

# TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

9 OCTOBER 2023

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

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

### PART 1 – KEY INFORMATION

#### PURPOSE OF THE REPORT

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

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

#### EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

## **RECOMMENDATION**

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

- 1) Notes the content of this report and the issues raised in response to the Regulation 19 consultation on the Submission Version Plan.**
- 2) Endorses the continued work of Officers in the preparation of supplementary material necessary to aid the Planning Inspector and the forthcoming Examination in Public.**
- 3) Agrees that the Garden Community Planning Manager in consultation with TDC Director of Planning, CCC Executive Director of Place, ECC Director for Sustainable Growth, and Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, submit minor suggested modifications to the DPD for the Planning Inspector's consideration ahead of the examination in public (note that this does not extend to making more significant changes).**
- 4) Agrees that in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), a request be made to the Inspector to recommend specific modifications, if required, to make the Plan sound.**

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

### **DELIVERING PRIORITIES**

Members are reminded that the TCBGC is a corporate priority for all three of the Councils represented on the Committee and a key proposal in the Section 1 Local Plan for North Essex, as adopted by both Tendring District Council and Colchester City Council.

### **RESOURCES AND RISK**

The Submission Version of the DPD is a statutory stage of plan making and represents an advanced and fully formed version of the DPD that the Councils consider to be sound and ready for examination. There is a risk that should the DPD not be examined and adopted in an appropriate timescale, the ongoing ability for the Councils to manage growth within the TCBGC area in a planned manner will be compromised.

The overall Garden Community project is being managed by the three authorities through agreed budgets and through appropriate structures to ensure input and overview, not only from the Joint Committee, but also from the lead elected Councillors, Senior Officers, Planning Officers, Transport Officers, Project Team and the independent 'Community Liaison Group' specifically set up to provide a community input into the project. There are also structures in place for constructive engagement with the lead developers Latimer/Clarion and Mersea Homes, including an ongoing 'Planning Performance Agreement' (PPA) which secures dedicated resources to facilitate the pre-application process and the assessment and determination of the first planning application.

It is considered the Councils approach to plan preparation, engagement and consultation in the run up to the Submission Version of the DPD has allowed the public and other stakeholders to have a significant opportunity to input into the process and, where appropriate, have shaped the content of the DPD. Importantly, however, consultation in this context does not mean that a consensus of opinion has been reached in all cases, and it is appropriate to recognise there remains opposing views to some elements of the DPD, either from residents and local stakeholders, local parish and town councils, site promoters or all. It is the role of the consultation process to allow for these views to be made, and for the Councils to respond and reflect upon them, especially if they are advancing material considerations. It is considered that the thorough process the Councils have engaged in over the last 18 months, which has followed the requirements of legislation and the Councils Statement of Community Involvement (SCI) documents, has allowed this to happen in an effective and meaningful manner.

The Regulation 19 Consultation on the Submission Version DPD was the second occasion where the emerging DPD was published and consulted on in a full format. The purpose of the Regulation 19 consultation stage was to allow consultees the opportunity to make representations on the 'soundness' and legal compliance of the DPD. All representations made will be considered by a government-appointed Planning Inspector who will independently examine the DPD. The Councils

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

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

## **LEGAL**

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

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

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

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

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

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

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

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

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

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

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

## OTHER IMPLICATIONS

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

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

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

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

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

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

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

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

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

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

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

### **SUMMARY OF REGULATION 18 CONSULTATION**

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



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

- **Green Buffers and Land South of the A133**

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

- **Salary Brook**

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

- **Crockleford Heath and Bromley Road**

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

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

## THE REGULATION 19 CONSULTATION EXERCISE

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

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

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

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

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

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

*Non-digital activity:*

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

*Digital activity:*

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

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

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

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

#### **Statutory Consultees**

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

#### **Parish and Town Councils**

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

#### **Key Stakeholders**

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

#### **Other Bodies**

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

### **OVERVIEW OF COMMENTS RECEIVED**

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

## **GC Policy 1 – Land Use and Spatial Approach & Policies Map**

(64 reps – 18 support, 46 objection)

### General/Principle

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

### Part A (Land Use Parameters and Policy Map)

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

### Part B (The Garden Community Neighbourhoods)

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

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

#### Infrastructure

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

#### Crockleford Heath

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

#### Part C (Salary Brook Country Park)

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

#### Part D (Wivenhoe Strategic Green Gap)

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

#### Part E (Elmstead Strategic Green Gap)

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

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

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

#### Part G (Knowledge Based Employment Land)

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

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

#### Part H (A120 Business Park)

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

#### Part I (Provision for Gypsies & Travellers)

- No justification for its size, provision and location.

#### Part J (A133 Park & Choose Facility)

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

### **Policy Map**

(7 reps – 1 support, 6 objection)

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

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

### **GC Policy 2 – Nature**

(28 reps – 7 support, 21 objection)

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

### **GC Policy 3 – Place Shaping Principles**

(17 reps – 6 support, 11 objection)

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



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

#### **GC Policy 4 – Meeting Housing Needs**

(15 reps – 2 support, 13 objection)

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

#### **GC Policy 5 – Economic Employment and Activity**

(12 reps – 2 support, 10 objection)

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

### **GC Policy 6 – Community and Social Infrastructure**

(40 reps – 5 support, 35 objection)

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

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

### **GC Policy 7 – Movement and Connections**

(51 reps – 5 support, 46 objection)

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

### Vision and Design Approach

- Mode share targets should be stronger and more aspirational.

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

### Active Travel

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

### Public Transport

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

### RTS

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

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

#### Park and Choose

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

#### Parking

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

#### Link Road

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

#### HIF funding and Link Road phasing

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

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

#### Monitoring/Mode Shift

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

#### Traffic - General

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

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

#### Impact on Elmstead Market

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

#### Comment on Policy GC7

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

#### **GC Policy 8 – Sustainable Infrastructure**

(18 reps – 7 support, 11 objection)

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

#### **GC Policy 9 – Infrastructure Delivery and Impact Mitigation**

(19 reps – 2 support, 17 objection)

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



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

### **Sustainability Appraisal**

(10 reps – 10 objection)

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

## **Habitat Regulations Assessment**

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

## **NEXT STEPS & EXAMINATION PROCESS**

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

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

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

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

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

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

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

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

## APPENDICES

None.

## BACKGROUND PAPERS

All Regulation 18 Consultation representations can be viewed via:

[TCBGC Engagement Website - Regulation 18 Representations](#)

All Regulation 19 Consultation representations can be viewed via:

[TCBGC Consultation Portal - Regulation 19 Representations](#)

Strategic Policy-Making Statement of Common Ground

[TCBGC Strategic Policy-Making Statement of Common Ground](#)

Duty to Cooperate Statement

[TCBGC Duty to Cooperate Statement](#)

Consultation Statement - Submission Version (Reg 22)

[TCBGC Consultation Statement - Submission Version \(Reg 22\)](#)