

# TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

28 FEBRUARY 2022

## A.2 THE DRAFT PLAN FOR THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY DEVELOPMENT PLAN DOCUMENT (DPD) – REGULATION 18 STAGE

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### PART 1 – KEY INFORMATION

#### PURPOSE OF THE REPORT

To present the first draft of the Development Plan Document (DPD) i.e. ‘the Plan’ for the Tendring Colchester Borders Garden Community to the new Joint Committee and to seek its approval to publish that Draft Plan and other relevant documents for public consultation in accordance with Regulation 18 of the statutory plan making process.

#### EXECUTIVE SUMMARY

##### Key Points

- The adopted shared Section 1 Local Plan for North Essex identifies a broad area of land crossing the Tendring/Colchester border for the development of a new Garden Community comprising 7,000-9,000 homes and 25ha of employment land along with new neighbourhood centres, health facilities, schools, early years facilities, provision for gypsies and travellers, land for the future expansion of the University of Essex and all associated infrastructure.
- The development is to be served by a ‘Rapid Transit System’ and a link road between the A120 and A133, for which government funding has been secured through the Housing Infrastructure Fund (HIF).
- The Section 1 Local Plan requires the preparation and formal adoption of a specific ‘Development Plan Document’ (DPD) containing further details of the Garden Community before any planning applications for development at the site can be approved.
- Officers from Tendring District Council, Colchester Borough Council and Essex County Council (‘the Councils’) have worked together with partners and specialist consultants to produce a first ‘Draft Plan’ for the Garden Community which addresses specific requirements of the Local Plan - having particular regard to community and stakeholder feedback, a range of technical evidence and a comprehensive masterplanning exercise.

- The Draft Plan for the Garden Community, like the Local Plan to which it relates, must proceed through the statutory plan-making process which involves different stages of public consultation and an examination by a government-appointed Planning Inspector, before it can be adopted.
- The Draft Plan is recommended by Officers to be published for a minimum of six-weeks formal public consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- This consultation will allow any interested parties including residents, businesses, developers and other groups and organisations to comment on the first draft and for those comments to be taken into account by the Councils in drawing up a revised version of the Plan for a further final round of consultation and submission to the Secretary of State for examination later in the year.

### Local Plan Requirements

In 2021 both Tendring District Council and Colchester Borough Council formally adopted the North Essex Authorities' Shared Strategy Section 1 of Local Plan which establishes the overarching strategy for growth in North Essex, the housing and employment targets for Tendring, Colchester and Braintree up to 2033 and policies for the Tendring Colchester Borders Garden Community. Policies SP8 and SP9 in the Section 1 Plan relate specifically to the development of the Garden Community and how it is to be developed in line with overarching 'Garden Community Principles'. Specific requirements of Policy SP8 include the need to prepare a Development Plan Document (DPD) containing policies setting out how the Garden Community will be designed, developed and delivered and that no planning consent forming part of the Garden Community will be granted until this Plan is completed and formally adopted by the Councils. Policy SP9 then goes on to set out the specific requirements that both the Plan and any planning applications are expected to meet.

### Masterplanning process, engagement and evidence gathering

A comprehensive master planning process involving specialist consultants with input and review by the Councils has been carried out to inform the content of the Draft Plan. To date, the master planning process has involved a technical baseline analysis of the site, wide ranging community engagement to inform and guide an overarching strategic vision for the development, and a 'spatial options' exercise to generate reasonable options and alternatives for the potential layout and configuration of the Garden Community.

Both the master planning process and the drafting of planning policies for inclusion in the Draft Plan have also been informed by a range of technical studies and evidence across a range of topics and which will be further expanded and refined to inform the evolution and refinement of the Plan as it progresses towards the next stage of the statutory plan making process throughout 2022.

The recommended policies and proposals in the Draft Plan, including the preferred option and alternative options for its spatial layout have also been the subject of Sustainability Appraisal work by independent consultants which meets a legal requirement of the plan making process. The purpose of the Sustainability Appraisal is to assess the high level environmental, social and economic impacts of policies and proposals, and alternative options to inform the Councils' decisions on the most appropriate approach to take forward.

### The vision for the Garden Community

The Draft Plan contains an overarching strategic vision which underpins both the proposed spatial layout of the Garden Community and the planning policies that will guide its development. This vision relates to a series of 'themes' and related ideas that emerged from the public and stakeholder engagement activities that were carried out in 2021. The Key Vision Themes which form part of the Draft Plan (and which define its structure) are set out as follows:

- **Nature:** The outdoor natural environment of the Garden Community will be its biggest asset. It will comprise green infrastructure where neighbours will spend time, play, interact and grow. It will provide a natural support system for both people and wildlife.
- **Buildings, Places and Character:** The Garden Community will provide the right jobs, homes and spaces for all aspects of life. It will create thriving distinctive spaces for a range of activities and employment opportunities. It will be memorable for its landscape and architecture and will be widely recognisable of its place in North Essex.
- **Community and Social Infrastructure:** The Garden Community will be known for its healthy and happy community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport and leisure facilities. It will establish long term and participative stewardship of infrastructure from the outset.
- **Movement and Connections:** The Garden Community will be structured around a dense network of traffic-free walk and cycle routes with rapid public transit prioritised and supported by a range of innovative mobility measures. This will ensure day to day trips are shorter, quicker and cheaper without a car.
- **Sustainable Infrastructure:** The Garden Community will make living sustainably easy for its residents. Green infrastructure and building solutions will be integrated from the outset and follow best practice standards.

### Land uses and spatial approach

The 'preferred spatial option' for the Garden Community as recommended by Officers and set out in the Draft Plan is one that involve 7,500-8,000 homes across three defined 'neighbourhoods' confined to land north of the A133, south of the A120, west of a new A120/A133 Link Road and east of a new

country park around Salary Brook. The alternative options would have involved different levels of residential development, potentially taking place on land south of the A133 and east of the proposed link road – leading to a greater loss of agricultural land, resulting in segregated communities and raising greater concerns about long-term coalescence with surrounding towns and villages and the strong wish of residents in Elmstead Market and Wivenhoe for that not to happen.

New employment land is proposed in the Draft Plan on an area of land south of A120 and east of the Link Road for general business and industrial activity and on an area of land north of the A133 for the potential high-tech expansion around the Knowledge Gateway (at the University of Essex). It is also proposed that space for business is created within the neighbourhood centres that will serve each of the three residential neighbourhoods.

There are two alternative options for the employment land north of the A133 and for potential expansion of the University of Essex on land south of the A133 for which no preference is currently indicated in the Draft Plan. The inclusion of these alternative options in the Draft Plan draws on recent engagement and communication with the University of Essex, which is keen to ensure the Garden Community provides the opportunity to support its long-term expansion of academic facilities and the creation of high skilled jobs through linkages to the Knowledge Gateway. The alternative options involve different scales of development with different implications for connectivity with the existing Knowledge Gateway, commercial deliverability, accessibility and impact on land around Salary Brook and the size of any green gap south of the A133 and north of Wivenhoe. These alternatives, which will require further assessment and technical consideration by the Councils, are proposed to be included in the Draft Plan for consultation to enable public and stakeholder feedback before the Councils make a final choice.

Whichever of the above options is eventually chosen, key areas of land around the eastern and southern edges of the Garden Community site running alongside the Link Road and the area of the B1027/Elmstead Road are to be defined as 'Strategic Green Gaps' that will be given extra protection against new development to ensure a green buffer between the Garden Community, Elmstead Market and Wivenhoe is maintained.

The preferred strategy also makes provision for an 'area of special character' around Crockleford Heath aimed at safeguarding its distinctive rural character; new 'park and choose' facilities located near the route of the Rapid Transit System; and a provisional location for a future gypsy and traveller site in the northern area of the site close to the A120 and its proposed connection to the Link Road.

Whilst the Draft Plan sets out an overarching spatial layout for the Garden Community, it does not and cannot at this stage provide precise details of how each part of the development will be laid out and configured. The policies in the Draft Plan therefore require that additional detail be worked up, in advance of any planning applications, through a Strategic (site wide) Masterplan and Strategic Design Code along with supporting Neighbourhood Masterplans and Design Codes for each phase of development. These will need to be approved by the Councils but could be carried out either by the Councils, the developers or through a collaborative approach and with community and stakeholder engagement.

## Planning Policies

The Draft Plan contains a series of planning policies that support the delivery of the preferred spatial layout, seek to deliver sustainable development and reflect the themes and vision that have emerged from the community and stakeholder engagement activities. Because the Garden Community is potentially a 30-40 year development project and there are many issues that will evolve and change over that period of time, the wording of the policies has to achieve a careful balance in their level of prescription and flexibility. Officers have sought to ensure that the policies are clear enough to be meaningful and understandable, yet flexible enough to respond to inevitable change. Therefore, as a general principle, the policies in the Draft Plan either set out specific expectations and requirements, or they require that further work is undertaken for the Councils' approval either before or in support of a planning application, upon which more detailed requirements can be based.

The scope and purpose of the planning policies in the Draft Plan is summarised as follows:

- **Policy 1: Land Uses and Spatial Approach** – Accompanied by a key diagram and illustrative masterplan, this policy identifies the key elements of the Garden Community, reflecting the preferred spatial option. It defines the areas for development, the approach neighbourhoods, strategic green gaps, the Crockleford Heath Area of Special Protection, the Salary Brook Country Park, the options for expansion and employment land around the University of Essex and Knowledge Gateway, the A120 business park and associated park and choose facility and the provisional location for a Gypsy and Traveller site.
- **Policy 2: Requirements for all new development** – This policy sets out general requirements around design, practical matters, impacts and compatibility that will apply to all development proposals for the Garden Community and any future development within the Garden Community once it has been established. It is essentially the 'catch all' policy for the determination of planning applications – similar in many respects to those found in both Tendring and Colchester's Section 2 Local Plans.
- **Policy 3: Nature** – Sets out specific requirements for the development relating to green infrastructure and the natural environment. The policy contains requirements for a comprehensive Green Infrastructure Strategy for the development, the need to integrate green infrastructure and blue infrastructure (water features), the protection of wildlife and the need to achieve a 'net gain' in biodiversity, expectations around the protection and planting of trees, creation of 'productive' (food producing) landscapes, and the need and technical requirements for Sustainable Drainage Systems (SuDS). The policy also requires the Garden Community to integrate sensitively with the environmental mitigation for the A120-A133 link road and a list of additional documentation to be provided in support of any planning application.

- **Policy 4: Buildings Place and Character** – This policy sets out the Councils' expectations for how the Garden Community will be a unique place with a distinctive character and how this will be determined through further Strategic and Neighbourhood level Masterplans and Design Codes. The policy requires a mix of housing size, type and tenure (with a minimum requirement of 30% affordable housing, which is established in the Section 1 Plan) and that the precise mix will be informed by a 'Housing Strategy' that the Councils will have to approve before determining relevant planning applications. The Housing Strategy will also inform the approach to the provision of care, assisted living, specialist and student housing. The policy also provides guidance on achieving an appropriate density of residential development in different parts of the site, sets specific standards around internal space standards, adaptable/wheelchair standards and garden sizes and lists the requirements for additional documents to be provided in support of planning applications.
- **Policy 5: Economic Activity and Employment** – This policy sets out the different ways in which the Garden Community will deliver opportunities for employment, education and training across a variety of sectors to achieve a minimum of one job per household, either within or close to home or within a sustainable commutable distance. The key elements of the policy include the expansion of the University of Essex and Knowledge Gateway, the creation of 'centres' of employment activity within each of the Garden Community's three neighbourhoods, a new business park immediately south of the A120 and ensuring opportunities for home working, for example, by providing the highest standard of broadband and live-work space. The policy also promotes the Rapid Transit System for commuters, positive partnership working with educational establishments and developers to ensure the best possible match between new jobs in growing sectors and the skills required by local people to do those jobs, as well as requiring developers to enter into a formal agreement to employ and train local people wherever possible.
- **Policy 6: Community and Social Infrastructure** – Ensuring the Garden Community is served by the necessary infrastructure at the right time with appropriate arrangements for long term stewardship is a key pillar of the Garden Community Principles. This policy sets out the approach to community and social infrastructure including flexible community space, specific requirements for new schools and other education facilities, sport and recreational facilities and expectations around stewardship. The policy also promotes measures aimed at promoting health and wellbeing as developed through engagement with colleagues in the NHS and Sport England, taking into account 'healthy new towns principles' and 'active design principles'. Community and social infrastructure provision will need to be informed by a 'Demographic Study' that the Councils will have to approve before determining relevant planning applications. Proposals must also include planning obligations, a Phasing and Implementation Strategy and be informed by a Health Impact Assessment.
- **Policy 7: Movement and Connections** – This policy sets out all the measures to be adopted within the Garden Community to prioritise walking, cycling, public transit and other low carbon forms of transportation over private cars to help achieve net zero carbon transport by 2050 – whilst recognising that private transportation (moving towards electric and other sustainable

forms) will still play an important role in people's lives in the future and appropriate provision must be made. The policy requires further development of a Public Transport Strategy and a specific Design Code or Guidance for parking and electric charging. It also sets out expectations for the connectivity of the Garden Community with the Rapid Transit System, the new A120/A133 Link Road and the wider public transport networks as well as specific documentation in support of planning applications.

- **Policy 8: Sustainable Infrastructure** – The Garden Community is to be an exemplar development that leads the way in meeting the very highest standards of energy efficiency, water efficiency and renewable energy generation. This policy sets out the Councils' expectation for all buildings to be net zero carbon, as a minimum, and contains either specific requirements for development or further work to be carried out, for the Council's approval, to inform the development approach – given that the technologies and techniques are likely to evolve and improve over the lifetime of the development. The policy covers the approach to design and construction, renewable energy, water conservation, sustainable waste management, ultrafast broadband, and prior minerals extraction.
- **Policy 9: Infrastructure Delivery and Impact Mitigation** – The final policy in the Draft Plan sets out how the Council will work with the developers to ensure infrastructure is provided at the right time and follows a carefully planned phased approach. The policy also explains how the Council would intend to use legal agreements or a Community Infrastructure Levy (CIL) to secure infrastructure or relevant financial contributions.

### Next steps

The Committee is asked to agree that both the Draft Plan (Appendix 1) and the associated Sustainability Appraisal (Appendix 2) be published for consultation in line with Regulation 18 of the statutory plan making process and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations to invite any comments and feedback from the community and stakeholders.

It is proposed that any available evidence base documents including the Master planning Baseline Study, Strategic Vision and Spatial Options and the other documents listed as background papers also be published, for information and public consideration, alongside the Draft Plan and SA Report.

If the Committee agrees to proceed with the above, it is proposed that the six week consultation will commence early March 2022 and conclude in April 2022. All documentation for the consultation will be published on the Councils joint Tendring Colchester Borders Garden Community engagement website at [talk.tcbgardencommunity.co.uk](http://talk.tcbgardencommunity.co.uk), with links from the Council's websites.

Hard copies of the Draft Plan will be made available to view at Council Offices and public libraries, subject to their opening hours. Consultees on both Tendring and Colchester Council's databases will be notified.

The consultation will be supported via publicity through several mediums. This will include online advertising, social media, newspaper and magazine advertising, e-newsletters and posters in community spaces. Subject to no change in Covid restrictions, there will also be a number of 'drop in' events. These events will be held to help answer any questions on the Draft Plan. It should be noted that any representations must still be submitted via the engagement website or via email or letter.

Following the consultation, the partner Councils will process all representations and will consider any comments made when producing a final version of the Plan for the Committee's (and Full Council) approval for final round of consultation and submission to the Secretary of State towards the end of 2022.

## **RECOMMENDATION**

**That the Tendring Colchester Borders Garden Community Joint Committee:**

- i) agrees that the 'Tendring Colchester Borders Garden Community Draft Plan' (attached as Appendix 1) and the related Sustainability Appraisal (SA) (attached as Appendix 2) and other supporting evidence be published for six weeks consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations; and**
- ii) agrees that authority be delegated to the Acting Director of Planning for Tendring District Council, in consultation with the Chairman of the Tendring Colchester Borders Garden Community Joint Committee, the Lead Officer for Planning, Housing & Economic Growth for Colchester Borough Council and the Spatial Planning Manager for Essex County Council, to make corrections, if necessary, to address any minor formatting, typographical, grammatical or factual errors within the aforementioned Draft Plan (in Appendix 1), in the event that any are discovered before consultation commences.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The Tendring Colchester Borders Garden Community, as well as being the principal strategic development proposal in the jointly adopted Shared Section 1 Local Plan, will also deliver on the priorities of all three Councils represented on the Joint Committee.

For Tendring District Council, the Garden Community would deliver on a number of key priorities within its Corporate Plan 2020-2024 and is specifically identified as a project under the theme of 'Building Sustainable Communities for the Future'. It will also deliver on the priorities around effective



planning policies, effective and positive governance, developing and attracting new businesses, more and better jobs, health and wellbeing, carbon neutral by 2030, proactive planning services and public spaces to be proud of.

For Colchester Borough Council, the Garden Community would deliver on a number of the goals set out in its Strategic Plan 2020-2023 including, specifically, the creation of a Development Plan Document for the Tendring Colchester Borders Garden Community. The development will also help deliver on the Council's other goals around responding to the climate emergency, conserving and enhancing biodiversity (including creating more space for nature to grow and thrive), enabling more opportunity for walking and cycling (including the improvement of facilities and routes for cyclists and walkers to enable active travel behaviours, healthier lifestyles and reduce car use), increasing the number, quality and types of homes (including ensuring all new homes are designed to a high quality across all tenures) and working with the University and Essex and other educational establishments and businesses to address local skills shortages.

For Essex County Council (ECC), Everyone's Essex, the new organisation strategy, sets out four strategic aims and 20 commitments. Within the commitments there are strategic aims for a strong inclusive and sustainable economy; for Essex to be a good place for children and families to grow; a high-quality environment; and for health, wellbeing and independence for all ages. Everyone's Essex also makes a commitment to supporting people to switch to more sustainable travel options so as to achieve net zero carbon emission targets. Consistent with achieving these commitments, the Draft Plan for the Garden Community includes draft policies that seek to deliver and maintain high quality infrastructure (transportation, education, sustainable drainage, minerals and waste etc), support a growing and diverse economy (employment) and the delivery of sustainable new housing and communities (wider public health and well-being, housing mix, green infrastructure etc). The Plan's preparation also reflects collaboration with partners and responds to the Levelling Up agenda. Achieving this requires ECC to ensure that the development, planning and infrastructure delivery across the administrative county, is aligned with planning documents that are being prepared. This is to ensure that the planned growth includes provision for the delivery of ECC's infrastructure and services commensurate with the growth being planned, and to support existing and future residents and businesses.

## **RESOURCES AND RISK**

The Draft Plan (Development Plan Document) has been prepared jointly by Officers from Tendring District Council, Colchester Borough Council and Essex County Council with support from the jointly-funded project team which includes a specialist consultant from Hyas. The comprehensive masterplanning process has been led by Prior + Partners with specialist support on transport and infrastructure, managed through the joint project team with valuable input from the community and other stakeholders via a varied programme of the engagement activities. The masterplanning work and other elements of the evidence base have been commissioned and jointly funded by the Councils through agreed budgets.

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, in the coming months, dedicated resources to facilitate the pre-application process and the assessment and determination of planning applications.

The Councils have also sought and secured external funding in support of the project – most notably the Housing Infrastructure Funding (HIF) from Homes England for the Rapid Transit System and the A120/A133 Link Road. Funding was also secured from the Ministry of Housing, Communities & Local Government (now the Department for Levelling Up, Housing and Communities) to support the master planning work as part of the pilot of the Government's National Model Design Code.

Moving forward, the Councils will need to keep budgets under review as the project moves from the plan-making stage of the process towards pre-application discussions the receipt and determination of planning applications and on to development, delivery and stewardship. As the project proceeds, the Councils will need to consider what role they will play in the delivery of the development and ongoing stewardship either in partnership or through another appropriate arrangement with the lead developers.

The main risk associated with the publication of the Draft Plan (Development Plan Document) will be the receipt of representations or objections that reveal issues around legal compliance, soundness and deliverability that the government-appointed Planning Inspector will need to consider and resolve through the examination process. To minimise this risk, Officers in the preparation of the Draft Plan have considered very carefully the feedback received through the various public engagement activities and have sought to engage positively with key stakeholders including the University of Essex and the lead developers. The Councils will need to consider any representations or objections to the Draft Plan and associated evidence documents and will need to make changes and improvements before the Plan is finalised for the final round of consultation and submission to the Secretary of State. At this time the Joint Committee will be asked to consider the revised documents for recommendation to their respective Full Councils for approval.

The nature of any objections might also 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 Development Plan Document has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground. Furthermore, the grant of HIF funding for the Rapid Transit System and Link Road is predicated on the delivery of new homes at the garden Community by March 2025 which could be impacted if significant delays are incurred. It should be noted that ECC is currently

in negotiations with Homes England on extending the completion date of the A120/A133 Link Road to 2025. However, the obligation to deliver new homes by March 2025 remains.

The economic viability and thus deliverability of the Garden Community is another key factor to keep under review as the project progresses, particularly as the proposal is worked up in more detail and implications around cost and values alter over the course of time reflecting wider economic factors. The Councils will be updating their viability evidence in support of the project and the lead developers are expected to adjust their assumptions around costs and values accordingly, as is common for any major development project. The costs and timescales associated with the delivery of key infrastructure – including the Rapid Transit System and A120/A133 link road have already been reviewed by ECC in liaison with Homes England as the external funding body, as outlined in an ECC Cabinet Report considered on 18 January 2022.

If the Joint Committee, for whatever reason, decides not to proceed with public consultation on the Draft Plan and associated documents or delay the decision pending further information or work, there would be a resultant risk of delay to the overall timetable (and associated cost) and the delivery of early key infrastructure and the first phases of housing, and resultant impacts on the HIF conditions ECC has agreed with Homes England.

## **LEGAL**

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 Draft Plan for the Garden Community is a 'Development Plan Document' which will carry the same legal status as a Local Plan and which, on adoption, would sit with the Local Plan (including the Essex Minerals and Waste Local Plans) as part of the statutory 'Development Plan' for both Tendring and Colchester. The plan-making process and the associated legislation, regulations and national planning policy and guidance applicable to the Plan for the Garden Community are essentially the same as those applicable to the preparation and review of Local Plans.

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

resolve, as far as is possible, any cross-boundary planning issues. To date, Tendring and Colchester Councils have complied with the Duty to Cooperate, as confirmed by the government Planning Inspector in his final post-examination report which allowed Tendring and Colchester to formally adopt the Shared Section 1 Local Plan. ECC is continuing to carry out its functions properly by engaging in the plan-making process. The ongoing cooperation between Officers and Members of the Councils and the positive engagement with wider stakeholders on this project, culminating in the setting up of a Joint Committee to consider a jointly-prepared Draft Plan is a positive demonstration of continued compliance with the Duty to Cooperate.

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

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. At this 'preferred options' stage, Regulation 18 requires the authorities to notify relevant bodies and individuals of the Plan being prepared and to invite them to make representations on the Plan and what it does, or ought to contain. The authorities are then required to take those representations into account in progressing the Plan to the next stage.

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

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

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

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 the District of Tendring and the Borough of Colchester, associated ECC Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. However, 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.

**Consultation/Public Engagement:** The principle of the Tendring Colchester Borders Garden Community has already been established through the Shared Section 1 Local Plan which was the subject of consultation and public engagement in its own right as part of the statutory plan-making process.

Further engagement and consultation is required in relation to the more detailed Plan for the Garden Community and some has already taken place in various forms. In 2017, consultation was undertaken on an initial 'Issues and Options Concept Plan' which was submitted as a piece of evidence into the examination for the Section 1 Local Plan to give the Planning Inspector an indication of how the Garden Community could, potentially, be delivered. Whilst the feedback received during that consultation was useful to generate ideas and identify issues of concern in our communities which have been borne in mind through the latest work, the 2017 consultation document is no longer of any direct relevance to the current Draft Plan. This is mainly because the 2017 work pre-dated the finalisation and adoption of the Section 1 Local Plan and its specific policy requirements and the granting of planning permission by Essex County Council of the proposed A120/A133 Link Road – the final route of which has had a bearing on the options considered through the most recent master planning work.

In starting afresh with the Plan for the Garden Community, the Councils have undertaken more up to date community and stakeholder engagement in a variety of forms to feed into the vision for the Garden Community which, in turn, has fed into the master planning work and the content of the first Draft Plan.

This engagement has taken place in unprecedented times, due the Covid-19 pandemic and has largely been digital. Activity has included the publication of an Engagement and Consultation Strategy, which set out a series of engagement principles the Councils would commit to, to deliver a dedicated programme of engagement. An information website was initially set up to provide up to date progress on the project, and this was closely followed by the creation of a dedicated engagement website for the project, which ran a series of different engagement 'tools' in order to appeal to as wide an audience as possible. A Community Liaison Group was independently recruited, comprising of local people, and master planners and officers have met with them on a regular basis to get their input into the project. Briefings have also taken for Town and Parish Councils, and officers have met with other local stakeholders and community groups. An extensive survey and street interviews took place, along with master planning led, and Council led, visioning workshops. These workshops took place with residents, elected Councillors, Town and Parish Councils, Officers across different partner organisations and statutory consultees. Two engagement reports have been produced which summarise the feedback received as part of these engagement activities, which are to be published as background documents.

If the Committee agrees to proceed with consultation on the Draft Plan, it will be in the form of a six-week statutory consultation.

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

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

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

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

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

**Crime and Disorder:** The Draft Plan for the Garden Community 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 the Essex Police in the drawing up of detailed plans.

**Health Inequalities:** The Draft Plan has drawn up through positive engagement with colleagues in the NHS and ECC Public Health and policies within it promote health and wellbeing and embed the healthy new towns and active design principles.

## **PART 3 – SUPPORTING INFORMATION**

### **LOCAL PLAN REQUIREMENTS**

The principle of a new Garden Community on the Tendring/Colchester border has been established through policies in the Shared Section 1 Local Plan for North Essex. The Section 1 Plan was formally adopted by Tendring District Council on 26<sup>th</sup> January 2021 and by Colchester Borough Council on 1<sup>st</sup> February 2021 following the conclusion of the independent examination and receipt of Planning Inspector Roger Clews' final report. In the Section 1 Local Plan, the Garden Community forms part of the overarching vision for growth in North Essex and the associated Spatial Strategy set out in Policy SP3 and its 'broad location' is shown on Diagram 10.2.

Policy SP6 in the Section 1 Local Plan requires all new development to be supported through the provision of the infrastructure, services and facilities identified to serve the needs arising from the development. Specific to the Garden Community is a requirement (in Section A of Policy SP6) for a Development Plan Document (DPD) to include an infrastructure delivery strategy and phasing plan, details of the design and delivery of the rapid transit system (RTS) and target modal shares for each transport mode and details of sustainable transport measures. The policy also requires planning consent and funding approval for the A120/A133 Link Road and RTS to be in place before any planning approvals for development forming part of the Garden Community; and for sustainable transport measures to be in place from first occupation.

Policy SP7 sets out a number of 'place shaping principles' which will apply to all new development in North Essex as well as the Garden Community. These include general high-level expectations

around architectural quality, the protection and enhancement of assets of historical or natural value, biodiversity, connectivity of places, mix of land-uses and environmental sustainability.

Policy SP8 contains specific requirements for the Garden Community including the expected amount of new homes and employment land and the requirement for a specific Development Plan Document (DPD) along with the principles with which all development forming part of the Garden Community will be expected to comply. These include expectations around community and stakeholder participation, collaborative working between the public and private sectors, quality of development, stewardship and a comprehensive approach to planning and infrastructure delivery.

Policy SP9 then contains specific requirements that the DPD will be expected to address under the headings of place-making and design quality, housing, employment and jobs, transportation, community infrastructure and other requirements. Notable requirements include the need for the development to have its own identity, for clear separation to be maintained between the new community and the villages of Elmstead Market and Wivenhoe, for there to be a country park along the Salary Brook corridor incorporating Churn Wood, and for land to be allocated to accommodate expansion of the University of Essex.

Within the text of the Draft Plan proposed for consultation, Officers have outlined the key requirements of the Section 1 Local Plan that will need to be addressed through the spatial approach and policies. The Draft Plan meets with the majority of the Section 1 Local Plan requirements in full, but there are some areas that will need to be developed further between Regulation 18 and Regulation 19 stages – including in relation to phasing details and modal share as the technical evidence is expanded upon.

### **A120-A133 LINK ROAD AND RAPID TRANSIT SYSTEM**

ECC working with CBC and TDC, were successful in attracting funding under the Housing Infrastructure Fund (administered by Homes England) for the delivery of the A120-A133 Link Road, and the offsite sections of the Rapid Transit System (RTS). The awarding of the funding has been made on the basis that this transport infrastructure unlocks housing growth at the Garden Community, without which the Garden Community could not be developed to the scale proposed. In accordance with the conditions of the funding agreement with Homes England, the Councils will seek to maximise the recovery of this funding from the Garden Community as it is developed. The mechanism for the recovery of funding will be secured by legal agreement between the Councils and the developer(s), with the level of recovery informed by regular reviews of development viability so that an appropriate financial contribution towards recovery is set which takes into account other policy requirements and contributions required of the developer(s). Contributions received from this recovery mechanism will be recycled back into supporting additional housing growth in the area at the discretion of the Councils and Homes England, as set out in the conditions of the Housing Infrastructure Fund.



A RTS will be in place to connect the Garden Community with the University of Essex, Colchester Town Centre, Colchester Railway Stations, Colchester Hospital, Community Stadium, Colchester Sports Park and the existing Park and Ride site in north Colchester. This will provide a high frequency, efficient public transport system with priority over general traffic within the Garden Community. The route, which will run alongside the A133 Clingoe Hill via the Knowledge Gateway, will link into the Garden Community. The final route will be confirmed by the Councils and agreed through the strategic masterplan.

The A120-A133 Link Road received planning permission from ECC in 2021 and is scheduled to open in 2025. Its objective is to support growth at the Garden Community, manage congestion in the wider locality and improve connectivity. It will comprise a new 2.4km road between the existing A120 and A133 in the east of Colchester; a new grade separated junction at the A120; and a new roundabout at the junction with the A133, to join into the existing highway network. Two intermediate roundabouts will also be provided along the Link Road to retain existing accesses and provide for future access requirements to the Garden Community. Walking, cycling and horseriding provisions associated with the Link Road have been designed to provide new networks, permeability, and connections across the Link Road for existing and future land users, linked to existing or diverted Public Rights of Way.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

In line with the requirements of the Section 1 Local Plan, community and stakeholder engagement has been and will continue to be critical to the success of the Garden Community, both in the planning stages and as the new community develops and grows. The Draft Plan that Officers have produced, along with the comprehensive master planning work that sits behind it, has been shaped and influenced by the feedback received from the community and other stakeholders in response to a number of different engagement activities. These activities are summarised in the table below:

Activity	Date	Summary
<b>Launch of information website</b> <a href="http://tcbgardencommunity.co.uk">HOME - Tendring/Colchester Borders Garden Community (tcbgardencommunity.co.uk)</a>	Website launched October 2020	Provided background information on Garden Community project, FAQs and useful documents.
<b>Introduction of Freepost address</b>	January 2021	In order for those not online to participate in engagement, a Freepost address was created and then publicised throughout 2021.
<b>Launch of engagement website</b> Publication of multiple engagement tools, to appeal to a variety of audiences. <a href="http://tcbgardencommunity.co.uk">Creating a Place for Life (tcbgardencommunity.co.uk)</a>	Website launched February 2021. Engagement tools ran until October 2021.	Engagement tools included: <ul style="list-style-type: none"> <li>• Give us Your Ideas</li> <li>• Three Word Survey</li> <li>• Share Your Story for a Vision of the Future</li> <li>• Send a Pic</li> <li>• Pin Your Thoughts on Our Interactive Map</li> </ul>

		<p>These tools sought to appeal to different kinds of audiences, as set out in the Engagement and Consultation Strategy published on this page <a href="#">What is the Tendring Colchester Borders Garden Community?   Creating a Place for Life (tcbgardencommunity.co.uk)</a></p> <p>The engagement website also includes background information, an 'ask a question' function and useful documents.</p>
<b>Formation of Community Liaison Group (CLG)</b>	Independently recruited group formed in May 2021	Officers/masterplanners met with the CLG for their input, ideas and insight in July 2021, August 2021, October 2021, November 2021, December 2021 and January 2022 (to date).
<b>Visioning Survey</b>	August – September 2021	In support of the 'visioning' work, a survey was held online, via street interviews, and via paper copies out in the community.
<b>Visioning Postcard from the Future</b>	August – September 2021	In support of the 'visioning' work a <i>postcard from the future</i> was held online and via paper copies out in the community.
<b>Visioning Workshops (Master planning Led)</b>	September – October 2021	<p>Workshops were held as below:</p> <ul style="list-style-type: none"> <li>16 September – TCBGC Member Group</li> <li>22 September – Local Plan Committees</li> <li>23 September – Resident</li> <li>27 September – Town and Parish Councils</li> <li>28 September – Resident</li> <li>5 October – Seldom Heard Groups</li> <li>6 October – Seldom Heard Groups</li> <li>13 October – Community Liaison Group</li> </ul>
<b>Statutory Stakeholder Workshops (Local Planning Authority Led)</b>	September – October 2021	<p>Workshops were held as below:</p> <ul style="list-style-type: none"> <li>28 September – Essex County Council</li> <li>29 September – Statutory Consultees</li> <li>15 October – Health Statutory Consultees</li> </ul>

The feedback received through these engagement activities has been set out in two reports which form part of the evidence base in support of the Draft Plan. The engagement to date has revealed a number of common themes which have helped define the structure and main policy areas within the Draft Plan and some key messages that have been summarised within the text of the Draft Plan.

## MASTERPLANNING WORK

Prior + Partners, with Gillespies, Hydrock, ITP and the Engagement Group were commissioned to support the Councils in defining a vision and preliminary masterplan options for the Garden Community. This Masterplan has been prepared in stages alongside an ongoing process of engagement to gather input from communities and other stakeholders as the work progressed. The masterplan work set out in the evidence bases comprises of three main pieces of work and reports: a Baseline Report, Strategic Vision and Spatial Options as set out below.

- **Baseline Report.** The Baseline Report provides an analysis of key issues, opportunities and constraints that will need to be considered when evolving the approach to master planning and design of the Garden Community. It sets out information about the site and the main characteristics across the area of search as identified in the Section 1 Local Plans. The analysis captures the condition of the area as it currently stands, and its relationship to existing towns and settlements. It goes on to consider a number of important influences and themes including the physical landscape profile, the heritage assets, surface, ground and foul water flooding risk and drainage, utilities infrastructure and transport infrastructure. It summarises the various issues into summary maps to set out constraints and opportunities and provides a view on fixed and flexible constraints that would influence the approach to future development in the area.
- **Strategic Vision.** The Strategic Vision draws from the baseline work and wider engagement to set out an overall vision and a set of strategic development principles and objectives, making a clear statement of what would constitute a successful outcome for development of the Garden Community. The Strategic Vision was informed by a series of engagement workshops and surveys with different local stakeholders. It follows a small number of key themes that framed the engagement process – namely considering the vision and objectives for Nature, Movement & Connections; Community & Social Infrastructure, Buildings, Places & Character and Sustainable Infrastructure. Each theme includes a description of the kind of place the Garden Community could become, supported by a series of strategic principles, and more specific objectives to set out how these principles could be achieved.
- **Masterplan Spatial Options.** Building on the research and analysis produced in the Baseline and Strategic Vision, this final report synthesises the ambition and design considerations in order to develop a set of potential masterplan options for the Garden Community. The report draws from the baseline analysis of opportunities and constraints and illustrates how the Strategic Vision and key themes could be taken forward on the site. To enable a consistent and pragmatic approach to the consideration of options, the analysis has been based on the midpoint of the range set in Section 1 Local Plans, and has tested the delivery of 8,000 homes alongside appropriate open space and all necessary supporting infrastructure. The report provides an analysis of different approaches to areas of land, under three main masterplan options – Option 1 based upon a maximum development area, Option 2 based upon maximum connectivity with a lower land take than Option 1 and finally Option 3 with maximum retained for open space & landscape. Each option is considered in terms of specific locations for different land uses, the key features relating to each and calculations on the overall land take, average residential densities and area for open space and community facilities.

The Masterplan work has set a strong basis to the approach taken in the DPD, including taking a thematic approach to key policies and including a range of important place making and other objectives. The work up to the Strategic Vision has drawn heavily from the engagement process that

has been run in parallel and is included in the separate engagement reports (referred to elsewhere in this report).

Whilst the masterplan work did not explicitly identify a 'preferred option', it has helped to enable a comparative review of alternative approaches and implications, including via the Sustainability Appraisal process, and consideration against the findings of other evidence base documents such as the Transport & Movement Framework and Economic Study.

The Councils have considered that Option 3 sets a suitable basis for a preferred approach, with key land use elements extracted into the proposed Key Diagram and other policies. Given the location and significance of the University of Essex, the Draft Plan also presents some potential alternative approaches adjacent to the University for consultation.

The Masterplan and in particular the Spatial Options are intended to illustrate potential alternative approaches. These will need to be evolved further as time goes on, in part to reflect feedback from consultation on the Draft Plan, but also to consider further technical evidence and analysis as it comes together over time. It should therefore be considered as providing an initial robust indication of the way forward, but flexibility will be needed to refine and amend the approach over time. The DPD therefore still includes a policy requirement for further work to agree a 'Strategic Masterplan' and 'Strategic Design Code' before planning applications can be approved on the site.

## **SUSTAINABILITY APPRAISAL**

Under the Planning and Compulsory Purchase Act 2004, 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 a SA, incorporating SEA, of the Draft Plan on behalf of the Councils. LUC carried out the Additional Sustainability Appraisal for the Section 1 Local Plan. The SA report is appended to this Committee report so that members are informed of the likely effects of the Draft Plan and reasonable alternatives. The SA report must be published for public consultation alongside the plan to which it relates. SA is an iterative process and further SA work will take place as the plan progresses.

The SA appraised the policies and reasonable alternatives and 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 concluded that the Draft Plan 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.

The SA found that the significant quantum of new homes provided by the Plan will contribute to the housing need of the Councils. The layout of the site would provide residents with good access to services and facilities and jobs across three new centres as well as to the new employment land delivered at the north east and south of the site. There is also potential for increased linkages between the site and the university campus to the south, which could foster economic growth and the potential for residents to make use of the further learning facilities at this location. The green links incorporated at the site and rapid transit network are likely to support a significant proportion of residents making use of more sustainable transport options. This is particularly the case given that the development is designed to provide access to essential services and facilities within a 15 minute walk or with high accessibility by cycling or public transport.

However, the development set out in the Plan also has the potential for adverse impacts, principally in relation to environmental quality. The level of development provided could result in detrimental impacts on local habitats and biodiversity sites. There is also potential for harm to local landscape character, the settings of surrounding settlements and to heritage assets. Furthermore, regardless of the potential for a high level of uptake of sustainable modes of transport, the development of a large number of new homes and the occupation of new businesses supported through the Plan has the potential to result in negative effects in terms of traffic congestion, climate change and air quality. It is expected, however, that the policies in the Plan will help to mitigate the potential for many of the adverse effects described above.

Of the three masterplan options considered for the spatial layout of the Garden Community, the preferred option (option 3) on which Policy 1 is based was found to perform more sustainably than the two alternatives. This reflects the higher proportion of the site that would remain undeveloped, with increased benefits in terms of preserving local landscape character, the setting of nearby settlements and heritage assets and greenspace for habitat provision and connectivity. This approach was also found to perform more favourably in terms of limiting the need to travel by car, given the higher density and more compact form of development that would result. This approach is considered mostly likely to provide residents with easy access to a range of services and facilities within the Garden Community at the new centres. Option 3 would also limit the potential for a portion of residents to be located to the south of the A133 (as would result through options 1 and 2) where they would experience a degree of severance from the rest of the Garden Community.

The SA concluded that the Plan seeks to accommodate large scale growth to meet the local housing need in a manner that will support good access to services and facilities. It will also help achieve a high level of sustainability in terms of building standards, promotion of sustainable travel and incorporation of greenspace to promote benefits relating to biodiversity as well as local character and resident's health and wellbeing. The development will face challenges, most notably with regards to impacts on the local environment in terms of landscape, wildlife, and historic value.

Adverse effects relating to loss of higher value soils are likely to prove particularly difficult to avoid given the location of the site and the requirement for land take for development and infrastructure provision. Nevertheless, once the policy safeguards in the Plan are taken into account, the magnitude of such negative effects is likely to be reduced.

## WIDER EVIDENCE BASE

As well as the feedback from community and stakeholder engagement, the Draft Plan and the master planning work have been informed and underpinned by a range of technical evidence across a variety of subject areas which will continue to be updated, expended and developed as part of the plan-making process. At the time of writing, a number of technical studies and assessments had either been completed or were in the process of being carried out. A number of other studies and assessments are planned to be carried out in the coming months. As the evidence base evolves, it will alongside consultation feedback, inform changes and improvements to the Draft Plan ready for its final round of consultation and submission to the Secretary of State for independent examination later in the year.

To date, the following pieces of the wider evidence base work have either been completed or are close to completion and will be published alongside the Draft Plan if the Committee is minded to proceed with consultation:

- Habitats Regulations Assessment (HRA) Screening Report (undertaken by Place Services): This has been prepared to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). HRA assesses whether a plan or project will lead to adverse effects on the integrity of European/habitats sites. The following habitats sites have been scoped into the HRA: Abberton Reservoir Special Protection Area (SPA) and Ramsar site, Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Essex Estuaries Special Area of Conservation (SAC), Hamford Water SAC and Ramsar site, and Stour and Orwell Estuaries SPA and Ramsar site.

In accordance with the Section 1 Local Plan, a wintering bird survey has been commissioned. At the time of writing this report, the final month of the wintering bird survey had yet to be completed, but the surveys to date have found low numbers of golden plover and lapwing.

The HRA Screening Report has identified the following Likely Significant Effects:

- Habitat loss and fragmentation / land take by development;
- Loss of functionally linked land (land outside the SPAs and Ramsar sites);
- Increase of any type of disturbance;
- Changes in water availability, or water quality; and
- Changes in atmospheric pollution levels.

There is a need for further assessment of impacts and Stage 2 appropriate assessment is necessary. The appropriate assessment will consider each of the Likely Significant Effects

identified and, where necessary, recommend avoidance and mitigation measures to ensure no adverse effects. HRA requires close working with Natural England as the statutory nature conservation body. Place Services met Natural England to discuss the HRA Screening Report and Natural England will be formally consulted on the HRA Screening Report and future appropriate assessment.

- Economic and Employment Study (undertaken by Quod): A comprehensive assessment of the potential economic growth and job creation that could be achieved through the Garden Community and the opportunities to maximise the opportunities for local people and the wider region. The study considers the means of promoting innovation and quality, achieving considerable 'modal shift' in favour of sustainable transport solutions and the need to create a vibrant local economy based on realistic market principles. The study also includes an analysis and options for the location, format and potential end-users of the 25 hectares of employment allocation envisaged as part of the development. Notable conclusions from the study include:
  - a requirement in the north-west of the site for a B1c/2/8 business park uses and ancillary uses (to service the business park, such as a hotel). These uses should be capable of being delivered early in the programme, due to market demand;
  - There should be between one and three local centres, which comprise a range of convenience and local uses, including flexible B1-type uses (e.g. hot desks, meeting rooms). One centre (probably the largest) in particular should be focused on serving the office-type demand;
  - The potential for expansion of university activity should be accommodated in the south west part of the site.
  - A Knowledge Gateway 2 should be allocated comprising university-linked commercial space and high density office and lab space plus ancillary uses. This should be located north of the A road, close to the university;
  - There are choices to be made on the location of the local centres, particularly whether one should be located to attract passing trade along one of the A roads. These are choices that are driven by the market, master planning and design considerations, as well as by policy position.
- Transport & Movement Framework (undertaken by Integrated Transport Planning Ltd – ITP): Considers transport and movement matters. The work takes forward previous studies prepared for the Section 1 Local Plan Examination in Public relating to transport & movement – in particular the Movement & Access Study (Jacobs/ECC, 2017), Rapid Transit Study: from Vision to Delivery (Jacobs/ECC, 2019) and Modal Share Study (ITP, 2019). A 'Transport and Movement Framework' report has been prepared as part of the evidence base for the draft DPD. The work considers a variety of aspects relating to the local and strategic transport and movement network. It considers the need to promote sustainable movement, with appropriate prioritisation for pedestrians and cyclists, public transport, ahead of (but still accommodating) other motorised vehicles. The work considers the street network and hierarchy as well as the alignment of the rapid transit route and other potential supporting infrastructure.

Part I of the report brings together ITP's previous work, with particular reference to the Mode Share Strategy and provides a more detailed baseline appraisal to build an understanding of the site and its connections to the existing area. It also considers a range of good and best practice from the UK and abroad. Part II builds upon the findings of Part I to develop a vision for transport & movement and a set of principles and policies that can achieve the level of ambition and secure more sustainable movement patterns. The report provides guidance as to how these principles and policies should be applied. This work has supported the development of three spatial options for TCBGC as well as the Strategic Vision, and provides a background to the development of the approach to transport and movement in the DPD.

Notable elements of the work include:

- a detailed analysis of case studies around the world and the conditions that lead to high levels of walking, cycling and public transport use in new and existing places;
  - a look at new and anticipated trends that will influence transport and movement in the future as the Garden Community gets built out; and
  - the potential for changes and an ongoing revolution of transport technology, including the move to electrification (and greater use of E-bikes/E-scooters), the introduction and anticipated growth in use of autonomous vehicles, and a move towards lower car ownership and a greater uptake in shared ownership and on demand services.
- Low / Zero Carbon & Smart Energy Appraisal (undertaken by Hydrock): Analysis of how to develop an understanding of how best to incorporate Low / Zero Carbon technologies as part of the approach to the site in a way that could maximise efficiency, reduce carbon, create a 'smart' futureproofed site and where possible, provides a revenue stream from any new utilities assets that may be needed. This report provides an investigation into alternative forms of renewable energy supply, summarising the policy and legislative context, alternative approaches based upon current and emerging technologies, latest innovations and applicability to a site such as the Garden Community. The report provides an overview and initial high level assessment to support and contribute towards the vision and master planning process.

The report sets out how a net-zero/carbon negative site (for scope 1 and 2 emissions) could be delivered based upon providing a secure, reliable and affordable energy system. The technology choices presented are compatible with current and emerging policies and objectives; are sustainable long term; could work collaboratively to provide a holistic approach to energy generation and distribution; and would offer opportunities for end-user cost savings as well as income generation for developers/utilities providers.

The report has helped the Councils to consider the potential ways in which the site's energy needs could be delivered using an appropriate mix of renewable technologies and fuel



sources. The technologies that have been identified for consideration within the developing site strategy are as follows:

- Heat: Hydrogen, Biogas Anaerobic Digestion (sewage and food) / Biogas refinement plant for Biomethane (grid export); heat pumps (and thermal storage).
- Power: Onsite generation – photovoltaics (PV) and wind; electric vehicle charging stations; various form of storage; Biogas engines for power.

The report provides an initial overview. Further work will be needed to consider the application of alternative technologies, based upon the final agreed approach to the site.

- Heritage Impact Assessment (undertaken by Turley): To assess the existence and significance of heritage assets including the contribution made by their settings, the physical surroundings, the experience of the asset and its association. This work underpins work on both the Tendring Colchester Borders Garden Community and some of the smaller allocations subject to draft policies in the Section 2 Local Plans for each of the two authorities. For the Garden Community proposal, the assessment considers the impact of the development on the historic environment; informs the master planning process and the approach to allocating land in the Draft Plan; and informs the extent of the development and recommends measures for avoidance of harm or mitigation as necessary.

An impact assessment of the proposed allocation has been undertaken, considering matters such as location and siting of development, the form and appearance of development (where known), other effects such as noise, lighting, character changes, and secondary effects such as traffic movements. There are no World Heritage Sites or assets of international importance within the study area. The TCBGC HIA report cross references the sensitivity of the identified assets with the magnitude of impact as set out below in order from highest to lowest:

1. Moderate or Large Adverse – Elmstead Hall (Grade II\* LB), Church of St Anne and St Laurence (Grade I LB);
  2. Moderate Adverse – Allen’s Farmhouse (Grade II LB);
  3. Slight or Moderate Adverse – Wivenhoe House (Grade II\* LB);
  4. Slight Adverse – Ivy Cottage, Lamberts, Wivenhoe Gate Lodges (2x) and Collierswood Barn (Grade II LBs); Wivenhoe Park (Registered Grade II);
  5. Neutral or Slight Adverse – Hill Farm agricultural buildings (x4).
  6. Neutral – Moze Hall, Spring Valley Mill House, Hull Farmhouse, Collierswood Farmhouse, Fen Farmhouse and Salarybrooke Farmhouse (Grade II LBs); Spring Valley Mill (Grade II\* LB); and, Round Barrows (scheduled monument).
- Environmental Audit Survey (undertaken by Gillespie’s and TMA): The Environmental Audit Review consists of two studies, one concentrating on Ecology and Nature Conservation carried out by TMA. The other focuses on visual amenity by looking at landscape and townscape of the study area conducted by Gillespies. They both undertake a review of the baseline data gathered in 2015 entitled East of Colchester Growth Area Environmental Audit conducted by Chris Blandford Associates.

The purpose of the nature and ecology survey is to provide a high level of scrutiny on the existing ecology within the broad location of the Garden Community. By assessing the existing designations, such as Local Wildlife Sites and Ancient Woodland this information will inform this stage of the layout. A similar piece of work was carried out in 2015 for the Section 1 Local Plan, this latest study is an update to that ensuring we have captured any relevant changes – such as development as a result of permissions granted.

The environmental audit broadly identifies areas where there are significant habitats that need careful consideration in the planning stages. The early identification of the designations and protected hedgerows has already guided the early proposals for development at the Garden Community, with the commitment to a country park that will simultaneously enhance and protect Salary Brook.

This study will also serve as one of the benchmark documents in a suite of other environmental and ecological surveys that will be taking place as the plan progresses. As land use allocations emerge throughout the process more detailed, habitat and species specific surveys will be carried out at the appropriate point in the year, for example, woodland surveys in spring, meadow surveys in mid-summer. To monitor and report on the Bio Diversity Net Gain there will be seasonal condition assessment, which will again be carried out once the land allocations are finalised.

The purpose of the Landscape, Townscape Character and Visual Amenity section is to consider the effects the development will have for the appearance of the area as a whole. It is of paramount importance that the utmost care is taken to avoid the loss of existing natural barriers, such as woodlands and hedgerows. Not only do these landscape features contribute to the overall feel of the area, they also are highly valued for habitats and they can screen the new development from existing settlements. This report also considers how best to prevent coalescence and promotes green infrastructure. By identifying the opportunities and constraints early in the process, the master planning can be informed to ensure the maximum mitigation possible is put into place. For example, by strengthening Public Rights of Way through the retention and enhancement of adjacent hedgerows and vegetation belts will provide natural screening as well as providing habitat corridors.

The following further pieces of evidence base work are either already commissioned or planned to be carried out to inform possible revisions and improvements to the Draft Plan before it reaches submission stage:

- Open Space, Sport & Recreation Study (already under way);
- Integrated Water Management Strategy (already under way);
- Strategic Masterplan and Design Code work;
- Further iteration of the Sustainability Appraisal;
- Health Impact Assessment;
- Infrastructure Delivery Plan; and
- Viability Assessment.

The gathering of evidence will continue throughout the remainder of the plan-making process and it may be that comments received during the Regulation 18 stage consultation give rise to the need for more specific pieces of technical work to be carried out.

## **APPENDICES**

Appendix 1 – The Tendring Colchester Borders Garden Community Draft Plan

Appendix 2 – Sustainability Appraisal for the Tendring Colchester Borders Garden Community Draft Plan

## **BACKGROUND PAPERS**

- Masterplan Baseline Report
- Masterplan Strategic Vision
- Masterplan Spatial Options
- Engagement Programme Findings
- Community and Stakeholder Engagement Report
- Habitats Regulations Assessment (HRA) Screening Report
- Economic and Employment Study
- Transport & Movement Framework
- Low / Zero Carbon & Smart Energy Appraisal
- Heritage Impact Assessment
- Environmental Audit Survey

These documents can be viewed by following this web link:

<https://talk.tcbgardencommunity.co.uk/useful-documents>