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

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

# 1. ELECTION OF THE CHAIRMAN OF THE JOINT COMMITTEE

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

**RESOLVED** that Councillor David King be elected the Chairman of the Joint Committee for the remainder of the 2023/2024 Municipal Year.

### 2. <u>ELECTION OF THE DEPUTY CHAIRMAN OF THE JOINT COMMITTEE</u>

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

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

### 3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

### 4. MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE

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

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

## 5. DECLARATIONS OF INTEREST

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

## 6. PUBLIC SPEAKING

The Public Speaking Scheme for the Joint Committee gave the opportunity for members of the public and other interested parties/stakeholders to speak to the Joint Committee on any specific agenda item to be considered at this meeting.

The Chairman invited the following public speakers to come to the table in turn to speak. Their comments are in precis.

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

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

### <u>Rik Andrew</u>

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

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

# <u>Sir Bob Russell</u>

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

# Parish Councillor Adam Gladwin

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

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

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

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

# Councillor Mark Cory, Essex County Council and Colchester City Council

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

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

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

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

## Councillor Gary Scott, Tendring District Council

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

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

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

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

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

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

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

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

## 7. <u>REPORT A.1 - DEVELOPMENT PLAN DOCUMENT: REPRESENTATIONS</u> <u>RECEIVED IN RESPONSE TO THE REGULATION 19 CONSULTATION AND NEXT</u> <u>STEPS</u>

The Joint Committee considered a detailed report (A.1) which set out some of the notable issues raised in the representations received from the public and other interested parties to the consultation on the Submission Version of the Development Plan Document (DPD) i.e. 'the Plan' for the Garden Community under Regulation 19 of the statutory plan making process. Those representations would be considered by a Government-appointed Planning Inspector as part of the examination process. <u>The report did not seek to provide an account of each and every comment raised through the consultation.</u>

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

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

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

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

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

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

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

Members were made aware that transport, traffic and implications for the existing road network, along with concerns about active travel and modal shift targets had generated a notable body of representations against GC Policy 7 – Movement and Connections.

With views expressed that the plan was both overly aspirational and that it did not go far enough. Concerns also remained among some respondents about the funding and phasing of the Link Road and that there was insufficient detail on the RTS route, operation and implications for Clingoe Hill and Greenstead roundabout.

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

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

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

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

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

Officers were also asking the Joint Committee to agree that, through the examination process, the Planning Inspector be invited to make recommendations for specific

changes to the DPD that, in their view, would resolve any matters of soundness (if found) and which might form formal 'modifications' that might require consultation in their own right before the DPD could be adopted.

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

### Recommendation 1)

## Councillor Andrea Luxford-Vaughan (CCC)

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

## Councillor Carlo Guglielmi (TDC)

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

### Councillor Lesley Wagland (ECC)

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

### Recommendation 2)

### Councillor William Sunnucks (CCC)

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

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

## Councillor Andrea Luxford-Vaughan (CCC)

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

# Councillor Lesley Wagland (ECC)

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

## Councillor Mike Bush (TDC)

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

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

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

# Councillor Tom Cunningham (ECC)

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

### Recommendation 3)

Councillor Andrea Luxford-Vaughan (CCC)

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

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

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

### Councillor William Sunnucks (CCC)

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

# Councillor Carlo Guglielmi (TDC)

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

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

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

### Councillor Lesley Wagland (ECC)

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

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

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

- 1) notes the contents of this report and the issues raised in response to the Regulation 19 consultation on the Submission Version Plan;
- endorses the continued work of Officers in the preparation of the supplementary material necessary to aid the Planning Inspector and the forthcoming Examination in Public;
- 3) authorises the Garden Community Planning Manager, in consultation with TDC's Director (Planning), CCC's Executive Director (Place), ECC's Director for Sustainable Growth, and the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to submit minor suggested modifications to the DPD for the Planning Inspector's consideration ahead of the examination-in-public;
- 4) agrees that, in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), a request be made to the Inspector to recommend specific modifications, if required, to make the Plan sound.

The meeting was declared closed at 7.54 pm

**Chairman**