generating uses in the neighbourhood centres.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 5 - Economic Activity and Employment	MM38	Justification	<p>Insert additional sentence/para to justification page 76 to read:</p> <p><i>Student and retired households are excluded from the ambition to achieve one job per household.</i></p>	<p>Latimer Main Matter 5 Hearing Statement (HS5.1)</p> <p>To provide additional clarity over the aim of achieving one job per household.</p>	No effect
GC Policy 6 - Community and Social Infrastructure	MM39	Narrative	<p>Amend Para.1 page 78 to read:</p> <p>Ensuring the Garden Community is served by community services and facilities of the right type in the right location and delivered at the appropriate time, including <i>health and wellbeing</i>, schools and sports facilities; as well as access to health <i>ambulance, police and firefighting services</i> ...</p>	ESNEFT Rep ID.267 and EEAST Rep ID.254	No effect
GC Policy 6 - Community and Social	MM40	Part C	<p>Amend third para. page 83:</p> <p>Vehicle free 'school zones' must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks,</p>	Latimer (SCG06) SoCG	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Infrastructure			connected by safe and direct walking and cycling routes to the Neighbourhood the school serves.	Access will still be required by emergency vehicles and for blue badge users. The wording requires the flexibility to respond to accessible needs and “streets” and “car parks” is ambiguous.	
GC Policy 6 – Community and Social Infrastructure	MM41	Part C	Amend third para. page 83: Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves. All schools should be well connected to the natural environment to provide the option of providing forest school sessions, <i>and through their design and layout encourage health and wellbeing, especially physical activity (e.g. storage facilities to support cycling, and</i>	Sport England Rep ID.69 To strengthen links between health and education.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u>the promotion of informal physical activity as well as providing conventional sport and play facilities).</u>		
GC Policy 6 – Community and Social Infrastructure	MM42	Part C	Include after bullet point list as paragraph: <u>The capacity and quantum of schools and early years provision will be subject to an appropriate assessment of the need at the time of submission of future planning application(s).</u>	Latimer Rep ID.230 To provide additional clarity that the number of schools should be evidence led, based on need and demographic studies at the time.	No effect
GC Policy 6 – Community and Social Infrastructure	MM43	Part D	The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) <u>Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy (2023)</u> or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided.	Update to most recent evidence base document.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 6 – Community and Social Infrastructure	MM44	Part D	<p>The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided. <u>Proposals will have regard to the potential role of the University’s existing or future sports facilities in meeting the needs of the development in view of the close proximity of the University site and the strategic shared use facilities that are or could be provided to help meet the needs of residents of both the development and the University.</u></p> <p>Opportunities should be taken to deliver multipurpose facilities well integrated into the built environment and well designed in terms of their landscape settings. The Councils will only consider offsite provision where it is well connected to the Garden Community and/or where it will deliver multiple benefits, including benefits to existing communities.</p>	<p>Sport England Rep ID.69</p> <p>To strengthen links to University/shared sports facilities.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 6 – Community and Social Infrastructure	MM45	Part E	<p>Amend from last para. page 83:</p> <p>Appropriate health and wellbeing services must be provided to new residents and occupiers of the Garden Community from first occupation. Proposals for the development of the Garden Community must <u>reflect national and local health related strategies, consider the evidence provided through relevant Health Impact Assessments including the joint strategic needs assessment (JSNA) and align with the outcomes within the overall ‘Health Strategy’ for the Garden Community, and are anticipated to include:</u></p> <ul style="list-style-type: none"> <u>Enhancements to existing local facilities, including improvements to primary care provision and wider healthcare services and facilities including but not limited to those at Colchester Hospital which will support the provision of acute and community services.</u> A new Health and Wellbeing Hub to be provided in the early phases of development (potentially via a phased approach to delivery) (underpinned by the most up-to date evidence base delivered via a phased approach). 	<p>ESNEFT Rep ID.267</p> <p>To ensure that the Policy represents an effective strategy for securing all types of healthcare infrastructure (both on and off-site) required to serve the new communities.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p>The facility shall be designed to deliver an integrated service for patients—including a cluster of general practitioners, a wide range of diagnostic services and primary care treatment—to minimise the requirement for secondary care treatment at hospital. <u>residents and include consideration of primary, community and acute services and</u> it should be located on an accessible site close to other community facilities <u>and transport infrastructure. Any approach to health and wellbeing will include facilities that provide regard to prevention and health improvement activities.</u></p> <ul style="list-style-type: none"> • Flexible space for health provision, located within the Neighbourhood Centres and community buildings. <p>Developers must enter into early conversations with the local NHS Integrated Care Board through the North East Essex Health and Wellbeing Alliance, and other relevant partners to ensure that proposals reflect current health and social care models. <u>which is the local place-based health partnership so to ensure that proposals reflect current health and social care models, local evidence and need. This partnership vehicle will</u></p>		



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u>also be key in supporting the development of the health impact assessment and health strategy for the GC.</u>		
GC Policy 6 – Community and Social Infrastructure	MM46	Part G	Amend point 3, page 85: 3. Proposals must be supported by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure, particularly schools <u>and healthcare facilities. These will also contribute to the health impact assessment.</u>	ESNEFT Rep ID.267	No effect
GC Policy 6 – Community and Social Infrastructure	MM47	Part G	Amend point 6, page 85: 6. Proposals must be supported by a Healthy Living and Play Strategy, <u>which will be informed by the Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy (2023) or any updates to this Strategy.</u> This Strategy should demonstrate how the development will	Sport England Rep ID.69 To strengthen links with 2023 Colchester and Tendring Open Space Strategy.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			be designed to encourage active lifestyles, independence, and wellbeing, through the provision of sites, facilities, and informal opportunities for people to play, socialise, play sport, keep fit and have fun. <u><i>It must be co-ordinated with other relevant strategies for the development such as the Green Infrastructure Strategy, the Active Travel Strategy and the Active Design Assessment.</i></u>		
GC Policy 6 – Community and Social Infrastructure	MM48	Part G	9. Proposals for educational use/buildings should be accompanied by a ‘Community Use Statement/ <i>Plan</i> ’ to be agreed by the authorities and <u><i>which must be approved as part of any planning permission granted and secured by way of a Community Use Agreement through an appropriate legal agreement.</i></u>	Sport England Rep ID.69 To provide clarity with regard to securing community use of education facilities.	No effect
GC Policy 6 – Community and Social	MM49	Justification	Amend Justification Text: Para 2, Page 86 to read: “Community and social infrastructure covers a wide range of facilities, such as health; <u><i>ambulance; police; firefighting;</i></u> education; sports; recreation and	EEAST Rep ID.257 Plan text not fully ‘justified’ as the paragraph omits	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Infrastructure			greenspace; places of worship; community halls; public houses and cultural infrastructure..."	reference to key infrastructure in the form of ambulance, police & firefighting facilities.	
GC Policy 6 - Community and Social Infrastructure	MM50	Justification	<p>Insertion of new paragraph after Para 3, Page 88 to read:</p> <p><i><u>The health strategy for the Tendring Colchester Borders Garden Community will be dependent on various factors including capacity in existing neighbouring primary care facilities, workforce recruitment, funding streams, NHS clinical and service strategies and NHS building design approaches. A comprehensive, evidence based HIA will be carried out engaging with all local health and care partners and local communities to ensure that a robust view of need is assessed. The strategy shall be designed to ensure that health is designed into the Garden Community and that any new infrastructure delivers an integrated service for the population. A consideration on the wider</u></i></p>	<p>SNEE ICB Rep ID.272 and 273</p> <p>Stresses the importance of the need for a robust HIA process developed through collaborative work and carried out as early as possible.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u>impact of the development on key health stakeholders including Public Health, primary, secondary and acute inpatient and outpatient facilities, ambulance, police, firefighting and others within the local partnership will need to be taken into account and mitigation of any impact appropriately provided.</u>		
GC Policy 7 - Movement and Connections	MM51	Chapter 8 - Movement and Connections Illustrative Framework Plan	Page 93, amend footer: The location of specific land uses, facilities and activities <u>and the movement and connection features</u> are illustrative and subject to further masterplanning <u>and Transport Assessment.</u>	Latimer SoCG (SCG06) Whilst illustrative only, this is the only plan that shows vehicular access locations in the DPD so others may add significant weight to its interpretation so options and clarification need to make this clear.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM52	Part A	<p>Amend third point, page 95:</p> <p>Achieve filtered permeability, restricting the movement of general vehicular traffic between neighbourhoods. <u><i>This includes amendments to the existing adopted lanes within the site to control and/or restrict vehicular access so the routes can become strategic active travel corridors.</i></u></p>	<p>Latimer SoCG (SCG06)</p> <p>The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and vehicle access locations.</p>	No effect
GC Policy 7 - Movement and Connections	MM53	Part A	<p>Amend fourth point, page 95:</p> <p>Demonstrate how modal share targets (the number of trips by walking, cycling, public transport and private vehicle) will be achieved, maximised and monitored in a phased approach <u><i>and how the targets reflect the ambitions for reducing car use over time</i></u> as outlined in</p>	<p>Latimer SoCG (SCG06)</p> <p>The mode split targets reflect the land-use quanta tested in the</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			the Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023, and as reflected in the table below.	<p>DPD and the Transport Assessment will establish the targets based on detailed forecasting and will be agreed with the highway and planning authority based on the transport strategy proposed and linked to the phasing strategy for both the development, Park and Choose and Link Road.</p> <p>Review mechanisms for the DPD will allow updates to respond to the developing evidence base.</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM54	Part A	Amend third para. page 96: Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to ensure <u>enable and encourage</u> sustainable travel patterns from first occupation.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel but not ensure it.	No effect
GC Policy 7 - Movement and Connections	MM55	Part C	Amend final point of Part C, page 98: 'Proposals must demonstrate how the development contributes to:... Ensuring that there is a convenient and high frequency bus <u>public transport</u> service operating that is aligned	Mr Tim Batts-Neale Rep ID.131 To provide consistent wording in policy.	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			with the first phase of the Garden Community which will need to be appropriately funded by the developer.		
GC Policy 7 - Movement and Connections	MM56	Part J	Amend second para of Part J, page 105: will be agreed and approved by the Councils and the Highway <u>Authorities</u> Authority.	Correction of wording to refer to Highways Authorities.	No effect
GC Policy 7 - Movement and Connections	MM57	Part D	Amend first para. of Part D, page 99: All proposals will need to integrate with the RTS and demonstrate how the RTS can <u>serve</u> provide a direct link to each Neighbourhood Centre.	Latimer SoCG (SCG06) How the RTS will serve each neighbourhood centre will be the subject of plot testing within detailed masterplanning. "Accessibility" rather than "a direct link" avoids introducing a potential conflict with	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				other policies by being prescriptive about the alignment of RTS, for example around school entrance access being vehicle free.	
GC Policy 7 - Movement and Connections	MM58	Part D	Amend third para. of Part D, page 99: It should be ready for operation during the first residential parcels phase of the development to influence sustainable travel behaviour and embed the use of the system and align with the Essex RTS operational model, including the phased delivery plan for services.	Latimer SoCG (SCG06) It is agreed that a quality public transport service must be available during the first phase that generates residential trips and where possible the RTS segregated route be available early.	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				<p>However, flexibility is required in the wording to avoid the wording prejudging the location of the first phase, i.e. that it must be adjacent the safeguarded RTS corridor. The RTS operating route and frequency will be related to the scale and location of a first residential phase but it is agreed they must come together.</p> <p>“First residential” was used rather than “first” as there may be a requirement for infrastructure</p>	



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				enabling works relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS. Alternative wording refers to residential parcels.	
GC Policy 7 - Movement and Connections	MM59	Part D	Amend second para. of Part D, page 99: Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters) <i>whilst providing for a fast service.</i>	Latimer SoCG (SCG06) Added wording aligns with other policy references to RTS being a fast service.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM60	Part D	<p>Add new para. to end of Part D page 99:</p> <p><u><i>Before any planning approval is granted for development forming part of the Garden Community a relevant permission must have been secured to provide for the connection from the A133 Section C of the RTS (delivered by ECC under the HIF programme) to both the Park and Choose Facility and the route of the RTS through the Garden Community.</i></u></p>	<p>To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the delivery and funding of the RTS given that sections of the scheme have been delivered through HIF. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM61	Part G	Amend forth point on page 101: How the design, location and amount of parking <u>seeks to avoid</u> ensures that there is no resulting-overspill and inappropriate on-street parking which negatively impacts on...”	Latimer SoCG (SCG06) Design can seek to avoid these issues, it cannot ensure. The monitoring strategy for TCBGC will ensure that unforeseen issues with parking are picked up and addressed in subsequent design phases.	No effect
GC Policy 7 - Movement and Connections	MM62	Part H	Amend first para of ‘H.2’ page 103: In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the necessary <u>supporting Transport Assessment and</u> processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, <u>and reflect the ambitions set out in the</u>	Latimer SoCG (SCG06) The Transport Assessment will define what is to be agreed for TCBGC	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			supporting Strategic Masterplan and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance.	<p>and that this should align with the ambitions established in the evidence base.</p> <p>The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets</p>	
GC Policy 7 - Movement and	MM63	Part I	Amend second point, page 104:	Latimer (SCG06) SoCG	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Connections			<p><i>Subject to detailed modelling</i>, the Garden Community must <i>aim to</i> restrict vehicular connectivity between individual junctions of the 'Link Road', except for public transport and emergency vehicles, apart from the 'Link Road' itself".</p>	<p>Latimer's testing of the capacity of the A133 junction indicates that the Southern Community will require two points of vehicular access to the Link Road. This will be confirmed through detailed modelling in the Transport Assessment, but the policy wording must protect the ability for the Southern Community to have access from the A133 and Tye Lane Roundabouts on the Link Road.</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM64	Part I	Add new para. to end of Part I page 104: <u><i>Before any planning approval is granted for development forming part of the Garden Community the full delivery of the A120-A133 link road must have secured planning consent and a commitment to full funding must be demonstrated.</i></u>	To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the 'full' delivery and funding of the Link Road given its delivery is now phased. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.	No effect
GC Policy 7 - Movement	MM65	Part J	Amend first para. page 105:	Latimer SoCG (SCG06)	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Connections			<p>The modal share targets will be actively monitored throughout the phasing of the development and upon full occupation via the Garden Community Travel Plan. <u>The monitoring approach will be agreed through the planning application.</u> This Travel Plan document/s will be developed in accordance with <u>to reflect</u> the latest best practice guidance and support the mode share ambitions set out in this Plan <u>and the supporting transport evidence.</u></p>	<p>Monitoring progress towards the targets will be essential over the long build out of the development and flexibility must be built into infrastructure triggers to ensure that the transport infrastructure proposed within each development phase addresses the transport conditions at the time.</p> <p>In accordance with” can be interpreted to mean with the modal split targets and strategy in the</p>	



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				evidence base. All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, and mitigation packages which the Transport Assessment will address.	
GC Policy 7 - Movement	MM66	Part J	Add para to Part J, Page 105:	Latimer (SCG06) SoCG	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Connections			<i>Both internal Garden Community neighbourhood and external modal splits will be measured and monitored, and robust management and oversight will be activated to see that the targets are met.</i>	The RTS and active travel modes are the priority and ambitious mode split targets are important to this and external modal split targets need to be measured and monitored. Monitoring travel patterns of internal trips is more problematic than external trip monitoring regardless of technology. Internal modal split data will be gathered, but this will rely on selfreporting as part of the Travel Plans for the on-site	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				employment, retail, and school travel plans and self-reported travel diaries from residents so will be sample based only. Whilst technology (such as cameras) can count numbers of pedestrians and cyclists on key routes within the site, it cannot determine whether these are internal trips or external trips. This would require facial recognition which presents significant GDPR and data protection issues. The	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				method for obtaining internal and external modal split data will be agreed with Essex and the Councils.	
GC Policy 7 - Movement and Connections	MM67	Part K	Amend first para of Part K, page 105: Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed <u>above and will be redefined based on the findings of the Transport Assessment.</u>	Latimer SoCG (SCG06) The phased delivery of infrastructure is important. However some flexibility is required in the DPD to fully understand network and road capacities within the TA and how this will inform the masterplan work and ultimate transport strategy, mitigation packages	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				and mode split targets.	
GC Policy 7 - Movement and Connections	MM68	Part K	Amend first para of Part K, page 105: Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to <i>ensure enable and encourage</i> sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel, but not ensure it.	No effect
GC Policy 7 - Movement and Connections	MM69	Part K	Amend first point '1' of Part K, page 105: The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and <i>the principles of the Healthy Streets for Life Assessment</i> . A copy of the results of the Healthy	Latimer SoCG (SCG06) To reflect that the completion of a Healthy Streets for	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			Streets for Life Assessment <u>should be provided at the appropriate stage of planning.</u>	Life Assessment may only be possible at particular stages of the planning process. New wording to be clear principles are incorporated early but the assessment will follow.	
GC Policy 7 - Movement and Connections	MM70	Part K	Amend point '5g' of Part K, page 107: Targets which are monitored and submitted for approval <u>from the outset at a frequency as agreed with the Councils</u> and review by the Councils <u>annually from the outset</u> ; and of the operation of a Transport Review Group (TRG) including terms of reference".	Latimer SoCG (SCG06) For a development this scale, annual monitoring does not give time for the full cycle of monitoring, review, agreement of measures, implementation of measures and	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				evaluation of impacts of the interventions. Wording change to reflect the frequency will be agreed at a later date.	
GC Policy 8 - Sustainable Infrastructure	MM71	Part A	Part A, first para. page 117 to read: All buildings must <i>shall</i> be net zero in operation <u>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within a reasonable time</u> and achieve net zero operational energy balance onsite <u>across the Garden Community.</u>	At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.	No effect
GC Policy 8 - Sustainable Infrastructure	MM72	Part A	Part A, second para. page 117 to read: Proposals must demonstrate how new homes <u>and buildings</u> will achieve: <ul style="list-style-type: none"> Space heating demand of <u>15 kWh/m² GIA/yr</u> or less <u>(except Bungalows which</u> 	To reflect the findings of the most up-to-date technical evidence base and ensure alignment with the Essex Design Guide.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><i>must achieve 20 kWh/m2 GIA/yr or less) than 30kWh/m2/ per annum.</i></p> <ul style="list-style-type: none"> • Total energy consumption (energy use intensity) of <u>35 kWh/m2 GIA/yr or less</u> for residential. <i>For non-residential buildings they must achieve a total energy use consumption (energy use intensity) of no more than the following (where technically feasible) by building type or nearest equivalent:</i> <ul style="list-style-type: none"> - <u>70 kWh/m2 GIA/year or less for offices</u> - <u>65 kWh/m2 GIA/year or less for schools</u> - <u>35 kWh/m2 GIA/year or less for light industrial</u> 		
GC Policy 8 - Sustainable Infrastructure	MM73	Part D	<p>Part D, page 118 to read:</p> <p>All buildings must include water efficiency measures and seek to achieve water neutrality. All homes must include water saving measures and, as a minimum, meet the Building Regulations optional tighter water</p>	<p>Anglian Water Rep ID. 123</p> <p>Affinity Water Rep ID. 99</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p>standard of 110 litres per person per day. <u>the Government’s Environment Improvement Plan (Water Efficiency Roadmap) standard of 100 litres per person per day.</u> Proposals should submit a water efficiency calculator report to demonstrate compliance, <u>and developers are encouraged to demonstrate how they can go further utilising integrated water management and a fittings-based approach to minimise potable water use.</u></p> <p><u>Non-residential development proposals must demonstrate that water efficiency measures and water reuse have been incorporated in proposals. Where significant non-domestic water use is required, a Water Resources Assessment should be submitted with the planning application following consultation with the relevant water company to ascertain water availability and feasibility of the proposed scheme.</u></p> <p>Proposals must include clear evidence on the approach to water conservation, including the potential for the re-use of greywater and rainwater capture and re-use and should also provide the infrastructure to</p>	<p>To align with the Government’s Environment Improvement Plan (Water Efficiency Roadmap) intention to require 100 l/p/d in water stressed areas.</p>	



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			support options for rainwater re-use in the building design, e.g. rainwater harvesting systems, water saving devices, greywater recycling or other agreed solutions. The Councils will require safe systems and measures to be implemented for all new development within the Garden Community.		
GC Policy 8 - Sustainable Infrastructure	MM74	Justification	<p>Policy Justification to include a new sentence at the end of the second paragraph on page 121:</p> <p><i>It should also be noted that the Garden Community is located with the ECAC Climate Focus Area (CFA). The principal objective of the CFA is to become net zero carbon – meaning that the amount of carbon emitted from the area is no higher than that absorbed. The Garden Community can contribute to the CFA targets.</i></p>	<p>Essex County Council Rep ID.115</p> <p>To make reference to the Garden Community being situated within the Essex Climate Action Commission’s recommended Climate Focus Area (CFA).</p>	No effect
GC Policy 9 -	MM75	Part A	Policy Justification to include a new sentence at the end of the second paragraph on page 121:	Essex County Council Rep ID.115	No effect



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Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Infrastructure Delivery, Impact Mitigation and Monitoring			<i>It should also be noted that the Garden Community is located with the ECAC Climate Focus Area (CFA). The principal objective of the CFA is to become net zero carbon – meaning that the amount of carbon emitted from the area is no higher than that absorbed. The Garden Community can contribute to the CFA targets.</i>	To make reference to the Garden Community being situated within the Essex Climate Action Commission’s recommended Climate Focus Area (CFA).	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM76	Part A	Developers will need to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the <i>‘Infrastructure Delivery, Phasing & Funding Plan’</i> or relevant Infrastructure Delivery Plan (IDP) and other policies in this Plan...	Consistency of terminology of documentation reference needed to align with the terminology of the evidence base document with respect to the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				'Infrastructure Delivery Plan'.	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM77	Justification	Amendment to fourth paragraph on page 129: "...including the A120-A133 Link Road and Rapid Transit System in accordance with <u>taking into account the conditions of</u> the Housing Infrastructure Fund".	Latimer Rep ID.238 Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording.	No effect
GC Policy 9 - Infrastructure Delivery, Impact Mitigation	MM78	Justification	Amend para.1 page 129 to include: <u>Integrated Care Board (ICB)</u>	ESNEFT Rep ID.267 To ensure that developers liaise with the most appropriate	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Monitoring				NHS contacts to discuss and agree the scope and scale of the healthcare infrastructure and/ or funding required to meet the new community's needs	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM78	Justification	Amend para 1, Page 129 to read: "The Garden community will require the provision of new physical infrastructure such as footways, cycleways, roads, and sewers; social infrastructure such as health, <u>ambulance, police, firefighting</u> , education and community facilities, and green infrastructure such as open and recreational spaces."	EEAST Rep ID.259 Plan text not fully 'justified' as paragraph omits reference to key infrastructure in the form of ambulance, police & firefighting facilities	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM79	Justification	<p>Amend second paragraph on page 130:</p> <p>"In negotiating <u>Where planning obligations are required by planning policy and/or to mitigate the impacts of development but are not agreed for development viability reasons</u>, the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development, <u>provided the additional obligations are required to mitigate the impact of the development.</u></p>	<p>Latimer Rep ID.238</p> <p>Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording.</p> <p>The amended wording provides additional clarity that viability assessment would only be required if proposals were not achieving requirement due to viability matters.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM80	Justification	Amend final paragraph on page 130: “The Councils have prepared an <u>‘Infrastructure Delivery, Phasing & Funding Plan’</u> which performs the role as <u>the</u> ‘Infrastructure Delivery Plan’...”	Consistency of terminology of documentation.	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM81	Justification	Amend third paragraph on page 131: “Essex County Council, working with CCC and TDC, were successful in attracting funding under the Housing Infrastructure Fund (administered by Homes England) for the delivery of <u>the first phase of the</u> A120-A133 Link Road...”	For clarity in relation to the current position in respect of the works that the Housing Infrastructure Fund was being related to.	No effect
GC Policy 9 - Infrastructure Delivery, Impact	MM82	Monitoring	Add additional paragraphs before the table of objectives & indicators: Monitoring is a way of assessing the effectiveness of a plan once it is adopted. It helps to identify if plan	The Councils consider the additional text provides further clarity as to how the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Mitigation and Monitoring			<p>policies are not being implemented and whether an early review of the plan is required. Monitoring indicators for the Plan will reflect <u>a combination of policy requirements</u>, the indicators monitored in the Councils Authority Monitoring Reports (AMR) and will be <u>are</u> linked to the Sustainability Appraisal (SA) Framework. The table below outlines the Councils monitoring objectives and will evolve over time as the monitoring indicators evolve, <u>relevant Plan policies and monitoring indicators. The AMRs will be used to report the performance of the Plan as well as recommending any actions required to ensure the delivery of the DPD.</u></p> <p><u>Monitoring will be undertaken on an annual basis, with the result being published at the end of each calendar year within both Colchester City Council and Tendring District Council 'Authority Monitoring Reports' (AMRs). Information on the following objectives and indicators will be collated and assessed by the Councils. The AMRs will contain consistent information on the implementation of policies and the delivery of new development and supporting infrastructure. Where necessary the information will be tailored to the need of</u></p>	effectiveness of the DPD will be monitored over time.	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>each separate Council and AMR approach. The monitoring will have a particular focus on the delivery of development, floorspace and land use change, alongside securing wider policy objectives in relation to infrastructure delivery.</u></p> <p><u>The Councils will also ensure that appropriate monitoring frameworks and approaches are established through the determination and approval of planning applications for the Garden Community, with the associated use of planning conditions and other control mechanisms such as S106 agreements to ensure that appropriate monitoring is undertaken and information provided as the Garden Community is built out.</u></p>		
GC Policy 9 - Infrastructure Delivery, Impact Mitigation	MM83	Monitoring	<p>Monitoring Indicator of SA Objective 9 on page 134, to be updated as follows:</p> <p>Percentage of journeys to work, <u>to education (and other land uses)</u> by walking and cycling and percentage of journeys to work by public transport.</p>	<p>Tim Batts-Neale Rep ID.249</p> <p>Clarification of text.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Monitoring					
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM84	Monitoring	<p>Monitoring Indicator of SA Objective 7 on page 133, to be updated as follows:</p> <p><u>All permissions granted which affect a designated and/or non-designated heritage asset, and/or archaeology sites are in accordance with the policy</u></p> <p>Recorded loss of listed buildings Grade I and II+ (by demolition), Scheduled Monuments or nationally important archaeological sites and assets on the Colchester Local List to development</p>	<p>Philip Robinson Rep ID.179</p> <p>Clarification of text.</p>	No effect
Glossary	MM85	Gypsies and Travellers	Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily <u>or permanently</u> , but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining	To reflect the outcome of the 'Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022' judgement and the 19 December	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Glossary	MM86	Biodiversity Net Gain	<p>whether persons are “gypsies and travellers” consideration will be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.</p> <p>Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. The Environment Act contains a new biodiversity net gain condition for planning permissions. To meet this requirement biodiversity gains will need to be measured using a <u>the biodiversity metric as specified in the Environment Act (or otherwise agreed).</u></p>	<p>2023 Government update to the PPTS (notwithstanding the transitional NPPF arrangements).</p> <p>Latimer Rep ID.227 To provide additional clarity on an appropriate metric.</p>	No effect
Glossary	MM87	Community Facilities	<p>Are buildings, which enable a variety of local activity to take place including, but not limited to, the following: Schools, Universities and other educational facilities; Libraries and community centres; Doctors surgeries, medical centres and hospitals, <u>including emergency, and acute inpatient and outpatient facilities;</u> Public</p>	ESNEFT Rep ID.267	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			houses and local shops; Museums and art galleries; Child care centres; Sport and recreational facilities; Youth clubs; Playgrounds; Cemeteries; and Places of worship.		
Glossary	MM88	Infrastructure	Infrastructure means any structure, building, system, facility and/or provision required by an area for its social and/or economic function and/ or well-being including (but not exclusively): footways, cycleways and highways; public transport; drainage and flood protection; waste recycling facilities; education and childcare; healthcare; <u>ambulance, police & firefighting facilities</u> ; sports, leisure and recreation facilities; community and social facilities; cultural facilities; emergency services; green infrastructure; open space; affordable housing; broadband; facilities for specific sections of the community such as youth or the elderly.	EEAST Rep ID.263	No effect
Appendices	MM89	N/A	Add Appendix 4	N/A	No effect



Appendix 3. Inspector's Schedule of Modifications and the effect upon the conclusions of the HRA

Policy	Mod ref.	Part	Modification	Inspector comment and Councils action	Effect upon the Conclusions of the HRA
GC Policy 8 Sustainable Infrastructure	MM71	Part A	<p>Part A, first para. page 117 to read:</p> <p>All buildings must<i>shall</i> be net zero in operation <i>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation,</i> and achieve net zero operational energy balance onsite <i>across the Garden Community.</i></p>	<p>At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.</p> <p>Councils action – amend modification to GC Policy 8 – Sustainable Infrastructure.</p>	No effect
GC Policy 8 Sustainable Infrastructure	MM72	Part A	<p>Part A, second para. page 117 to read:</p> <p>Proposals must demonstrate how new homes <i>and buildings</i> will achieve:</p> <ul style="list-style-type: none"> Space heating demand of <i>15 kWh/m² GIA/yr or less (except Bungalows which</i> 	The Essex Design Guide is not part of the Development Plan. Therefore, the suggested modification is not	No effect



Policy	Mod ref.	Part	Modification	Inspector comment and Councils action	Effect upon the Conclusions of the HRA
			<p>must achieve 20 kWh/m2 GIA/yr or less) than 30kWh/m2/ per annum.</p> <ul style="list-style-type: none"> Total energy consumption (energy use intensity) of <u>35 kWh/m2 GIA/yr or less</u> for residential. <u>For non-residential buildings they must achieve a total energy use consumption (energy use intensity) of no more than the following (where technically feasible) by building type or nearest equivalent:</u> <ul style="list-style-type: none"> <u>70 kWh/m2 GIA/year or less for offices</u> <u>65 kWh/m2 GIA/year or less for schools</u> <u>35 kWh/m2 GIA/year or less for light industrial</u> 	<p>considered reasonable and would be likely to create issues in relation to deliverability.</p> <p>Councils action – remove modifications.</p>	
GC Policy 9 Infrastructure Delivery, Impact Mitigation and	MM90	N/A	Remove all references to Community Infrastructure Levy	The CIL charging schedule will be considered separately from the DPD.	No effect



Policy	Mod ref.	Part	Modification	Inspector comment and Councils action	Effect upon the Conclusions of the HRA
Monitoring				Councils action – remove reference to CIL within GC Policy 9.	
GC Policy 2 – Nature	MM91	Part D	Remove last sentence: “As such an ambition is to achieve BNG of 15% on average across the whole masterplan.”	<p>The minimum requirement of 10% will be met across the masterplan as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).</p> <p>Councils action – remove sentence in GC Policy 2 – Nature.</p>	No effect

Clients: Tendring District
Council and Colchester City
Council

Tendring Colchester Borders Garden Community: Development Plan Document
Submission Version Plan
Habitats Regulations Assessment Addendum





Appendix 4. Review of modifications of the HRA following the DPD policy amendments

Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
55	4.8.7	<u>Policy GC2 sets out that each</u> Each phase of development must be supported by up-to-date over-wintering bird surveys to determine the usage of the phases by individual waterbirds and the importance of their assemblages. If any over-wintering bird surveys at application stage identifies that the proposals will result in impacts upon the individual waterbirds or the waterbird assemblage associated within the Colne Estuary SPA and Ramsar site or the Stour and Orwell Estuaries SPA and Ramsar site, then bespoke mitigation measures must be secured either by legal agreement or a condition of any consent with landowners located in Tendring District Council and Colchester City Council within close proximity of the relevant Habitats sites.	To highlight that policy GC2 been amended within the DPD in regard to securing measures for functionally linked land.	No effect
55	4.8.8	With the measures required as part of each phase of development <u>embedded within Policy GC2</u> , we are satisfied that the policies of the DPD Submission Version Plan reviewed at Appropriate Assessment stage will not result in	To highlight that policy GC2 been amended within the DPD in regard to securing	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
		any in direct Adverse Effects On site Integrity to Colne Estuary SPA and Ramsar or the Stour and Orwell Estuaries SPA and Ramsar site via the loss of functionally linked land.	measures for functionally linked land.	
57	4.9.12	Each relevant phase of development for the garden community should will be supported by traffic scoping modelling to fully determine whether further mitigation measures to avoid adverse impacts from air quality are required. <u>This has been embedded within GC Policy 2 of the DPD.</u> The assessment methodology will be in line with the Highways Agency Design Manual for Road and Bridges and must be completed by a competent expert for traffic. Therefore, the methodology at a minimum will need to calculate the annual average daily traffic (AADT) and heavy duty vehicle (HDV) AADT traffic flows at the sensitive receptors identified, with the exception of A2, B3 and U1. This is because it is unlikely that A2 will generate increase traffic from garden community and because B1 is located on the same road as B3 and U2 on the same road as U1,	To highlight that policy GC2 been amended within the DPD in regard to securing measures for air quality.	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
		therefore recording AADT at both locations will not provide any additional information		
56	4.9.16	With the measures embedded as part of each phase of development <u>by policy GC2</u> , we are satisfied that the policies of the DPD Submission Version Plan reviewed at Appropriate Assessment stage will not result in any in direct Adverse Effects On site Integrity to Colne Estuary SPA and Ramsar, the Stour and Orwell Estuaries SPA and Ramsar site, the Blackwater Estuary SPA and Ramsar site and the Essex Estuaries SAC via adverse air quality.	To highlight that policy GC2 been amended within the DPD in regard to securing measures for air quality.	No effect
60	4.11.3	As per Natural England's advice letter, the DPD Submission Version Plan needs to consider the availability of on-site (i.e. within development boundaries) avoidance measures (such as the recommended Green Infrastructure within Annex I of Natural England's referenced strategic letter).	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
60	4.11.5	<u>Consequently, a</u> A network of green infrastructure within the garden community has been was secured by Policy SP8 of the Section 1 Local Plan including a community park facility, a new country park of a minimum of 70 hectares in size provided along the Salary Brook corridor and incorporating Churn Wood, the provision of sports areas with associated facilities and play facilities.	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect
61	4.11.6	<u>The DPD also embeds the provision of appropriate SANGs within GC Policy 2 – Nature. This sets out that the provision of SANGs will be required to be provided for each relevant phase of the development, including access to temporary SANG where required. It also sets that proposals that incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to</u>	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect



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Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
		<p><u>accommodate any increased visitor usage proposed in order to count towards SANG provision.</u></p> <p>If this mitigation is secured by appropriately worded policy text e.g. Policy 3 Nature Part A, this can be considered as embedded or intrinsic mitigation. Such measures must be incorporated into the DPD Submission Version Plan so that these are integral parts of it and they are guaranteed to be delivered i.e. mitigation by design. Provision of sufficient SANG will need to be secured to support each and all phases of residential development.</p>		
61	4.11.6	<p><u>In addition, the</u> The design of greenspace to provide sufficient and suitably attractive natural greenspace which will function as SANGs should include the following features to divert and deflect daily visits away from the Essex coastal Habitats sites:</p>	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect



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July 2024



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TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

5 SEPTEMBER 2024

A.2 DELEGATION TO OFFICERS IN RESPECT OF EIA SCOPING REQUESTS

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

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report seeks the agreement of the Tendring Colchester Borders Garden Community Joint Committee (“the Joint Committee”) to delegate specific decision making powers to Officers related to determining the scope of environmental issues needing to be covered in an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) that, in due course, will accompany the future planning application for the Garden Community.

EXECUTIVE SUMMARY

The terms of reference for the Joint Committee at paragraph 4.6 permits the powers of delegation contained in section 101(2) of the Local Government Act 1972, to be exercised. To date a Scheme of Delegation had not been proposed due to the nature of the decision-making responsibilities so far resting with the Joint Committee – which have been mainly focussed on the plan-making process in respect of the Development Plan Document (DPD). The strategic and policy setting decisions for the Garden Community, including endorsement of the Development Plan Document and the granting of relevant planning permissions, are decisions for the elected Members of the Joint Committee rather than Officers, given the significance of the development and its cross-border nature.

There are however planning-related functions of an operational and technical nature that require speedy resolution and which, for most other developments, are typically delegated to Officers through an agreed Scheme of Delegation. With the DPD heading into the final stages of the plan-making process, the Garden Community project will soon progress into the Development Management phase within the planning process and the consideration and determination of planning applications. In light of advanced preparatory work, a formal request for a ‘Scoping Opinion’ to determine the scope of the environmental issues to be covered in an Environmental Statement, to be submitted in support of a future principal planning application for the Garden Community, has been submitted by the lead developers for the Councils’ consideration. This is in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended), and the regulations create a statutory basis for the Councils to provide a timely response.

Responding to an EIA scoping requests is a technical matter that is normally delegated to Officers for which there are also statutory timescales. The recommendation of this report seeks the Joint

Committee's agreement to exercise the powers of delegation to enable the timely determination of the Scoping Opinion request to be taken at Officer level. Members should note that where an authority (or, in this case, the Joint Committee) has adopted a scoping opinion following the request of an applicant, additional information can be requested at a later date (<https://www.legislation.gov.uk/ukxi/2017/571/regulation/15>).

As anticipated in the Joint Committee's Terms of Reference, a comprehensive Scheme of Delegation to Officers will be prepared for the Committee's consideration and approval as the Garden Community project progresses from the policy plan making phase to the Development Management phase. This is likely to include, amongst others, applications for minor or non-material amendments (NMA) to already approved developments and matters relating to enforcement action, advertisement consent and Tree Preservation Orders (TPOs).

Generally, it is considered best practice by the Planning Advisory Service (the Government's appointed experts in planning matters) that approximately 95% of planning applications are determined by Officers – however for the Garden Community development, it is appropriate for important decisions to be taken by the Joint Committee and therefore only selected types of decisions of a more minor, technical and time constrained nature are likely to be suggested for delegation to Officers in the future.

A comprehensive Scheme of Delegation to Officers will therefore be brought to a future meeting of the Joint Committee for consideration and agreement. This will allow the smooth running of Council functions and timely determinations and an efficient turnaround of certain planning matters aligned with the government's statutory targets.

RECOMMENDATION

That the Tendring Colchester Borders Garden Community Joint Committee;

- (a) exercises its powers of delegation in accordance with its Terms of Reference and in accordance with Section 101(2) of the Local Government Act 1972 and agrees to delegate authority to the Director of Planning for Tendring District Council, the Deputy Chief Executive and Executive Director of Colchester City Council and the Director for Sustainable Growth of Essex County Council to determine, through joint agreement, the scope of the environmental issues to be covered in an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended); and**
- (b) agrees that should joint agreement not be reached by the Officers of the three authorities, acting under their delegated authority, then the response to the request for a scoping opinion will be brought to the Joint Committee for determination.**

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

There are no financial implications arising from this report other than a saving in cost that may be incurred if Officer delegation is not agreed and a formal meeting of the Joint Committee needs to be set up solely to deal with the EIA scoping opinion in a timely manner

The alternative to having an appropriate Scheme of Delegation is to have all planning-related decisions taken by the Joint Committee. This would not be workable in practice and would be contrary to how the planning system is designed to work. This approach would not allow for timely decision making and would not allow the Councils to meet their statutory obligations with regards to speed of decision making – particularly on matters such as EIA screening or scoping opinions. It is however consistent with the delegations and terms of reference for the Joint Committee that the most significant decisions relating to the DPD and the principal planning applications for the Garden Community development are taken by elected Members.

There is a risk that should certain applications not be considered and certain decisions not taken in an appropriate timescale, the ongoing ability for the Councils to manage growth within the TCBGC will be compromised. Delay in the determination of applications would pose a risk to the Local Plan timetable for the overall Garden Community project and the delivery of the first phase of homes and associated infrastructure.

LEGAL

The functions and scope of the Joint Committee were agreed by the Full Councils of TDC, CCC and ECC and a formal agreement made under Section 28 of the Planning and Compulsory Purchase Act 2004. The delegated functions of the Joint Committee are:

- (i) Planning Functions related to preparing for plan making through the Development Plan Document (DPD) process; and
- (ii) Development Control and determination of planning applications for TCBGC.

Paragraph 4.6 of the Joint Committee's approved Terms of Reference permitted the exercise of the powers of delegation as set out in accordance Section 101(2) of the Local Government Act 1972 to enable a Scheme of Delegation to Officers to be agreed.

This report seeks to ensure that there is clarity of the decision-making powers between the Joint Committee and Officers, and enables the Councils to meet its requirements for the determination of planning applications. In this instance, the Committee is being asked to agree delegated powers in respect of scoping opinions in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended).

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.

Consultation/Public Engagement: No public consultation has been undertaken with regard to the 'Scheme of Delegation for Officers'. However, it is important to recognise that the work of the Joint Committee and the determination of planning applications will still involve public consultation, statutory and otherwise. All environmental and equality considerations are taken into account through plan making and individual decision making.

PART 3 – SUPPORTING INFORMATION

ENVIRONMENTAL IMPACT ASSESSMENT

The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(the '2017 Regulations'\)](#).

What is the purpose of Environmental Impact Assessment?

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

What are the stages of Environmental Impact Assessment?

There are five broad stages to the process:

- *Screening*
Determining whether a proposed project falls within the remit of the Regulations, whether it is likely to have a significant effect on the environment and therefore requires an assessment.

- *Scoping*
Determining the extent of issues to be considered in the assessment and reported in the Environmental Statement. The applicant can ask the local planning authority for its opinion on what information needs to be included (which is called a 'scoping opinion'). **It is this stage that has currently been reached with submission of a Scoping Opinion request.**
- *Preparing an Environmental Statement*
Where it is decided that an assessment is required, the applicant must prepare and submit an Environmental Statement. The Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development listed in regulation 18(3) and comply with regulation 18(4). The applicant is responsible for the preparation of the Environmental Statement.
- *Making a planning application and consultation*
The Environmental Statement (and the application for development to which it relates) must be publicised electronically and by public notice. The statutory 'consultation bodies' and the public must be given an opportunity to give their views about the proposed development and the Environmental Statement.
- *Decision making*
The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

An applicant is not required to consult anyone about the information to be included in an Environmental Statement. However, they may ask the local planning authority for its formal opinion on the information to be supplied in the Environmental Statement (a "Scoping Opinion") and this has been undertaken in this case. This allows the Councils to clarify what they consider the main effects of the development are likely to be and, therefore, the aspects on which the applicant's Environmental Statement should focus.

The application for a Scoping Opinion was submitted on the 22 July 2024. In accordance with statutory determination timescales the Councils must provide their opinion within 5 weeks (or longer if agreed in writing with applicant) of receiving a request. The opinion should be proportionate, tailored to the specific characteristics of the development and the main environmental features likely to be significantly affected. Officers are in the process of securing an extension of time with the applicant to allow the Joint Committee to exercise its powers of delegation to allow Officers to determine the scope of the environmental issues to be covered in an Environmental Statement.

APPENDICES

None

BACKGROUND PAPERS

None.