

TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

13 DECEMBER 2022

A.2 DEVELOPMENT PLAN DOCUMENT (DPD): PROGRESS REPORT ON UPDATING THE EVIDENCE BASE

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

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To update the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee on the latest updates to the evidence base to inform the Development Plan Document (DPD) i.e. ‘the Plan’ for the Garden Community. This includes updates on specific studies that were commissioned in response to issues raised through consultation responses to the Regulation 18 version of the Plan received earlier this year.

EXECUTIVE SUMMARY
<p>At its last meeting on 18th July 2022, the Joint Committee was presented with a report (see link) highlighting the most notable issues and concerns raised in the representations received through consultation on the Regulation 18 ‘draft’ version of the Plan for the TCBGC. The three main issues reported to, and discussed by, the Joint Committee were:</p> <ul style="list-style-type: none">• <u>Green Buffers and Land South of the A133</u>: In particular, the approach to any development taking place on land south of the A133 and the very different views expressed by community representatives and a large number of local residents (around half of all respondents to the consultation), the University of Essex and lead developer Latimer;• <u>Salary Brook</u>: The potential adverse impacts of development extending westwards and onto the environmentally and visually sensitive slopes around Salary Brook for the purpose of knowledge-based employment; and• <u>Crockleford Heath and Bromley Road</u>: The approach to development in and around Crockleford Heath and the wider area including local concerns about the extent and purpose of the proposed ‘Area of Special Character’ designation, its corresponding policy wording and what form of development might result. <p>The Committee also heard about other issues raised through the consultation, including questions over the approach of having three distinct neighbourhoods with corresponding centres; the extent of a strategic green gap to Elmstead Market; and the potential impact of development on local listed</p>

buildings and other heritage assets. There were also questions about the Rapid Transit System (RTS) and Park & Choose facilities and how they will operate, amongst numerous other comments.

The Committee was advised that Officers were already minded to accept local concerns about development extending onto the slopes of Salary Brook and would look to revise the draft Plan accordingly. However, in respect of the comments raised in relation to development south of the A133 and around Crockleford Heath, further work and technical evidence would be required to inform any decision on possible further changes going forward. This further evidence would include an independent assessment to scrutinise and rationalise the University's ambitions for growth and its associated request for additional expansion land, and a character appraisal of Crockleford Heath. There would also be continued work on a Strategic Masterplan which, alongside an updated version of the Plan, would consider the Garden Community's layout, phasing and other details that would assist in responding to other issues raised through the consultation. This Strategic Masterplan will form part of the evidence base to show how the Garden Community could be brought forward, albeit it will be illustrative, with further more detailed masterplanning required by the Plan in relation to the preparation of planning applications.

A number of these additional pieces of work and evidence are at an advanced stage and being considered collectively to understand their implications. Notable updates to the evidence are detailed in the main body of this report and the Committee is asked to note the progress on the emerging evidence and its findings. This will inform Officers' recommendations on the content of the updated version of the Plan, which is to be presented to the Committee in the new year as the final 'Submission Version' to be published for a further round of public consultation and submission to the Secretary of State to begin the process of independent examination.

RECOMMENDATION

That the TCBGC Joint Committee notes the emerging findings with regards to the evidence base.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Members are reminded that the TCBGC is a corporate priority for all three of the Councils represented on the Committee and that the Councils are required to take into account the responses received to the Regulation 18 consultation exercise in making a decision as to the content of the Plan at Regulation 19 stage, when it will be published for a final round of consultation and submitted to the Secretary of State. Although the Committee is not being asked at this stage to make a decision on the specific content of a revised DPD, any decision it does take in due course will need to have regard to the latest available evidence.

RESOURCES AND RISK

Officers are continuing to work with a range of consultants to progress the master planning work to the next stage and to expand and update the evidence base, having regard to some of the comments raised in response to the Regulation 18 consultation. Moving forward, it is also intended that the lead developer Latimer will take forward their own master planning process and collaborate with the Councils to ensure a smooth transition between the plan-making process and the preparation of planning applications. The terms on which such collaboration will take place will be set out in a Planning Performance Agreement (PPA) between the Councils and the developers.

The greatest risk posed by the responses received to the Regulation 18 consultation is the prospect that the Councils cannot reach an agreed position on how to reconcile the different positions of the community, the University and the lead developers or that whatever position is reached results in further objections at the Regulation 19 stage, which will have to be resolved through the examination process by the Government-appointed Planning Inspector. To minimise the potential impact of such a risk, it will be important that any decisions the Councils take in agreeing a way forward at Regulation 19 stage is informed by the best available evidence.

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 DPD has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground.

LEGAL

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a Local Plan or DPD and the independent examination. At the 'preferred options' stage, Regulation 18 required 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 now required to take those representations into account in progressing the Plan to the next stage and the additional evidence being prepared will help inform any decisions going forward on how best to address the issues raised in those representations.

OTHER IMPLICATIONS

Area, Ward or Divisions affected: The Garden Community development will affect land within both the district of Tendring (TDC) and the City of Colchester (CCC), associated Essex County Council (ECC) Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. The economic, social and environmental impacts of the development

are likely to be felt, directly or indirectly, over a wider area – as reflected in its status as a strategic proposal in a Shared Section 1 Local Plan for North Essex.

Consultation/Public Engagement: Public consultation on the first draft of a Plan for the Garden Community commenced on 14th March and closed on 25th April 2022 – during which Officers held a number of face-to-face drop-in events which were attended by around 190 visitors. All information was made available online.

The Councils received responses from 193 individuals or organisations raising approximately 620 comments on different elements of the Draft Plan. All the representations were published on the Garden Community engagement website in June 2022 for public view – allowing interested parties to see what others have said. See: [Comments from the Draft Plan Consultation | Creating a Place for Life \(tcbgardencommunity.co.uk\)](https://tcbgardencommunity.co.uk)

As part of the statutory plan-making process, the Councils are required to take the representations received at Regulation 18 stage into account when preparing the final version of the Plan for Regulation 19 stage when the Plan will be published for a further round of consultation and submitted to the Secretary of State to begin the independent examination process. The additional evidence being prepared will help inform any decisions going forward on how best to address the issues raised in those representations.

In consideration of the statutory requirements for consultations, as part of The Town and Country Planning (Local Planning) (England) Regulations 2012, the TDC and CCC Statements of Community Involvement and the published ‘Engagement and Consultation Strategy’. Report A.1 summarises the approach that will be taken to carry out the Regulation 19 consultation. This also includes the supporting activity to help promote the consultation widely to stakeholders, residents, and communities, gives consideration to the Climate Emergencies declared by TDC and CCC, and considers the Community Liaison Group (CLG) and Stakeholder Feedback on the Regulation 18 Consultation.

Equality and Diversity: The Draft Plan for the Garden Community contains policies aimed at promoting inclusiveness, equality and diversity. It will be important for the Councils to give careful consideration to all the comments received at Regulation 18 stage and in drafting a revised version of the Plan for the Garden Community for Regulation 19 stage, ensuring that the Plan continues to meet obligations around equality and diversity.

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 Essex Police in the drawing up of detailed plans. It will be important for the Councils to give careful consideration to all the comments received at Regulation 18 stage and in drafting a revised version of the Plan for the Garden Community for Regulation 19 stage, ensuring that the Plan continues to address issues around crime and disorder.

Health Inequalities: The Draft Plan has been drawn up through positive engagement with health stakeholders, and policies within it promote health and wellbeing and embed the Healthy New Towns and active design principles. It will be important for the Councils to give careful consideration to all the comments received at the Regulation 18 stage and in drafting a revised version of the Plan for the Garden Community for the Regulation 19 stage, ensuring that the Plan continues to address issues around health inequalities.

PART 3 – SUPPORTING INFORMATION

UPDATE ON EMERGING EVIDENCE BASE

The following work is being taken forward which will provide additional evidence to enable robust decisions to be taken on the following topics:

- **University Growth Forecasts Assessment**

At Regulation 18 The University of Essex submitted a representation to the Councils supporting the principle of the Garden Community but also noting that the proposed approach set out in the Draft Plan did not identify sufficient land to accommodate the University's growth ambitions. The University's representation set out their own quantified land requirements. Officers entered into discussions with the University.

Independent specialist consultancy support was commissioned by Wisher Consulting to consider the growth potential of the University of Essex, both in terms of student numbers, research potential and wider economic relationships. The emerging findings indicate that further expansion of Knowledge based employment would be appropriate (albeit at lower scale than requested), that the growth forecast of the University for student growth and related accommodation is reasonable but could be addressed in various ways. It further indicates that projected sports and recreation provision aligns with wider emerging evidence relating to TCBGC sports & leisure requirements and should be considered as part of the preparation of the Strategic Masterplan.

- **Economic Study Update**

An evolution and update to the evidence on the economic and employment generation opportunities at TCBGC has now been advanced which considers the location, format and potential end-users of employment allocations. This work is being undertaken by QUOD and will need to be assessed in combination with the related and specialist work to consider the growth potential of the University of Essex, both in terms of student numbers, research potential and wider economic relationships.

The study does not seek to challenge or test the 25ha allocation, which is established in planning policy and has therefore already been subject to testing through Examination in

Public. The evidence and engagement with stakeholders indicates that this policy remains sound, assuming there is flexibility and breadth in how the 25ha could be delivered. TDC, CCC and ECC are committed to exploring available opportunities to promote investment, support pioneer tenants and work with existing economic anchors, particularly the university, to deliver employment floorspace to create jobs for new and existing residents, drive skill development and support the growth of Essex University's spin-out and innovation potential.

It is vital to ensure that economic aspirations are evenly weighted with housing, as part of a comprehensive Garden Community based around "connected" living and to meet the objective of one new job within a reasonable commuting distance of every new home.

- **Crockleford Heath Area of Special Character Assessment**

The Draft Plan identified an 'Area of Special Character' at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character. The Councils have commissioned additional work to consider this area in more detail and provide the appropriate level of guidance and base line analysis to develop a character appraisal, including landscape, historic and built environment appraisals and a design strategy for Crockleford Heath. Essex Place Services were commissioned to undertake the character appraisal of the area and local residents were included in the preparation and gathering of evidence.

The Character Appraisal will support the design and character policies progressed within the Plan and will be used to consider landscape and historic character when considering any type of change within the environs of Crockleford Heath. The Character Appraisal will form an important 'building block' of the evidence base helping to aid the planning, design and management of future development and change in Crockleford Heath and its immediacy, and to inform the policies of the Plan for the TCBGC.

Emerging findings identify those buildings which make a positive contribution to the character of the area, these are historic buildings across the settlement which have retained some original features and contribute to the historic, rural character of Crockleford Heath. One Local Landscape Character Type (LLCT) has also been identified for the study area and within this, an additional four Local Landscape Character Areas (LLCAs) have been highlighted for their interest/importance.

Management and development guidelines are emerging as part of the outputs of the character appraisal and Officers are in the process of reviewing these. The guidelines seek to reinforce the rural character, improve conservation interest and seek to inform new development. This workstream is intended to provide strategic direction for the development of the masterplan and the interim findings are in the process of being reviewed by officers.

- **Housing/Demographics Update**

Work continues on the development of a site-specific, high-level report focussed on establishing the housing needs for the Garden Community, while avoiding unsettling the wider

evidence base and adopted policies. The work will review and feed into the masterplanning process to ensure that the housing mix aligns with typology / density work, and will provide further direction to developers to enable them to prepare appropriate and detailed proposals to meet the identified need. This work is being undertaken by HDH Planning and interim findings are in the process of being reviewed by officers.

- **Health Impact Topic Paper**

Work continues on the development of a Health Topic Paper to support the process for the Development Plan Document. The purpose of this Topic Paper is to provide background information on the subject of health and wellbeing in relation to the development.

This workstream is intended to provide strategic direction on how the health and wellbeing provision will be set out in the Garden Communities – creating an innovative and transformational health vision that can be used by all partners to deliver new communities that can positively influence their own physical and mental health via a strong community asset-based approach. Designing the wider environment to allow these strong communities to flourish, we will test and learn from the joined-up planning approach to transfer to other surrounding communities. This will ensure that health and local planning authorities continue to work together at each stage of planning and development of the proposed Garden Communities. The Health Topic Paper is being prepared by HYAS, a draft has been received and is currently being reviewed by Officers.

- **Infrastructure Delivery Plan (& Phasing):**

Officers are currently finalising the Infrastructure Delivery Plan (IDP) which will provide an update to previous infrastructure planning work done in relation to the Garden Community. The update will set out a range of requirements that are already known and continue to be needed (for example, new schools, health and community facilities related to population growth), and are required by policy in the adopted Section 1 Local Plans and additional policy to be included in the DPD. The IDP will draw together information across all types of infrastructure, showing what is required, how it will be provided; how it will be funded and when it will need to be provided to align with the phasing of the Garden Community. The IDP will need to align with the outcome of the Strategic Masterplan work as well as address responses from strategic infrastructure providers to the Regulation 18 consultation and further consultation that has been undertaken over the summer. As this work is being finalised in tandem, the IDP itself will need to align with its findings and will be published alongside the other evidence base material when completed.

The term 'infrastructure' covers a wide range of services and facilities provided by public and private organisations. The definition of infrastructure is outlined in Section 216(2) of the Planning Act 2008 (as amended). The updated IDP work will cover the following infrastructure areas:

- Schools and other educational facilities.

- Social, community, health and wellbeing (including flexible community space to accommodate a range of local community groups and activities).
- Leisure and recreational facilities (including children's play, youth and sports facilities).
- Open space/green infrastructure.
- Utilities.
- Transport, including highways matters (including the potential need to address funding requirements for strategic improvements such as the A120-A133 Link Rd, and additional measures to secure modal shift, including investment in walking and cycling connections and facilities).
- Flood defences.
- Emergency services.
- Waste.

- **Transport Study (Modal Shift & infrastructure)**

Evidence is currently being finalised to set out the approach to achieving defined mode share targets, including setting out the range of associated measures to promote use of public transport (including RTS), walking, cycling, and other active modes. This is being prepared by consultants Jacobs and ITP, working closely with ECC. This evidence will update and confirm all transport related infrastructure requirements alongside supporting transport measures (on and off site), and identifying wider opportunities and dependencies.

- **Integrated Water Management Strategy Stage 2**

A Stage 1 Integrated Water Management Strategy (IWMS) was carried out to support the Section 1 Local Plan. A Stage 2 IWMS has been commissioned which will specifically identify integrated water management options and strategies for the Garden Community. It will feed into the developing masterplanning and identify a range of options for how water and flood risk can be managed in an integrated and sustainable way. Officers are continuing to work with AECOM who have been commissioned to undertake the modelling to clarify the emerging housing and employment assumptions.

- **Sport, Recreation and Open Space Study**

A study on indoor sport, playing pitch and open space provision has been commissioned which will set out an over-arching strategy for the two Council areas individually and collectively, with a particular focus on the sport and open space needs related to the TCBGC. The work will include a review of all facilities in the Councils' areas, including council-owned facilities and privately-owned facilities where appropriate. In particular, the audit, assessment and recommendations will have regard to the facilities currently available at the University of Essex Campus which adjoins the area of search for the Garden Community, and the potential to create or cooperate on new facilities that could serve both the needs of the university itself and the future residents and other users from the Garden Community itself. Emerging findings, in combination with the sports provision assessment contained within the University Growth Forecasts Assessment, continue to be assessed by Officers and fed into the strategic

master planning work. An interim report is expected at the end of November with a final report due at the end of January 2023.

- **Sustainability Appraisal**

A Sustainability Appraisal (incorporating Strategic Environmental Assessment) was previously prepared to consider the likely effects of the Draft Plan and a consideration of reasonable alternatives. This formed part of the supporting studies and evidence base documents which were prepared and made available alongside consultation on the Draft Plan earlier in 2022. The emerging draft 'Submission Version Plan' will be provided to consultants LUC at the end of December 2022, and a draft updated Sustainability Appraisal would then be expected in February 2023.

- **Viability Assessment**

The site was subject to detailed consideration of viability during the Section 1 Examination in Public with evidence gathered and considered as part of the 2018 and 2020 hearings. Extensive information already exists on scheme viability which was thoroughly tested leading to the TCBGC scheme to be found viable and deliverable. There have been changes in market conditions since that evidence was assembled. The Councils have appointed consultant surveyors Gerald Eve to review and update the viability evidence. Financial viability modelling is well advanced to consider all assumptions under present day considerations. The viability evidence will also need to align with the outcome of the Strategic Masterplan and related IDP evidence. As this work is also being finalised in tandem, it will be published alongside the other evidence base material when completed.

Other evidence studies and background work will also come forward and be updated as the DPD progresses, such as a Heritage Impact Assessment and Habitat Regulations Assessment.

UPDATE ON STRATEGIC MASTERPLAN

The approach to the Garden Community is continuing to evolve and becoming more detailed through an ongoing master planning process. As reported at the Joint Committee meeting on the 18th July 2022, work on master planning had (at that stage) considered the baseline position (including constraints and opportunities analysis), the overall spatial vision and initial land use and masterplan options.

Going forward additional strategic master planning has been progressing to illustrate, justify and set the basis for land use proposals to be set out in the Submission Version Plan. The work has started to develop additional master planning drawing on the emerging evidence base and will advance further (over time and related to the preparation of planning applications) to design coding/guidance. This will illustrate more widely how it is envisaged that the Garden Community will be developed and to ensure that there is robust and sound evidence in support of the DPD. It will need to remain separate to the DPD and be illustrative in nature until such time as conclusions can be drawn from the examination of the DPD as this may result in modifications to policies, land uses or areas. The

work can then be reviewed, updated and taken forward for additional consideration, potentially to be adopted as some form of supplementary planning policy to guide the determination of future planning applications.

It is important to acknowledge that at this stage of planning for the Garden Community, it is not possible (primarily due to the extent, cost and time required to undertake all of the detailed technical site survey and design work that would be required - which is the responsibility of site developers to inform their planning applications) for master planning development and related policies in the DPD to contain precise details of design, layout and appearance of the new buildings and spaces that will be delivered. Instead, the additional strategic master planning work will illustrate how development could be brought forward and provide further direction to developers to enable them to prepare appropriate and more detailed proposals.

APPENDICES

N/A

BACKGROUND PAPERS

- Comments from the Draft Plan Consultation | Creating a Place for Life
(tcbgardencommunity.co.uk)