

PLANNING POLICY AND LOCAL PLAN COMMITTEE

15 JULY 2020

REPORT OF THE CORPORATE DIRECTOR: PLACE AND ECONOMY

A.2 – COLCHESTER TENDRING BORDERS GARDEN COMMUNITY – DEVELOPMENT PLAN DOCUMENT (DPD)

(Report prepared by Gary Guiver)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Planning Policy and Local Plan Committee on the work intended to be carried out for the preparation of a 'Development Plan Document' (DPD) for the Tendring Colchester Borders Garden Community which will guide its future growth and development.

EXECUTIVE SUMMARY

Key Points

- Of the three Garden Communities that were originally proposed in the shared Section 1 Local Plan for North Essex, only the Tendring Colchester Borders Garden Community was found, by the Planning Inspector, to be deliverable and sound.
- Assuming all three of the North Essex Authorities (Tendring, Braintree and Colchester) agree to proceed with consultation on the Inspector's recommended modifications to the Section 1 Local Plan (as explained in Report A1), it is intended that a 'Development Plan Document' (DPD) will be prepared jointly by Tendring District Council and Colchester Borough Council which will contain more detailed parameters and policies to guide the development of the Tendring Colchester Borders Garden Community.

The North Essex Authorities which include Braintree, Colchester and Tendring Councils have now received the Inspector's report outlining his views on the soundness of each authority's Section 1 Local Plan (as discussed in a separate report A1 on this agenda). While the Inspector has concluded that he did not find the Colchester Braintree Borders and West of Braintree Garden Communities to be deliverable, he did conclude that development of the Tendring/Colchester Borders Garden Community (TCBGC) would enable the delivery of sustainable development in accordance with the National Planning Policy Framework's policies.

On this basis, Tendring and Colchester now wish to proceed with the next stages of plan-making for the Garden Community which will involve the preparation of a Development Plan Document (DPD)

to guide development. The DPD will provide the next level of detail required to progress the overall high-level Garden Community principles mandated by Section 1. Adoption of the DPD will entail joint working between the Councils, in consultation with stakeholders at all stages of plan development. It is expected that the DPD will be a joint planning document adopted by both Councils.

An initial consultation on Issues and Options was held on TCBGC from November 2017-January 2018. The study work and responses from that consultation form a starting point for the next phase of work, bearing in mind the changes during the intervening period. In addition to Section 1 Local Plan developments, key amongst the changes was the Councils' successful bid for £99K in Housing Infrastructure Funding for an A120/A133 link road and a Rapid Transit Scheme to support the Garden Community. Work undertaken to inform the HIF projects has been carried out with the requirements of the Garden Community and its DPD in mind, so studies and masterplanning completed for these essential infrastructure projects will feed into the DPD process.

The Councils will work together to commission further evidence base and masterplanning work required to support the DPD. As with masterplanning work carried out for the Issues and Options stage, work will include focused consultation with stakeholders and existing communities in the vicinity of TCB GC.

The precise timetable for the DPD is not yet fixed but the Local Development Scheme will be brought back to this Committee as required for scrutiny, with adoption currently programmed for 2022.

RECOMMENDATION

That the Planning Policy and Local Plan Committee notes the proposals for preparation of a Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The preparation of a new Local Plan and the delivery of a new Garden Community on the Tendring/Colchester Border is a high priority for both Tendring District Council and Colchester Borough Council. The preparation of a Development Plan Document (DPD) is essential for enabling the Garden Community to be comprehensively planned, delivered in a coordinated manner and for ensuring that government funding towards key infrastructure such as the associated A120/A133 Link Road and the Rapid Transit System is secured.

RESOURCES AND RISK

The preparation of the Development Plan Document will be funded jointly by Tendring District Council and Colchester Borough Council through their respective LDF/Local Plan budgets. The £99million 'Housing Infrastructure Funding' (HIF) secured by Essex County Council for the

A120/A133 Link Road and the Rapid Transit System is contingent on the preparation of the DPD and granting planning permission for early phases of the development within key timescales.

Risks associated with the DPD include slippage of the programme which might have a knock-on effect on securing the above-mentioned HIF funding and delivering the Garden Community in a timely manner. Other risks include the level and nature of representations received during the consultation stages that will require careful consideration at each stage as the proposals are refined and finalised for examination in due course; and the risk of legal challenge towards the end of the process if third parties are aggrieved by the proposals or believe there have been any legal or procedural issues.

LEGAL

Development Plan Documents essentially carry the same legal status as a 'Local Plan' in forming part of the statutory 'Development Plan' for an area, albeit for a specific location – in this case the area proposed for a new Garden Community.

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. On adoption, the proposed DPD will form part of the development plan.

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended ("2004 Act") places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation, this is known as the 'Duty to Cooperate' on strategic matters of cross-boundary significance, which naturally includes proposals such as this for a cross-boundary Garden Community. As with the Local Plan, before a Planning Inspector can begin the process of examining a DPD they need to be satisfied that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues.

The Town and Country Planning (Local Planning)(England) Regulations 2012 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 and the independent examination.

As with the Local Plan, the DPD will need to the subject of Sustainability Appraisal and its environmental and socio-economic impacts and that of alternative options/approaches need to be assessed with the aim of achieving sustainable development. Similarly, a Habitats Regulation Assessment will be a legal requirement aimed at determining the impacts on internationally important wildlife habitats.

The DPD, like the Local Plan, will be the subject of public consultation and an examination – the latter of which will determine the ‘soundness’ of the proposals against the requirements of the National Planning Policy Framework (NPPF).

OTHER IMPLICATIONS

Area or Ward affected: All wards (although the land proposed for a Garden Community crossing the Tendring/Colchester Border falls mainly within the new Alresford and Elmstead ward and the Ardleigh and Little Bromley ward).

Consultation/Public Engagement: Further to the Issues and Options consultation undertaken in 2017/18, it is envisaged that there will be two more rounds of consultation at ‘preferred options’ and ‘publication draft’ stage and that Tendring and Colchester will work together on a programme of publicity and engagement, at the appropriate times, that meet the requirements of the Council’s respective ‘Statements of Community Involvement’ (SCI).

PART 3 – SUPPORTING INFORMATION

Development based on Garden Community principles forms a core element of the Section 1 Local Plan jointly submitted by Braintree, Colchester and Tendring Councils. While the Inspector has concluded that he did not find the Colchester Braintree Borders and West of Braintree Garden Communities to be deliverable, he did conclude that development of the Tendring/Colchester Borders Garden Community (TCBGC) would enable the delivery of sustainable development in accordance with the National Planning Policy Framework’s policies.

The progression to adoption of Section 1 of the Local Plan is discussed in a separate report to this Committee. As the report notes, ‘Confirmation of the soundness of the Tendring Colchester Borders Garden Community should also allow Tendring District Council and Colchester Borough Council to work together on the preparation of a ‘Development Plan Document’ (DPD) setting out more detailed parameters for the Garden Community.’

Section 1 Policy SP7 (Development and Delivery of a New Garden Community in North Essex) provides that ‘*A Development Plan Document (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 the principles in paragraphs i–xiv below. No planning consent for any development forming part of the garden community will be granted until the DPD has been adopted.*’ (Main Modification version)

More specifically, SP8 (Tendring/Colchester Borders Garden Community) provides that ‘*The Development Plan Document (DPD) required by Policy SP7 for the Tendring Colchester Borders*

Garden Community will define the boundary of the garden community and the amount of development it will contain. (Main Modification version) The policy also specifies that the DPD must be contingent on the completion of a Heritage Impact Assessment; be produced in consultation with the local community and stakeholders; include a three dimensional indication of the urban design and landscape parameters that will be incorporated into any future planning applications; and a phasing and implementation schedule for necessary infrastructure.

In line with the above Local Plan objectives, Colchester and Tendring Councils have previously carried out initial work on Issues and Options for TDBG. An initial consultation on Issues and Options was held on TCBGC from November 2017-January 2018. This document posed a series of questions on how the DPD should best address the following 10 defining principles of the North Essex Garden Communities Charter:

- Green Infrastructure
- Integrated and Sustainable Transport
- Employment Opportunity
- Living Environment
- Smart and Sustainable Living
- Good Design
- Community Engagement
- Active Local Stewardship
- Strong Corporate and Political Public Leadership
- Innovative Delivery Structure

The study work and responses from that consultation form a starting point for the next phase of work, bearing in mind the changes during the intervening period.

Work necessary to underpin the delivery of required transport infrastructure for TCBGC has been aided by the successful bid made by Essex County Council in August 2019 for £99K from the Housing Infrastructure Fund. As HIF funding is intended to enable housing delivery, the funding was awarded on the basis that it will provide capacity and access to enable residential developments in TCB GC. The two components of this bid were:

- A new link road running east of Colchester between the A120 and the A133 to provide greater connectivity into the proposed new development; and
- Rapid Transit development funding a route from TCBGC via University of Essex into Colchester

The schemes will address a package of transport and access matters, enabling early implementation of sustainable transport options to stimulate behaviour change and address highway capacity constraints in east Colchester and west Tendring. ECC carried out a public consultation on possible options for the link road and RTS in November – December 2019. Following a review of consultation responses, ECC Cabinet approved a preferred route for the link road at its 26 May 2020 meeting, Option 1C, which accorded with the view of the CBC response on options for the link road. ECC Cabinet also agreed to develop further analysis of options for RTS routing through Colchester.

A wide range of evidence base work will be required to support the DPD. The extent of work required will depend on the additional detail required on top of study work completed for the Colchester and Tendring Local Plans. In general, Section 1 work can be assumed to have addressed authority-wide issues of impact, context and need, but further work for TCBGC will be required to address Garden Community specific issues as follows:

Housing – detailed analysis required of tenure split, affordability, Gypsy and traveller requirements, accessibility provision, and housing standards.

Employment – identification of particular types of employment required to maximise links with University and potential of Garden Community model for new working arrangements

Centres – analysis required of the role of Garden Community centres, impact on other centres.

Green Infrastructure – specific analysis required of level and types of provision, accessibility and relationship to surrounding area

Heritage – Heritage Impact Assessment required providing detailed assessment of impact on existing heritage assets

Health – Health Impact Assessment required providing a comprehensive approach to health and well-being that considers design and infrastructure in the context of active lifestyles, prevention, use of digital technology, and co-location of health facilities with other community facilities

Sustainable Movement – Building on work carried out to support HIF, modelling work is needed analysing measures that will lead to modal shift away from car-based movements to other sustainable modes including walking, cycling and public transit.

Infrastructure Delivery Plan – detailed analysis of physical, social and environmental infrastructure required to support each phase of development

Viability – viability work will need to analyse proposal in the context of the chosen delivery model and the need to address Garden Community principles such as long-term stewardship.

Sustainability and Climate Change measures - As an exemplar scheme for Garden Communities, TCBGC will be expected to adopt best practice across the board in all aspects of sustainable design, construction and in climate change adaptation measures. The DPD will need to be supported by evidence for ambitious targets and innovative projects.

Minerals Resource Assessment – ensure safeguarded minerals sites are appropriately safeguarded and/or worked prior to development.

Integrated Water Management Study – Phase 1 of the IWMS provided a high level analysis of water supply, wastewater services and flood risk management for the three Garden Communities originally proposed in the Section 1 Local Plan. Phase 2 study is programmed to identify and determine site specific water management measures which can serve to minimise demand as far as possible and set out how surface water and flood risk can be managed on site in an integrated way.

Sustainability Appraisal and Habitats Assessment work will inform all stages of plan development to ensure the DPD addresses all required sustainability and habitats protection requirements. It is intended to commission LUC to complete this work based on their involvement with the Section 1 SA and HRA.

The work above largely needs to be completed by consultants due to its specialised nature, but clearly additional officer resources will need to be devoted to overall project co-ordination, consultant management, and public consultation. Colchester and Tendring Officers are collaborating on an agreed work programme, timescale and budget. To avoid duplication and maximise efficiency project co-ordination is also including identification of work required to support the examination of Section 2 policies and allocations as well as work being completed further to the HIF link road and RTS work.

The DPD can be scrutinised by each council's committee with responsibility for Local Plans, however other options for governance of the plan-making process could also be pursued such as a joint DPD committee. Governance arrangements will be influenced by the model chosen for delivery of the Garden Community and the degree of council involvement in the process.

APPENDICES

None.

BACKGROUND PAPERS

None.