



Tendring Colchester Borders Garden
Community: Development Plan Document
(DPD) Submission Version Plan
Habitats Regulations Assessment
Addendum

July 2024





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Address: County Hall, Market Road, Chelmsford, Essex, CM1 1QH

Contact no: 0333 013 6840

Email: placeservicesecology@essex.gov.uk

Website: www.placeservices.gov.uk

VAT number: GB 104 2528 13



Report Checking and Version Control

Prepared by:

Hamish Jackson | Ecological Consultant | hamish.jackson@essex.gov.uk

Sue Hooton | Principal Ecological Consultant | sue.hooton@essex.gov.uk

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1. Introduction

- 1.1 Tendring District Council and Colchester City Council, in partnership of Essex County Council, are currently preparing a Development Plan Document (DPD) for the proposed Tendring Colchester Borders Garden Community. The Garden Community will be on a large area of land east of Colchester, bordering Tendring District and adjacent to the University of Essex. It is intended to meet the needs of a growing population within Tendring District Council and Colchester City Council over the next 30 to 40 years, for housing, employment and associated community facilities and infrastructure.
- 1.2 The DPD sets out the detail of a new Garden Community proposed for land crossing the Tendring and Colchester border, which is being prepared by Tendring District Council and Colchester City Council, in partnership with Essex County Council. The DPD sets out specific requirements that developers will be expected to follow, when applying for planning permission and carrying out the development.
- 1.3 The Tendring Colchester Borders Garden Community Development Plan Document (DPD) Submission Version Plan¹ along with other publication and submission documents was submitted to the Secretary of State for independent 'Examination in Public' by a Planning Inspector on the 21st September 2023, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012². Place Services have been assisting the Councils via the provision of a Habitats Regulations Assessment including Appropriate Assessment³ to support the public consultation on the DPD Submission Version Plan.

¹ Colchester City Council, Tendring District Council, Essex County Council (2023) Tendring Colchester Borders Garden Community: Development Plan Document Submission Version Plan. (Regulation 19 Consultation) May – June 2023. Available from: <https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-null-TCBGC-Development-Plan-Document-Submission-Version-TCBGC%20DPD%20Submission%20Version%20Plan%20FINAL.pdf> [Accessed April 2024].

² HM Government (2012) The Town and Country Planning (Local Planning) (England) Regulations 2012. Available from http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf [Accessed April 2024].

³ Place Services (2023) Tendring Colchester Borders Garden Community: Development Plan Document Submission Version Plan - Habitats Regulations Assessment including Appropriate Assessment. Available from: https://ehq-production-europe.s3.eu-west-1.amazonaws.com/51e4cd27cc66a66bcca731291f07eb3900e5b578/original/1695302779/87d0d3ab7b31c504dd1bf57bcb579a4c_CD5_TCBGC_HRA_including_Appropriate_Assessment.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20240405%2Ffeu-west-1%2Fs3%2Faws4_request&X-Amz-Date=20240405T162919Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=ff60a96e9021bb29455a22af36aced51ed16b046a6f83bcae2abe88e72cb8cdb [Accessed March 2024].



- 1.4 Natural England provided representation for the Regulation 19 Consultation and comments on the Habitats Regulations Assessment including Appropriate Assessment. The comments include advice on green infrastructure provision, highlighting the need for the Garden Community to deliver sufficient Suitable Alternative Natural Greenspace (SANG) to avoid the increased recreational pressure that the new housing will give rise to at the Habitats (European) sites at the Essex Coast. In addition, the comments highlighted that there was a need to deliver mitigation required by Habitats Regulations Assessment – Appropriate Assessment in DPD Policy, in regard to functionally linked land and air quality impacts.
- 1.5 Place Services and Tendring District Council and Colchester City Council attended a meeting with Natural England on the 10th of October 2023 to discuss Natural England's representation for the Regulation 19 Consultation. This confirmed that modifications to the DPD policy text will be undertaken to embed measures for Suitable Alternative Natural Greenspace, as well as functionally linked land and air quality impacts. It was also agreed that Place Services shall provide this Habitats Regulations Assessment Addendum to demonstrate that the amendments following the modifications of the DPD have been reviewed to ensure it remains robust, with regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.6 This Habitats Regulations Assessment Addendum provides a review of the 'Inspector's Schedule of Modifications' prior to public consultation on said modifications. Therefore, the report summarises the review process and its findings and sets out the proposed conclusions of the HRA process. It therefore does not repeat the baseline or assessments set out in the Habitats Regulations Assessment including Appropriate Assessment (Place Services, April 2023) and should therefore be read in conjunction with this report.

2. Previous Habitats Regulations Assessment Work

- 2.1 The Tendring Colchester Borders Garden Community Development Plan Document has been the subject of Habitats Regulations Assessment throughout its preparation. The following stages have been undertaken:
 - Tendring Colchester Borders Garden Community: Development Plan Document Preferred Options - Habitats Regulations Assessment Screening Report (Place Services, February 2022)
 - Tendring Colchester Borders Garden Community: Development Plan Document (DPD) Submission Version Plan - Habitats Regulations Assessment including Appropriate Assessment (Place Services, April 2023)



- Tendring Colchester Borders Garden Community: Development Plan Document (DPD) Submission Version Plan - Habitats Regulations Assessment Addendum (Place Services, April 2024)

3. Approach

- 3.1 The Habitats Regulations Assessment including Appropriate Assessment has been prepared by Place Services for the Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document to Tendring District Council and Colchester City Council to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, this Habitats Regulations Assessment Addendum aims to provide clarity on the changes to this document and should be in read in conjunction with the Habitats Regulations Assessment including Appropriate Assessment (Place Services, April 2023).
- 3.2 The Habitats Regulations Assessment Addendum addresses the comments provided by Natural England's representation at Regulation 19 Consultation.
- 3.3 This Habitats Regulations Assessment Addendum provides a review of the Schedule of Modifications, as well as a review of the 'Inspector's Schedule of Modifications' prior to public consultation on said modifications. The modifications have been reviewed to consider whether they would:
 - lead to any new effects on any Habitats sites (alone or in combination) that have not been considered by the HRA to date; or
 - alter the magnitude (etc.) of any effects previously considered through the HRA, such that the proposed conclusions of the HRA are no longer valid.

4. Review of Natural England issues raised within their representation at Regulation 19 Consultation

- 4.1 Place Services and Tendring District Council and Colchester City Council attended a meeting with Natural England to resolve the comments provided by Natural England for the provided representation of the Development Plan Document. The meeting concluded that further amendments were required within the Development Plan Document in regard to ensure mitigation for functionally linked land and air quality impacts was embedded within the Plan. This is necessary to avoid adverse effects on the integrity of Habitats Sites, either alone or in combination with other plans and projects, and ensure the Development Plan Document is legally compliant and sound. As a result, the following appendices have been



included with this Habitats Regulations Addendum to set out the actions undertaken following Natural England's Pre-submission comments:

- Appendix 1 sets out the Policy updates undertaken following consultation with Natural England, which has been agreed as part of the Statement of Common Ground. Table 1 also sets out whether the policy changes will need to result in modifications to the Habitats Regulations Assessment including Appropriate Assessment.
- Appendix 2 sets out the policy changes undertaken as part of the wider Schedule of Modifications and whether any of these policy changes will result in effects to the Habitats Regulations Assessment including Appropriate Assessment.
- Appendix 3 sets out the changes recommended by the Inspector upon the Schedule of Modifications and whether any of these policy changes will result in effects to the Habitats Regulations Assessment including Appropriate Assessment.
- Appendix 4 sets out the modifications undertaken to the Habitats Regulations Assessment including Appropriate Assessment, to ensure that document has been updated accordingly following the amendment undertaken to the Development Plan Document

4.2 The measures set out below summarise Natural England's representation at Regulation 19 Consultation, as well as the updates undertaken within the modifications of the Development Plan Document and as part of the Habitats Regulations Assessment Addendum. In addition, further clarification has been provided on whether the proposed amendments will affect the conclusion of the TCBGC Development Plan Document.

Green Infrastructure Provision

4.3 Natural England provided the following comments within their representation at Regulation 19 Consultation, with regard to green infrastructure:

"Natural England has previously highlighted the need for the Garden Community to deliver sufficient Suitable Alternative Natural Greenspace (SANG) to mitigate the increased recreational pressure that the new housing will give rise to at the European Sites at the Essex Coast. We referenced Natural England's SANG guidance as a suitable tool for assessing the amount and quality of provision and we are pleased that the proposed policy GC Policy 2: Nature specifically requires proposals to accord with this guidance. However, there is no information provided in the DPD (or supporting documents) on the overall size of the Garden Community land take; the size of the likely developable area; or the amount of land that will be identified as Green Infrastructure (including the different typologies – recreation space; natural greenspace; allotments etc). Without this information it isn't possible for Natural



England to establish whether the SANG guidance can be met site-wide, and consequently whether the policy requirement is deliverable in practice. This is an important consideration given that some reliance is being placed on the contribution to SANG that can be made by Salary Brook Local Nature Reserve when, as yet, there is no information on the carrying capacity of the Nature Reserve. Based on a planned total of 7,500 dwellings, the SANG provision would amount to around 145 hectares of suitable, natural greenspace.”

- 4.4 As highlighted within Appendix 1, GC Policy 2 – Nature (Part A) has been amended to demonstrate that sufficient SANG will be delivered across each phase of the garden community, including access to temporary SANG where required. The policy also sets out that proposals to incorporate the new Country Park will be supported, where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.
- 4.5 As a result, Natural England has supported the suggested word changes within GC Policy 2 – Nature.
- 4.6 Furthermore, Appendix 4 sets out that the Habitats Regulations Assessment including Appropriate Assessment has been modified to ensure that GC Policy 2 – Nature is referenced, with regard to recreational disturbance within the Appropriate Assessment stage. These minor revisions do not alter the conclusions of the HRA such that additional assessment is required.

Delivery of mitigation required by HRA/AA in DPD Policy – Functionally Linked Land

- 4.7 Natural England provided the following comments within their representation at Regulation 19 Consultation, with regard to functionally linked land:

“The potential for the loss of functionally linked land (i.e. land which supports mobile species that are qualifying features of a European Sites) is identified as an issue to be progressed to Appropriate Assessment (AA) in the HRA that accompanies the DPD (undertaken by Essex Place Services, dated May 2023). The European Sites of specific interest are the Colne Estuary SPA/Ramsar and the Stour and Orwell Estuaries SPA/Ramsar.

As mitigation for such likely significant effects the HRA/AA states at 4.8.7:

“Each phase of development must be supported by up-to-date over-wintering bird surveys to determine the usage of the phases by individual waterbirds and the importance of their assemblages. If any over-wintering bird surveys at application stage identifies that the proposals will result in impacts upon the individual waterbirds or the waterbird assemblage associated within the Colne Estuary SPA and Ramsar site or the Stour and Orwell Estuaries SPA and Ramsar site, then bespoke mitigation measures must be secured either by legal



agreement or a condition of any consent with landowners located in Tendring District Council and Colchester City Council within close proximity of the relevant Habitats sites.”

The reference to the need for wintering bird surveys only features in the “Justification” section for GC Policy 2: Nature and does not appear in the wording of this Policy or any other policies in the DPD. The wording of Policy 2 states that “proposals must be supported with appropriate ecological surveys” but this should be made more explicit to ensure that i) the Local Planning Authority can require that wintering bird surveys are undertaken ahead of the submission of relevant planning applications and ii) prospective developers are clear about the need for such surveys. Without explicit reference in the wording of the Policy there is scope for different interpretations at the application validation stage and there would remain some doubt as to a conclusion of No Adverse Effects on Integrity through HRA/AA of the Submission DPD.”

- 4.8 As highlighted within Appendix 1, GC Policy 2 – Nature (Part C) has been amended to set out that wintering bird surveys will be completed at each phase of development before the granting of planning consent. Where wintering bird surveys confirm that off-site functionally linked land is present, the policy sets out that development must firstly avoid impacts upon the SPA qualifying features. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. In addition, the policy sets out that any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.
- 4.9 As a result, Natural England has supported the suggested word changes within GC Policy 2 – Nature.
- 4.10 Furthermore, Appendix 4 sets out that the Habitats Regulations Assessment including Appropriate Assessment has been modified to ensure that GC Policy 2 – Nature is referenced in regard to functionally linked land within the Appropriate Assessment stage. These minor revisions do not alter the conclusions of the HRA such that additional assessment is required.

Delivery of mitigation required by HRA/AA in DPD Policy – Air Quality Impacts

- 4.11 Natural England provided the following comments within their representation at Regulation 19 Consultation, with regard to air quality impacts:

The potential for the development of the Garden Community to have impacts upon air quality at certain European Sites is also identified as an issue to be progressed to AA. Assessment is required due to the potential for the development (alone and in combination) to result in increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.



The HRA/AA is specific about the need for traffic modelling to be undertaken to assess whether any mitigation for traffic-related impacts will be necessary. At 4.9.12 it states:

“Each relevant phase of development for the garden community should be supported by traffic scoping modelling to fully determine whether further mitigation measures to avoid adverse impacts from air quality are required...”

The HRA/AA goes on to outline the methodology that should be used for the modelling and identifies the trigger points for further air quality monitoring. A key traffic route to be considered in this context is the A137 which passes alongside the Stour and Orwell SPA/Ramsar. According to the HRA/AA, this route is expected to see an increase in annual average daily traffic (AADT), due to the Garden Community development, which exceeds the recognised trigger for potential likely significant effects (over 1,000 AADT increase).

In view of this anticipated increase, it would be reasonable for the AA to consider in more detail the specific circumstances at the relevant European Site to establish whether mitigation is required as a consequence of the proposed development (alone or in combination) because it doesn't necessarily follow that a more than 1000 AADT will result in an adverse effect on site integrity.

The AA could consider (through site survey and APIS sourced information) the presence/absence of air quality (Nitrogen) sensitive habitat that exists within 200m of the relevant route; and if such habitats are present, the extent to which the qualifying features of the SPA are supported by such habitats. APIS-based information on trends in background pollution could also be examined to provide context. Some of this analysis appears to have been undertaken in the Screening section of the HRA/AA but the focus shifts in the AA to traffic scoping modelling and the results of traffic modelling (once compared with the air quality monitoring recently undertaken in connection with the Babergh, Mid Suffolk Joint Local Plan) is identified as the basis for assessing whether mitigation is required.

It is unfortunate that the air quality monitoring information is not yet available, nor is there any traffic modelling information available which would offer a more solid basis for ruling in/out individual European Sites at HRA screening stage. As a result, the mitigation that is identified (4.9.12 and 4.9.13) does not provide mitigation per se; rather it requires traffic scoping modelling to establish whether there is the need for air quality monitoring which, in turn, may indicate that mitigation is required. In any event, the requirement for traffic scoping modelling to be undertaken ahead of each phase of the development does not appear in the text of any of the proposed Policies in the DPD. If traffic modelling is being identified as the tool to be used to establish whether mitigation will be required to avoid adverse effects on the integrity of European Site(s), the requirement for the modelling to be undertaken ahead of each phase of development needs to be clearly set out in DPD policy.



In conclusion, Natural England advises that the screening for air quality impacts should be revisited once there is traffic modelling information available to confirm which European Sites merit consideration (due to exceedance of relevant AADT triggers) when the DPD is considered “alone” and “in combination”. Once that filter has been applied, consideration would shift to the Site-specific circumstances as outlined above. Only at this stage will it become apparent whether mitigation is likely to be required and, if required, the mitigation options available can then be identified, tested and embedded in DPD Policy.

It is also worth noting that the APIS data has been recently updated and now provides a more fine-grained (1Km grid square) position on deposited Nitrogen at protected sites.

- 4.12 As highlighted within Appendix 1, GC Policy 2 – Nature (New part) has been amended to ensure that an Air Quality Assessment must be provided at application stage, which must be informed by traffic scoping modelling for each relevant phase of development. This has been required to assess increases in traffic levels on routes that lie within 200m of Habitats (European) sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.
- 4.13 As a result, Natural England has supported the suggested word changes within GC Policy 2 – Nature.
- 4.14 Furthermore, Appendix 4 sets out that the Habitats Regulations Assessment including Appropriate Assessment has been modified to ensure that GC Policy 2 – Nature is referenced in regard to functionally linked land within the Appropriate Assessment stage. These minor revisions do not alter the conclusions of the HRA such that additional assessment is required.

5. Conclusions

- 5.1 It is concluded that the Inspector’s Schedule of Modifications for the Tendring Colchester Borders Garden Community: Development Plan Document will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects, with mitigation embedded into the DPD Policy text. Therefore, Tendring District Council and Colchester City Council can demonstrate that the DPD is legally and procedurally compliant and sound.



6. Appendix

Appendix 1. Statement of Common Ground and its effect on the conclusion of the Habitats Regulations Assessment

Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
Green Infrastructure Provision	GC2, Part A	Comment Noted. The policy is considered sound, however, upon further assessment the Councils consider that a proposed change to the DPD could be appropriate.	<p>Amend GC Policy 2, to add:</p> <p><i><u>Part *: Suitable Accessible Natural Greenspace (SANG)</u></i></p> <p><i><u>Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic</u></i></p>	We agree with the suggested changes to the wording of GC Policy 2	Yes	The amendment to policy wording will require the HRA to be amended to reflect changes.



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</u></p> <p><u>The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space.</u></p> <p><u>Proposals must demonstrate how SANG, and access to it, will be provided for each relevant phase of the development, including access</u></p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
Functionally Linked Land	GC2, Part C	<p>Comment Noted. The policy is considered sound, however, upon further assessment the Councils consider that a proposed change to the DPD could be appropriate.</p> <p>Further, in response to the proposed amendment to the policy wording an update to the HRA/AA has been prepared.</p>	<p><u>to temporary SANG where required.</u></p> <p>Amend GC Policy 2, Part C to read:</p> <p>Proposals will need to provide the following:</p> <ul style="list-style-type: none"> • Are supported with appropriate ecological surveys where necessary. • Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must 	<p>We are happy to review the updated HRA. We are happy with the suggested changes to the wording of GC Policy 2</p>	Yes	<p>The amendment to policy wording will require the HRA to be amended to reflect changes.</p>



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p>be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed.</p> <ul style="list-style-type: none"> • Will minimise fragmentation of habitats. • Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements. <p><u>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly</u></p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</u></p> <p>Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich</p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.			
Air quality Impact	GC2, New* Part	<p>Comment Noted. The policy is considered sound, however, upon further assessment the Councils consider that a proposed change to the DPD could be appropriate.</p> <p>Further, in response to the proposed amendment to the policy wording an</p>	<p>Amend GC Policy 2, to add:</p> <p><u>Part *: Air Quality</u></p> <p><u>Proposals that might lead to a deterioration in air quality or to an exceedance of the national air quality objectives, either by itself, or in combination with other development, will require the submission of an Air Quality Assessment to be carried out in accordance with industry best practice. This should address:</u></p>	We are happy to review the updated HRA. We are happy with the suggested changes to the wording of GC Policy 2	Yes	The amendment to policy wording will require the HRA to be amended to reflect changes.



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
		update to the HRA/AA has been prepared.	<p>a) <u>The cumulative effect of further emissions and screening for air quality impacts.</u></p> <p>b) <u>Where identified as being required, the proposed measures of mitigation, using good design, technical solutions and offsetting measures that prevent the deterioration of air quality and ensure that National Air Quality Objectives are not exceeded.</u></p> <p>c) <u>The identification of measures to secure the safety and satisfactory quality of life for the future occupiers. Development must not result in an increased exposure to poor air quality, including odour, fumes and dust, particularly where developments might</u></p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>be occupied or used by vulnerable people.</u></p> <p><u>The Air Quality Assessment must be informed by traffic scoping modelling for each relevant phase of development and is required to assess increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.</u></p> <p><u>All development proposals should promote a shift to the use of sustainable low emission transport modes, to minimise the impact of vehicle emissions on air quality.</u></p> <p>Amend GC Policy 2, Part I to add:</p>			



Reps reference from NE	Policy and Part	Councils Response	Proposed Change	NE Response	Agree?	Effect upon the HRA
			<p><u>7. Proposals must be supported by an Air Quality Assessment to be informed by traffic scoping modelling for each relevant phase of development in accordance with industry best practice.</u></p>			



Appendix 2. Schedule of Suggested Modifications – Post Hearing Update and the effect upon the conclusions of the HRA

Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Chapter 2 - Vision	MM1	Narrative	<p>Amend page 16 ‘Community and Social Infrastructure’ to read:</p> <p>The Garden Community will be known for its healthy and thriving community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport, leisure, <u>health, and wellbeing facilities</u>. It will establish long term and participative stewardship of infrastructure from the outset.</p>	<p>ESNEFT Rep ID.266</p> <p>To ensure alignment with the NPPF.</p>	No effect
GC Policy 1 - Land Uses and Spatial Approach	MM2	Part A	<p>Amend first point of Part A, page 20:</p> <p>Delivery of circa 7,500 new homes with a range of shops, jobs, services, and community facilities, including education <u>and health and wellbeing provision</u> (see Part B below).</p>	<p>ESNEFT Rep ID.266</p> <p>To ensure the Plan includes an effective strategy for securing identified infrastructure needs.</p>	No effect
GC Policy 1 - Land Uses	MM3	Part B	Amend fifth para, page 22:	EEAST Rep ID.253	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Spatial Approach		The councils will work with the University of Essex and other partners as appropriate, to deliver the key infrastructure (health, education, <u>ambulance</u> , <u>police</u> , <u>firefighting</u> and other community uses)....	To add emergency services.	
GC Policy 1 - Land Uses and Spatial Approach	MM4	Part B	Amend last sentence of first para, page 23: <i>Accessibility to services and facilities <u>including those that support health and wellbeing</u>, utilities infrastructure and the Rapid Transit System will be key to determining the phasing of development in the 'Crockleford Neighbourhood'.</i>	ESNEFT Rep ID.266 to ensure that the Policy represents an effective strategy for meeting identified infrastructure needs.	No effect
GC Policy 1 - Land Uses and Spatial Approach	MM5	Part B	Amend last sentence of last para. page 21: Broad locations for two distinct but interlinked Neighbourhoods, referred to as the 'South and North Neighbourhoods' are shown on the Policies Map. The 'North and South Neighbourhoods' between them will accommodate around 6,000-6,500 new homes. Development within and across the two	Latimer Rep ID.225 Phasing will be agreed via an illustrative phasing plan for the Garden Community, submitted with the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			'Neighbourhoods' will be phased to ensure housing development is aligned with infrastructure delivery, with an expectation that the early phases of development will begin in the 'South Neighbourhood'.	hybrid planning application.	
GC Policy 1 - Land Uses and Spatial Approach	MM6	Part B	Amend first sentence of last para. page 22: <i>Subject to evidence-based work</i> , the 'South and North Neighbourhoods' <u>are to</u> will each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes.	Latimer SoCG (SCG06) The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work.	No effect
GC Policy 1 - Land Uses	MM7	Part B	Amend first sentence of first para. page 23:	Latimer SoCG (SCG06)	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Spatial Approach			The 'Crockleford Neighbourhood' will be developed as an individual community that is physically separated from, but connected by walking, cycling and other sustainable transport modes to the 'South and North Neighbourhoods' and the City of Colchester.	Depending on the outcomes of local junction modelling along Bromley Road into Colchester, some parcels of development within the Crockleford Neighbourhood may need to access to the Link Road instead of Bromley Road. Suggested wording to reflect this flexibility.	
GC Policy 1 - Land Uses and Spatial Approach	MM8	Part B	Amend last sentence of first para. page 23: Accessibility to services and facilities, utilities infrastructure and, the Rapid Transit System <i>and other public transport services</i> will be key to determining the phasing of development in the 'Crockleford Neighbourhood.	Latimer SoCG (SCG06) Acknowledging existing, enhanced and other public	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				transport can support homes as well as the RTS removes pre-judging of phasing at Crockleford.	
GC Policy 1 - Land Uses and Spatial Approach	MM9	Part E	Amend forth para. page 24: Land east of the new A120-A133 Link Road and the new 'Business Park' south of the A120, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the east of the Garden Community; maintain the long-term physical and visual separation to Elmstead Market, and to assist in protecting the setting of the <i>designated</i> heritage assets of the <i>Grade I Listed</i> Church of St. Anne and St. Lawrence, <i>Grade II* Listed</i> Elmstead Hall, <i>and Grade II Listed</i> Allens Farmhouse and the Round Burrow.	Historic England Rep ID.214 Correction is suggested which removes reference to the 'Round Burrow' due to this asset being unrelated to the context of the Elmstead Strategic Green Gap.	No effect
GC Policy 1 - Land Uses	MM10	Part F	Amend first para. page 25:	Sport England Rep ID.66	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Spatial Approach			Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' for new a 'Sports and Leisure Park'. This will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University. <u>Where appropriate this will include the provision of indoor and outdoor floodlit facilities.</u>	To provide clarity over scope of sports facilities.	
GC Policy 1 - Land Uses and Spatial Approach	MM11	Part F	Add new para. after second para. page 25: <u>Should the position of the A133 Park and Choose Facility be located south of the A133, its provision and position should be evidenced to demonstrate that it would not prejudice the expansion requirements of the University of Essex or the ability to meet the sports, leisure and open space requirements of the wider Garden Community.</u>	Statement of Common Ground SCG04 with the University of Essex. To provide clarity over the provision of the Park and Choose facility should it be located south of the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				A133, to ensure the full and comprehensive expansion needs of the University could be realised and that the open space requirements of the Garden Community are met.	
GC Policy 1 - Land Uses and Spatial Approach	MM12	Part J	Amend last para. page 26: The 'Park and Choose Facility' will be brought forward alongside early phases <u>first residential phases</u> of development to coincide with the first operation of with the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.	Latimer SoCG (SCG06) A sustainable infrastructure first approach should be adopted at TCBGC and that the RTS will be provided with a Park and Choose facility from the first	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				development parcel phases. "first residential" is used rather than "first" as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of "first phase" but wouldn't have any homes associated with it to require an RTS.	
GC Policy 1 - Land Uses and Spatial Approach	MM13	Part K	Amend last para. page 27: Each individual policy of this Plan specifies required supporting documents that must be submitted either	ESNEFT Rep ID.266 Correction of typo.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			prior to or in support of planning applications. A full list of these documents can be found at Appendix 4 <u>3</u> .		
Policies Map	MM14	Land South of A133	Extension of grey hatching denoting “Sports & Leisure Park: General location of sports pitches, parkland...” to cover existing woodland area south of the A133.	Omission from plan. Modification would correctly illustrate the 25ha allocation for ‘Sports and Leisure Park and University of Essex Expansion’ as required by Policy GC1 Part F.	No effect
Policies Map	MM15	Key	Reference to Gypsy and Traveller Sites is plural and should be amended to be singular.	The DPD on page 64, Part G of GC Policy 4 states that there will be a site containing a number of pitches. To avoid doubt, the policies map should reflect this.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Policies Map	MM16	Key	Spelling error to correct "Potential Vehicular Link".	Typo	No effect
Policies Map	MM17	Key	Footnote to be added to "30m Woodland Buffer" to clarify that this is for information only.	Reference to the '30m' woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. Suggest that clarification is added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 2 - Nature	MM18	Part A	<p>Remove the last para. page 39 as follows from Part A:</p> <p>Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the sensitive Essex coast. Proposals to incorporate the SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision.</p> <p>Create new Part B to read as follows:</p>	<p>Natural England Rep ID.223</p> <p>To provide clarity and accuracy on referenced requirements.</p> <p>Note modification to substitute 'accessible' with 'alternative' in 'Suitable Alternative Natural Greenspace' as per NE guidance and representation.</p>	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect changes.



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>Part B: Suitable Alternative Natural Greenspace (SANG)</u></p> <p><u>Proposals will be required to provide an appropriate amount of Suitable Alternative Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision. 10 The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space. Proposals must demonstrate how SANG, and access to it, will be provided for each relevant</u></p>		



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u>phase of the development, including access to temporary SANG where required.</u>		
GC Policy 2 - Nature	MM19	N/A	<p>Re-title the following sections:</p> <p>Part B: Integrating Green and Blue (water) Spaces into Built Form - Becomes <u>Part C</u></p> <p>Part C: Protection of Biodiversity – Becomes <u>Part D</u></p> <p>Part D: Biodiversity Net Gain – Becomes <u>Part E</u></p> <p>Part E: Tree Planting – Becomes <u>Part F</u></p> <p>Part F: Productive Landscapes – Becomes <u>Part G</u></p> <p>Part G: Sustainable Drainage Systems and Blue Infrastructure – Becomes <u>Part H</u></p> <p>Part H: Integration of A120-A133 Link Road Mitigation – Becomes <u>Part I</u></p> <p>Part I: Planning Application Requirements – Becomes <u>Part J</u></p>	To accommodate new Part B.	No effect
GC Policy 2 - Nature	MM20	Part B (to become Part C)	<p>Amend last para. page 39:</p> <p>A key principle and part of the distinctive character of the Garden Community will be the green-blue</p>	Essex County Council Rep ID.106	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			infrastructure network and celebration of the natural and historic environment. Proposals should take every opportunity to integrate green and blue spaces and will be required to demonstrate, both spatially and technically, how they have been integrated into the built form. Examples include: tree lined streets or streets that contain hedgerows appropriate to local character, habitats, and species; insect-attracting plants, hedgerows, log piles, and other places of shelter for wildlife refuge/hibernation within structural landscaping and open spaces; hedgehog friendly features in residential garden boundaries to create linked habitat; dark corridors for bat foraging; green walls and roofs and other measures of incorporating trees and plants into buildings; bat boxes, bricks or lofts and bird boxes; green roofs <u>dual purpose street furniture</u> ; and Sustainable Drainage Systems (SuDS).	Noted that 'Green Roofs' are reference twice in this section and recommended alternative wording as the design of street furniture and bin stores can add character to the landscape, reduce clutter, and benefit biodiversity. Modification suggested to provide clarity and correction.	
GC Policy 2 - Nature	MM21	Part C (to become Part D)	Amend as follows: Part C <u>D</u> : Protection of Biodiversity Proposals will need to provide the following:	Natural England Rep ID.223 To provide clarity and accuracy on referenced	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<ul style="list-style-type: none"> • Are supported with appropriate ecological surveys where necessary. • Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, proposals should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed. • Will minimise fragmentation of habitats. • Maximises opportunities for the preservation, restoration, enhancement, and connection of natural habitats in accordance with the Local Nature Recovery Strategy or future replacements. <p><u>Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site</u></p>	<p>requirements with regard to functionally linked land and wintering bird surveys.</p>	<p>changes.</p>



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.</u></p> <p>Sensitive habitats should be buffered with additional planting or other agreed appropriate measures wherever possible to discourage access. Appropriate interpretation/signage will be required to help divert visitors away from sites that are sensitive to recreational disturbance, including the use of marketing and promotional material at the point of house sales. Ecologically rich buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar.</p>		
GC Policy 2 - Nature	MM22	Part D (to become Part E)	Amend last point of Part on page 41: Habitat enhancement and creation for delivering biodiversity net gain within the Strategic Green Gaps,	Latimer Rep ID.227	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 2 - Nature	MM23	Part E (to become Part F)	<p>Salary Brook Country Park, SANG, and SuDS <u>and other green infrastructure</u> will be supported, where true additionality through stacking of ecosystem services can be demonstrated. <u>Stacking of ecosystem services will be permitted where additionality can be demonstrated, taking account of emerging guidance on stacking from Natural England and Defra.</u></p> <p>Areas for planting or regeneration should <u>will need to</u> be set out and agreed in the appropriate landscape and green-blue infrastructure strategies and management plans.</p>	<p>To provide additional clarity for applicants and future decision maker.</p> <p>Essex County Council Rep ID.107</p> <p>Recommended minor change to wording to strengthen the policy. Modification suggested to provide clarity, consistency and to strengthen the policy.</p>	No effect
GC Policy 2 - Nature	MM24	Part J (new part)	<u>Part J: Air Quality</u>	Natural England Rep ID.224	Text agreed as part of the SOCG with NE. The amendment to



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>Proposals that might lead to a deterioration in air quality or to an exceedance of the national air quality objectives, either by itself, or in combination with other development, will require the submission of an Air Quality Assessment to be carried out in accordance with industry best practice. This should address:</u></p> <p><u>a) The cumulative effect of further emissions and screening for air quality impacts.</u></p> <p><u>b) Where identified as being required, the proposed measures of mitigation, using good design, technical solutions and offsetting measures that prevent the deterioration of air quality and ensure that National Air Quality Objectives are not exceeded.</u></p> <p><u>c) The identification of measures to secure the safety and satisfactory quality of life for the future occupiers and existing residents. Development must not result in an increased exposure to poor air quality, including odour, fumes and dust, particularly where developments might be occupied or used by vulnerable people.</u></p>	To provide clarity with regard to requirements relating to Air Quality.	policy wording will require the HRA to be amended to reflect changes.



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>The Air Quality Assessment must be informed by traffic scoping modelling for each relevant phase of development and is required to assess increases in traffic levels on routes that lie within 200m of European Sites whose qualifying features, or the habitats that support them, are sensitive to any related changes in air quality.</u></p> <p><u>All development proposals should promote a shift to the use of sustainable low emission transport modes, to minimise the impact of vehicle emissions on air quality.</u></p>		
GC Policy 2 - Nature	MM25	Part I (to become Part K)	Proposals must include a green-blue infrastructure plan, which demonstrates how the scheme reflects and complies with the Strategic Masterplan; the Colchester Tendring Open Space Strategy requirements; the Healthy Living and Play Strategy required by GC Policy 6; <u>appropriate biosecurity standards for sourcing, quarantining, and inspecting plant material supplied to the development required by GC Policy 8;</u> and demonstrate how green and blue spaces have been integrated into the built form.	Essex County Council Rep ID.115 Recommended minor change to wording to secure the submission of appropriate details at application stage.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				Modification suggested to provide clarity, consistency and to strengthen the policy.	
GC Policy 2 - Nature	MM26	Part K (was Part I)	Add: 7. Proposals must be supported by an Air Quality Assessment to be informed by traffic scoping modelling for each relevant phase of development in accordance with industry best practice.	Natural England Rep ID.224 To provide clarity with regard to requirements relating to Air Quality.	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect changes.
GC Policy 2 - Nature	MM27	Justification (page 46)	Add additional paragraph: <u>Where the surveys show that mitigation is required, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds</u>	Latimer Rep ID.227 To avoid any ambiguity and allow the detailed and tailored HRA process to inform appropriate and proportionate	Text agreed as part of the SOCG with NE. The amendment to policy wording will require the HRA to be amended to reflect changes.



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				mitigation requirements.	
GC Policy 3 - Place Shaping Principles	MM28	Part A	It will adopt a landscape led approach to design and build, follow healthy new towns principles, <i>in accordance with Sport England Active Design principles</i> , and <i>achieving</i> secured by design certification.	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.	No effect
GC Policy 3 - Place Shaping Principles	MM29	Part B	Provide for a network of integrated <i>multifunctional</i> green and blue infrastructure features.	Essex County Council Rep ID.108 To ensure consistency throughout the DPD.	No effect
GC Policy 3 - Place Shaping Principles	MM30	Parts I and J	Re-title the following sections: Part I: Historic Environment - Becomes <i>Part H</i> Part J: Planning Application Requirements – Becomes <i>Part I</i>	Correction of typo	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 3 - Place Shaping Principles	MM31	Part H (was Part I)	<p>Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.</p> <p>Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</p> <p><u>Future development must take into account the results and recommendations of the Councils 'Heritage Impact Assessment', and must demonstrate that any negative impacts on the significance of the Grade II* Listed</u></p>	<p>Historic England Rep ID.215</p> <p>The HIA does not consider the potential for below ground archaeology or the impact of the proposed development on archaeology. To address this the suggested wording requires that this would need to be undertaken prior to the determination of any planning application for the site.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u><i>Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings, have been avoided and if this is not possible minimised, through appropriate masterplan design. Proposals that would enhance or better reveal the significance of these assets will be considered positively. Specific mitigation measures must be identified through the preparation of a further detailed Heritage Impact Assessment, and pre-determination Archaeological Assessment, which will inform and be submitted prior to the determination of any application at the site.</i></u>		
GC Policy 3 - Place Shaping Principles	MM32	Part H (was Part I) In all cases there will be an expectation that any new development will <u>avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal. It should enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.</u>	Latimer Rep ID.228 To provide additional clarity in line with the wording of the NPPF.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 3 - Place Shaping Principles	MM33	Part I (was J)	2. A Heritage Impact Assessment and Mitigation Strategy is required to demonstrate the measures that can minimise harm and maximise the potential to enhance the heritage significance of <i>the Grade II* Listed Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse and the Round Barrows (Scheduled Monument) on Annan Road, and their settings.</i>	Historic England Rep ID.215 To provide clarity and accuracy on referenced requirements.	No effect
GC Policy 3 - Place Shaping Principles	MM34	Part I (was J)	4. Design & Access Statement (<i>incorporating an Active Design Assessment in accordance with Sport England Active Design Guidance</i>).	Sport England Rep ID.68 To provide clarity and accuracy on referenced requirements.	No effect
GC Policy 5 - Economic Activity and	MM35	Part A	Amend first point of Part A:	Latimer Rep ID.229	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Employment			How delivery of the first phase of business accommodation in each employment area is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land.	To provide additional flexibility in providing a balanced delivery of employment and residential uses.	
GC Policy 5 - Economic Activity and Employment	MM36	Part A	Amend first point at top of page 72: Creation of the Rapid Transit System to enable a <i>fast</i> rapid commute for residents to and from all neighbourhoods within the Garden Community to key areas of employment, including the new A120 business park and centres as well as those outside of the Garden Community, such as the University of Essex, Colchester City Centre, Colchester General Hospital, Colchester Business Park and Colchester Sports Park.	Latimer SoCG (SCG06) Consistency with Council policy wording in GC Policy 1. 'Colchester Business Park' is not on the RTS Route, as it terminates at	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				Colchester Park and Ride.	
GC Policy 5 - Economic Activity and Employment	MM37	Justification (page 74)	...the study also recommends the provision of <u>appropriate</u> flexible <u>Commercial, Business and Service uses and</u> office space concentrated in the North and South Neighbourhood Centres.	Latimer Rep ID.229 To provide additional flexibility in allowing evidence and masterplanning to appropriately account for employment land and other employment generating uses in the neighbourhood centres.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 5 - Economic Activity and Employment	MM38	Justification	<p>Insert additional sentence/para to justification page 76 to read:</p> <p><i>Student and retired households are excluded from the ambition to achieve one job per household.</i></p>	<p>Latimer Main Matter 5 Hearing Statement (HS5.1)</p> <p>To provide additional clarity over the aim of achieving one job per household.</p>	No effect
GC Policy 6 – Community and Social Infrastructure	MM39	Narrative	<p>Amend Para.1 page 78 to read:</p> <p>Ensuring the Garden Community is served by community services and facilities of the right type in the right location and delivered at the appropriate time, including <i>health and wellbeing</i>, schools and sports facilities; as well as access to health <i>ambulance, police and firefighting services</i> ...</p>	ESNEFT Rep ID.267 and EEAST Rep ID.254	No effect
GC Policy 6 – Community and Social	MM40	Part C	<p>Amend third para. page 83:</p> <p>Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks,</p>	<p>Latimer (SCG06)</p> <p>SoCG</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Infrastructure			connected by safe and direct walking and cycling routes to the Neighbourhood the school serves.	Access will still be required by emergency vehicles and for blue badge users. The wording requires the flexibility to respond to accessible needs and “streets” and “car parks” is ambiguous.	
GC Policy 6 – Community and Social Infrastructure	MM41	Part C	Amend third para. page 83: Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves. All schools should be well connected to the natural environment to provide the option of providing forest school sessions, <i>and through their design and layout encourage health and wellbeing, especially physical activity (e.g. storage facilities to support cycling, and</i>	Sport England Rep ID.69 To strengthen links between health and education.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u><i>the promotion of informal physical activity as well as providing conventional sport and play facilities).</i></u>		
GC Policy 6 – Community and Social Infrastructure	MM42	Part C	Include after bullet point list as paragraph: <u><i>The capacity and quantum of schools and early years provision will be subject to an appropriate assessment of the need at the time of submission of future planning application(s).</i></u>	Latimer Rep ID.230 To provide additional clarity that the number of schools should be evidence led, based on need and demographic studies at the time.	No effect
GC Policy 6 – Community and Social Infrastructure	MM43	Part D	The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) <u>Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy (2023)</u> or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided.	Update to most recent evidence base document.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 6 – Community and Social Infrastructure	MM44	Part D	<p>The sports and recreation requirements of the Garden Community, as set out in the Colchester and Tendring Sports, Recreation and Open Space Strategy (2022) or any updates to this Strategy, must be met in full in terms of the typology, quantity, quality, and location of facilities provided. <u>Proposals will have regard to the potential role of the University’s existing or future sports facilities in meeting the needs of the development in view of the close proximity of the University site and the strategic shared use facilities that are or could be provided to help meet the needs of residents of both the development and the University.</u></p> <p>Opportunities should be taken to deliver multipurpose facilities well integrated into the built environment and well designed in terms of their landscape settings. The Councils will only consider offsite provision where it is well connected to the Garden Community and/or where it will deliver multiple benefits, including benefits to existing communities.</p>	<p>Sport England Rep ID.69</p> <p>To strengthen links to University/shared sports facilities.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 6 – Community and Social Infrastructur e	MM45	Part E	<p>Amend from last para. page 83:</p> <p>Appropriate health and wellbeing services must be provided to new residents and occupiers of the Garden Community from first occupation. Proposals for the development of the Garden Community must <u>reflect national and local health related strategies, consider the evidence provided through relevant Health Impact Assessments including the joint strategic needs assessment (JSNA) and align with the outcomes within the overall 'Health Strategy' for the Garden Community, and are anticipated to include:</u></p> <ul style="list-style-type: none"> <u>Enhancements to existing local facilities, including improvements to primary care provision and wider healthcare services and facilities including but not limited to those at Colchester Hospital which will support the provision of acute and community services.</u> A new Health and Wellbeing Hub to be provided in the early phases of development (potentially via a phased approach to delivery) (underpinned by the most up-to date evidence base delivered via a phased approach). 	<p>ESNEFT Rep ID.267</p> <p>To ensure that the Policy represents an effective strategy for securing all types of healthcare infrastructure (both on and off-site) required to serve the new communities.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p>The facility shall be designed to deliver an integrated service for patients—including a cluster of general practitioners, a wide range of diagnostic services and primary care treatment—to minimise the requirement for secondary care treatment at hospital. <u>residents and include consideration of primary, community and acute services and</u> it should be located on an accessible site close to other community facilities <u>and transport infrastructure. Any approach to health and wellbeing will include facilities that provide regard to prevention and health improvement activities.</u></p> <ul style="list-style-type: none"> • Flexible space for health provision, located within the Neighbourhood Centres and community buildings. <p>Developers must enter into early conversations with the local NHS Integrated Care Board through the North East Essex Health and Wellbeing Alliance, and other relevant partners to ensure that proposals reflect current health and social care models. <u>which is the local place-based health partnership so to ensure that proposals reflect current health and social care models, local evidence and need. This partnership vehicle will</u></p>		



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<i><u>also be key in supporting the development of the health impact assessment and health strategy for the GC.</u></i>		
GC Policy 6 – Community and Social Infrastructure	MM46	Part G	Amend point 3, page 85: 3. Proposals must be supported by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure, particularly schools <u>and healthcare facilities. These will also contribute to the health impact assessment.</u>	ESNEFT Rep ID.267	No effect
GC Policy 6 – Community and Social Infrastructure	MM47	Part G	Amend point 6, page 85: 6. Proposals must be supported by a Healthy Living and Play Strategy, <u>which will be informed by the Colchester and Tendring Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy (2023) or any updates to this Strategy.</u> This Strategy should demonstrate how the development will	Sport England Rep ID.69 To strengthen links with 2023 Colchester and Tendring Open Space Strategy.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			be designed to encourage active lifestyles, independence, and wellbeing, through the provision of sites, facilities, and informal opportunities for people to play, socialise, play sport, keep fit and have fun. <u><i>It must be co-ordinated with other relevant strategies for the development such as the Green Infrastructure Strategy, the Active Travel Strategy and the Active Design Assessment.</i></u>		
GC Policy 6 – Community and Social Infrastructure	MM48	Part G	9. Proposals for educational use/buildings should be accompanied by a 'Community Use Statement/ <i>Plan</i> ' <u><i>to be agreed by the authorities and which must be approved as part of any planning permission granted and secured by way of a Community Use Agreement through an appropriate legal agreement.</i></u>	Sport England Rep ID.69 To provide clarity with regard to securing community use of education facilities.	No effect
GC Policy 6 – Community and Social	MM49	Justification	Amend Justification Text: Para 2, Page 86 to read: "Community and social infrastructure covers a wide range of facilities, such as health; <u><i>ambulance; police; firefighting;</i></u> education; sports; recreation and	EEAST Rep ID.257 Plan text not fully 'justified' as the paragraph omits	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Infrastructure			greenspace; places of worship; community halls; public houses and cultural infrastructure..."	reference to key infrastructure in the form of ambulance, police & firefighting facilities.	
GC Policy 6 – Community and Social Infrastructure	MM50	Justification	<p>Insertion of new paragraph after Para 3, Page 88 to read:</p> <p><i><u>The health strategy for the Tendring Colchester Borders Garden Community will be dependent on various factors including capacity in existing neighbouring primary care facilities, workforce recruitment, funding streams, NHS clinical and service strategies and NHS building design approaches. A comprehensive, evidence based HIA will be carried out engaging with all local health and care partners and local communities to ensure that a robust view of need is assessed. The strategy shall be designed to ensure that health is designed into the Garden Community and that any new infrastructure delivers an integrated service for the population. A consideration on the wider</u></i></p>	<p>SNEE ICB Rep ID.272 and 273</p> <p>Stresses the importance of the need for a robust HIA process developed through collaborative work and carried out as early as possible.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<u>impact of the development on key health stakeholders including Public Health, primary, secondary and acute inpatient and outpatient facilities, ambulance, police, firefighting and others within the local partnership will need to be taken into account and mitigation of any impact appropriately provided.</u>		
GC Policy 7 - Movement and Connections	MM51	Chapter 8 - Movement and Connections Illustrative Framework Plan	Page 93, amend footer: The location of specific land uses, facilities and activities <u>and the movement and connection features</u> are illustrative and subject to further masterplanning <u>and Transport Assessment.</u>	Latimer SoCG (SCG06) Whilst illustrative only, this is the only plan that shows vehicular access locations in the DPD so others may add significant weight to its interpretation so options and clarification need to make this clear.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM52	Part A	<p>Amend third point, page 95:</p> <p>Achieve filtered permeability, restricting the movement of general vehicular traffic between neighbourhoods. <u><i>This includes amendments to the existing adopted lanes within the site to control and/or restrict vehicular access so the routes can become strategic active travel corridors.</i></u></p>	<p>Latimer SoCG (SCG06)</p> <p>The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and vehicle access locations.</p>	No effect
GC Policy 7 - Movement and Connections	MM53	Part A	<p>Amend forth point, page 95:</p> <p>Demonstrate how modal share targets (the number of trips by walking, cycling, public transport and private vehicle) will be achieved, maximised and monitored in a phased approach <u><i>and how the targets reflect the ambitions for reducing car use over time</i></u> as outlined in</p>	<p>Latimer SoCG (SCG06)</p> <p>The mode split targets reflect the land-use quanta tested in the</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p>the Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023, and as reflected in the table below.</p>	<p>DPD and the Transport Assessment will establish the targets based on detailed forecasting and will be agreed with the highway and planning authority based on the transport strategy proposed and linked to the phasing strategy for both the development, Park and Choose and Link Road.</p> <p>Review mechanisms for the DPD will allow updates to respond to the developing evidence base.</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM54	Part A	Amend third para. page 96: Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to ensure <u>enable and encourage</u> sustainable travel patterns from first occupation.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel but not ensure it.	No effect
GC Policy 7 - Movement and Connections	MM55	Part C	Amend final point of Part C, page 98: 'Proposals must demonstrate how the development contributes to:...' Ensuring that there is a convenient and high frequency bus <u>public transport</u> service operating that is aligned	Mr Tim Batts-Neale Rep ID.131 To provide consistent wording in policy.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			with the first phase of the Garden Community which will need to be appropriately funded by the developer.		
GC Policy 7 - Movement and Connections	MM56	Part J	Amend second para of Part J, page 105: will be agreed and approved by the Councils and the Highway <u>Authorities</u> Authority.	Correction of wording to refer to Highways Authorities.	No effect
GC Policy 7 - Movement and Connections	MM57	Part D	Amend first para. of Part D, page 99: All proposals will need to integrate with the RTS and demonstrate how the RTS can <u>serve</u> provide a direct link to each Neighbourhood Centre.	Latimer SoCG (SCG06) How the RTS will serve each neighbourhood centre will be the subject of plot testing within detailed masterplanning. "Accessibility" rather than "a direct link" avoids introducing a potential conflict with	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				other policies by being prescriptive about the alignment of RTS, for example around school entrance access being vehicle free.	
GC Policy 7 - Movement and Connections	MM58	Part D	Amend third para. of Part D, page 99: It should be ready for operation during the first residential parcels phase of the development to influence sustainable travel behaviour and embed the use of the system and align with the Essex RTS operational model, including the phased delivery plan for services.	Latimer SoCG (SCG06) It is agreed that a quality public transport service must be available during the first phase that generates residential trips and where possible the RTS segregated route be available early.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				<p>However, flexibility is required in the wording to avoid the wording prejudging the location of the first phase, i.e. that it must be adjacent the safeguarded RTS corridor. The RTS operating route and frequency will be related to the scale and location of a first residential phase but it is agreed they must come together.</p> <p>“First residential” was used rather than “first” as there may be a requirement for infrastructure</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				enabling works relating to energy etc which would fall under the definition of “first phase” but wouldn’t have any homes associated with it to require an RTS. Alternative wording refers to residential parcels.	
GC Policy 7 - Movement and Connections	MM59	Part D	Amend second para. of Part D, page 99: Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters) <i>whilst providing for a fast service.</i>	Latimer SoCG (SCG06) Added wording aligns with other policy references to RTS being a fast service.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM60	Part D	<p>Add new para. to end of Part D page 99:</p> <p><u><i>Before any planning approval is granted for development forming part of the Garden Community a relevant permission must have been secured to provide for the connection from the A133 Section C of the RTS (delivered by ECC under the HIF programme) to both the Park and Choose Facility and the route of the RTS through the Garden Community.</i></u></p>	<p>To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the delivery and funding of the RTS given that sections of the scheme have been delivered through HIF. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM61	Part G	Amend forth point on page 101: How the design, location and amount of parking <u>seeks to avoid</u> ensures that there is no resulting-overspill and inappropriate on-street parking which negatively impacts on...”	Latimer SoCG (SCG06) Design can seek to avoid these issues, it cannot ensure. The monitoring strategy for TCBGC will ensure that unforeseen issues with parking are picked up and addressed in subsequent design phases.	No effect
GC Policy 7 - Movement and Connections	MM62	Part H	Amend first para of ‘H.2’ page 103: In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the necessary — <u>supporting Transport Assessment and</u> processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, <u>and reflect the ambitions set out in the</u>	Latimer SoCG (SCG06) The Transport Assessment will define what is to be agreed for TCBGC	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			supporting Strategic Masterplan and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance.	<p>and that this should align with the ambitions established in the evidence base.</p> <p>The RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets</p>	
GC Policy 7 - Movement and	MM63	Part I	Amend second point, page 104:	Latimer (SCG06) SoCG	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Connections			<p><u>Subject to detailed modelling</u>, the Garden Community must <u>aim to</u> restrict vehicular connectivity between individual junctions of the 'Link Road', except for public transport and emergency vehicles, apart from the 'Link Road' itself".</p>	<p>Latimer's testing of the capacity of the A133 junction indicates that the Southern Community will require two points of vehicular access to the Link Road. This will be confirmed through detailed modelling in the Transport Assessment, but the policy wording must protect the ability for the Southern Community to have access from the A133 and Tye Lane Roundabouts on the Link Road.</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 7 - Movement and Connections	MM64	Part I	Add new para. to end of Part I page 104: <u><i>Before any planning approval is granted for development forming part of the Garden Community the full delivery of the A120-A133 link road must have secured planning consent and a commitment to full funding must be demonstrated.</i></u>	To carry forward the adopted policy requirement from the Section 1 Plan to include reference to the 'full' delivery and funding of the Link Road given its delivery is now phased. The suggested modification will provide appropriate safeguards as per the intent behind the Section 1 Plan policy SP6, updated to reflect the current circumstances.	No effect
GC Policy 7 - Movement	MM65	Part J	Amend first para. page 105:	Latimer SoCG (SCG06)	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Connections			<p>The modal share targets will be actively monitored throughout the phasing of the development and upon full occupation via the Garden Community Travel Plan. <u>The monitoring approach will be agreed through the planning application.</u> This Travel Plan document/s will be developed in accordance with <u>to reflect</u> the latest best practice guidance and support the mode share ambitions set out in this Plan <u>and the supporting transport evidence.</u></p>	<p>Monitoring progress towards the targets will be essential over the long build out of the development and flexibility must be built into infrastructure triggers to ensure that the transport infrastructure proposed within each development phase addresses the transport conditions at the time.</p> <p>In accordance with” can be interpreted to mean with the modal split targets and strategy in the</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				evidence base. All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, and mitigation packages which the Transport Assessment will address.	
GC Policy 7 - Movement	MM66	Part J	Add para to Part J, Page 105:	Latimer (SCG06)	SoCG No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Connections			<p><i>Both internal Garden Community neighbourhood and external modal splits will be measured and monitored, and robust management and oversight will be activated to see that the targets are met.</i></p>	<p>The RTS and active travel modes are the priority and ambitious mode split targets are important to this and external modal split targets need to be measured and monitored. Monitoring travel patterns of internal trips is more problematic than external trip monitoring regardless of technology. Internal modal split data will be gathered, but this will rely on selfreporting as part of the Travel Plans for the on-site</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				employment, retail, and school travel plans and self-reported travel diaries from residents so will be sample based only. Whilst technology (such as cameras) can count numbers of pedestrians and cyclists on key routes within the site, it cannot determine whether these are internal trips or external trips. This would require facial recognition which presents significant GDPR and data protection issues. The	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				method for obtaining internal and external modal split data will be agreed with Essex and the Councils.	
GC Policy 7 - Movement and Connections	MM67	Part K	Amend first para of Part K, page 105: Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed <u>above and will be redefined based on the findings of the Transport Assessment.</u>	Latimer SoCG (SCG06) The phased delivery of infrastructure is important. However some flexibility is required in the DPD to fully understand network and road capacities within the TA and how this will inform the masterplan work and ultimate transport strategy, mitigation packages	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				and mode split targets.	
GC Policy 7 - Movement and Connections	MM68	Part K	Amend first para of Part K, page 105: Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to <i>ensure enable and encourage</i> sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants.	Latimer SoCG (SCG06) The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel, but not ensure it.	No effect
GC Policy 7 - Movement and Connections	MM69	Part K	Amend first point '1' of Part K, page 105: The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and <i>the principles of the Healthy Streets for Life Assessment</i> . A copy of the results of the Healthy	Latimer SoCG (SCG06) To reflect that the completion of a Healthy Streets for	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			Streets for Life Assessment <u>should be provided at the appropriate stage of planning.</u>	Life Assessment may only be possible at particular stages of the planning process. New wording to be clear principles are incorporated early but the assessment will follow.	
GC Policy 7 - Movement and Connections	MM70	Part K	Amend point '5g' of Part K, page 107: Targets which are monitored and submitted for approval <u>from the outset at a frequency as agreed with the Councils</u> and review by the Councils <u>annually from the outset</u> ; and of the operation of a Transport Review Group (TRG) including terms of reference".	Latimer SoCG (SCG06) For a development this scale, annual monitoring does not give time for the full cycle of monitoring, review, agreement of measures, implementation of measures and	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				evaluation of impacts of the interventions. Wording change to reflect the frequency will be agreed at a later date.	
GC Policy 8 - Sustainable Infrastructure	MM71	Part A	Part A, first para. page 117 to read: All buildings must <i>shall</i> be net zero in operation <u>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within a reasonable time</u> and achieve net zero operational energy balance onsite <u>across the Garden Community.</u>	At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.	No effect
GC Policy 8 - Sustainable Infrastructure	MM72	Part A	Part A, second para. page 117 to read: Proposals must demonstrate how new homes <u>and buildings</u> will achieve: <ul style="list-style-type: none"> Space heating demand of <u>15 kWh/m² GIA/yr</u> or less <u>(except Bungalows which</u> 	To reflect the findings of the most up-to-date technical evidence base and ensure alignment with the Essex Design Guide.	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><i>must achieve 20 kWh/m2 GIA/yr or less) than 30kWh/m2/ per annum.</i></p> <ul style="list-style-type: none"> • Total energy consumption (energy use intensity) of <u>35 kWh/m2 GIA/yr or less</u> for residential. <i>For non-residential buildings they must achieve a total energy use consumption (energy use intensity) of no more than the following (where technically feasible) by building type or nearest equivalent:</i> <ul style="list-style-type: none"> - <u>70 kWh/m2 GIA/year or less for offices</u> - <u>65 kWh/m2 GIA/year or less for schools</u> - <u>35 kWh/m2 GIA/year or less for light industrial</u> 		
GC Policy 8 - Sustainable Infrastructure	MM73	Part D	<p>Part D, page 118 to read:</p> <p>All buildings must include water efficiency measures and seek to achieve water neutrality. All homes must include water saving measures and, as a minimum, meet the Building Regulations optional tighter water</p>	<p>Anglian Water Rep ID. 123</p> <p>Affinity Water Rep ID. 99</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p>standard of 110 litres per person per day. <u>the Government's Environment Improvement Plan (Water Efficiency Roadmap) standard of 100 litres per person per day.</u> Proposals should submit a water efficiency calculator report to demonstrate compliance, <u>and developers are encouraged to demonstrate how they can go further utilising integrated water management and a fittings-based approach to minimise potable water use.</u></p> <p><u>Non-residential development proposals must demonstrate that water efficiency measures and water reuse have been incorporated in proposals. Where significant non-domestic water use is required, a Water Resources Assessment should be submitted with the planning application following consultation with the relevant water company to ascertain water availability and feasibility of the proposed scheme.</u></p> <p>Proposals must include clear evidence on the approach to water conservation, including the potential for the re-use of greywater and rainwater capture and re-use and should also provide the infrastructure to</p>	<p>To align with the Government's Environment Improvement Plan (Water Efficiency Roadmap) intention to require 100 l/p/d in water stressed areas.</p>	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			support options for rainwater re-use in the building design, e.g. rainwater harvesting systems, water saving devices, greywater recycling or other agreed solutions. The Councils will require safe systems and measures to be implemented for all new development within the Garden Community.		
GC Policy 8 - Sustainable Infrastructure	MM74	Justification	<p>Policy Justification to include a new sentence at the end of the second paragraph on page 121:</p> <p><i><u>It should also be noted that the Garden Community is located with the ECAC Climate Focus Area (CFA). The principal objective of the CFA is to become net zero carbon – meaning that the amount of carbon emitted from the area is no higher than that absorbed. The Garden Community can contribute to the CFA targets.</u></i></p>	<p>Essex County Council Rep ID.115</p> <p>To make reference to the Garden Community being situated within the Essex Climate Action Commission's recommended Climate Focus Area (CFA).</p>	No effect
GC Policy 9 -	MM75	Part A	Policy Justification to include a new sentence at the end of the second paragraph on page 121:	Essex County Council Rep ID.115	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Infrastructure Delivery, Impact Mitigation and Monitoring			<i><u>It should also be noted that the Garden Community is located with the ECAC Climate Focus Area (CFA). The principal objective of the CFA is to become net zero carbon – meaning that the amount of carbon emitted from the area is no higher than that absorbed. The Garden Community can contribute to the CFA targets.</u></i>	To make reference to the Garden Community being situated within the Essex Climate Action Commission's recommended Climate Focus Area (CFA).	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM76	Part A	Developers will need to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the <i>'Infrastructure Delivery, Phasing & Funding Plan'</i> or relevant Infrastructure Delivery Plan (IDP) and other policies in this Plan...	Consistency of terminology of documentation reference needed to align with the terminology of the evidence base document with respect to the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
				'Infrastructure Delivery Plan'.	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM77	Justification	Amendment to fourth paragraph on page 129: "...including the A120-A133 Link Road and Rapid Transit System in accordance with <u>taking into account the conditions of</u> the Housing Infrastructure Fund".	Latimer Rep ID.238 Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording.	No effect
GC Policy 9 - Infrastructure Delivery, Impact Mitigation	MM78	Justification	Amend para.1 page 129 to include: <u>Integrated Care Board (ICB)</u>	ESNEFT Rep ID.267 To ensure that developers liaise with the most appropriate	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Monitoring				NHS contacts to discuss and agree the scope and scale of the healthcare infrastructure and/ or funding required to meet the new community's needs	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM78	Justification	Amend para 1, Page 129 to read: "The Garden community will require the provision of new physical infrastructure such as footways, cycleways, roads, and sewers; social infrastructure such as health, <u>ambulance</u> , <u>police</u> , <u>firefighting</u> , education and community facilities, and green infrastructure such as open and recreational spaces."	EEAST Rep ID.259 Plan text not fully 'justified' as paragraph omits reference to key infrastructure in the form of ambulance, police & firefighting facilities	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM79	Justification	<p>Amend second paragraph on page 130:</p> <p>"In negotiating <i>Where planning obligations are required by planning policy and/or to mitigate the impacts of development but are not agreed for development viability reasons</i>, the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development, <i>provided the additional obligations are required to mitigate the impact of the development.</i></p>	<p>Latimer Rep ID.238</p> <p>Modification suggested by Latimer in their representation which the Council agree is acceptable and does not change the intent of the original policy wording.</p> <p>The amended wording provides additional clarity that viability assessment would only be required if proposals were not achieving requirement due to viability matters.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM80	Justification	Amend final paragraph on page 130: “The Councils have prepared an <u>‘Infrastructure Delivery, Phasing & Funding Plan’</u> which performs the role as <u>the</u> ‘Infrastructure Delivery Plan’...”	Consistency of terminology of documentation.	
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM81	Justification	Amend third paragraph on page 131: “Essex County Council, working with CCC and TDC, were successful in attracting funding under the Housing Infrastructure Fund (administered by Homes England) for the delivery of <u>the first phase of the</u> A120-A133 Link Road...”	For clarity in relation to the current position in respect of the works that the Housing Infrastructure Fund was being related to.	No effect
GC Policy 9 - Infrastructure Delivery, Impact	MM82	Monitoring	Add additional paragraphs before the table of objectives & indicators: Monitoring is a way of assessing the effectiveness of a plan once it is adopted. It helps to identify if plan	The Councils consider the additional text provides further clarity as to how the	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Mitigation and Monitoring			<p>policies are not being implemented and whether an early review of the plan is required. Monitoring indicators for the Plan will reflect <u>a combination of policy requirements</u>, the indicators monitored in the Councils Authority Monitoring Reports (AMR) and will be <u>are</u> linked to the Sustainability Appraisal (SA) Framework. The table below outlines the Councils monitoring objectives and will evolve over time as the monitoring indicators evolve. <u>relevant Plan policies and monitoring indicators. The AMRs will be used to report the performance of the Plan as well as recommending any actions required to ensure the delivery of the DPD.</u></p> <p><u>Monitoring will be undertaken on an annual basis, with the result being published at the end of each calendar year within both Colchester City Council and Tendring District Council 'Authority Monitoring Reports' (AMRs). Information on the following objectives and indicators will be collated and assessed by the Councils. The AMRs will contain consistent information on the implementation of policies and the delivery of new development and supporting infrastructure. Where necessary the information will be tailored to the need of</u></p>	effectiveness of the DPD will be monitored over time.	



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			<p><u>each separate Council and AMR approach. The monitoring will have a particular focus on the delivery of development, floorspace and land use change, alongside securing wider policy objectives in relation to infrastructure delivery.</u></p> <p><u>The Councils will also ensure that appropriate monitoring frameworks and approaches are established through the determination and approval of planning applications for the Garden Community, with the associated use of planning conditions and other control mechanisms such as S106 agreements to ensure that appropriate monitoring is undertaken and information provided as the Garden Community is built out.</u></p>		
GC Policy 9 - Infrastructure Delivery, Impact Mitigation	MM83	Monitoring	<p>Monitoring Indicator of SA Objective 9 on page 134, to be updated as follows:</p> <p>Percentage of journeys to work, <u>to education (and other land uses)</u> by walking and cycling and percentage of journeys to work by public transport.</p>	<p>Tim Batts-Neale Rep ID.249</p> <p>Clarification of text.</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
and Monitoring					
GC Policy 9 - Infrastructure Delivery, Impact Mitigation and Monitoring	MM84	Monitoring	<p>Monitoring Indicator of SA Objective 7 on page 133, to be updated as follows:</p> <p><u>All permissions granted which affect a designated and/or non-designated heritage asset, and/or archaeology sites are in accordance with the policy</u></p> <p>Recorded loss of listed buildings Grade I and II+ (by demolition), Scheduled Monuments or nationally important archaeological sites and assets on the Colchester Local List to development</p>	<p>Philip Robinson Rep ID.179</p> <p>Clarification of text.</p>	No effect
Glossary	MM85	Gypsies and Travellers	<p>Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily <u>or permanently</u>, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining</p>	<p>To reflect the outcome of the 'Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022' judgement and the 19 December</p>	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
Glossary	MM86	Biodiversity Net Gain	<p>whether persons are “gypsies and travellers” consideration will be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.</p> <p>Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. The Environment Act contains a new biodiversity net gain condition for planning permissions. To meet this requirement biodiversity gains will need to be measured using a <u>the biodiversity metric as specified in the Environment Act (or otherwise agreed).</u></p>	<p>2023 Government update to the PPTS (notwithstanding the transitional NPPF arrangements).</p> <p>Latimer Rep ID.227 To provide additional clarity on an appropriate metric.</p>	No effect
Glossary	MM87	Community Facilities	<p>Are buildings, which enable a variety of local activity to take place including, but not limited to, the following: Schools, Universities and other educational facilities; Libraries and community centres; Doctors surgeries, medical centres and hospitals, <u>including emergency, and acute inpatient and outpatient facilities;</u> Public</p>	ESNEFT Rep ID.267	No effect



Policy	Mod ref.	Part	Modification	Reason	Effect upon the Conclusions of the HRA
			houses and local shops; Museums and art galleries; Child care centres; Sport and recreational facilities; Youth clubs; Playgrounds; Cemeteries; and Places of worship.		
Glossary	MM88	Infrastructure	Infrastructure means any structure, building, system, facility and/or provision required by an area for its social and/or economic function and/ or well-being including (but not exclusively): footways, cycleways and highways; public transport; drainage and flood protection; waste recycling facilities; education and childcare; healthcare; <u>ambulance, police & firefighting facilities</u> ; sports, leisure and recreation facilities; community and social facilities; cultural facilities; emergency services; green infrastructure; open space; affordable housing; broadband; facilities for specific sections of the community such as youth or the elderly.	EEAST Rep ID.263	No effect
Appendices	MM89	N/A	Add Appendix 4	N/A	No effect



Appendix 3. Inspector's Schedule of Modifications and the effect upon the conclusions of the HRA

Policy	Mod ref.	Part	Modification	Inspector comment and Councils action	Effect upon the Conclusions of the HRA
GC Policy 8 Sustainable Infrastructure	MM71	Part A	<p>Part A, first para. page 117 to read:</p> <p>All buildings must<i>shall</i> be net zero in operation <i>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation,</i> and achieve net zero operational energy balance onsite <i>across the Garden Community.</i></p>	<p>At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.</p> <p>Councils action – amend modification to GC Policy 8 – Sustainable Infrastructure.</p>	No effect
GC Policy 8 Sustainable Infrastructure	MM72	Part A	<p>Part A, second para. page 117 to read:</p> <p>Proposals must demonstrate how new homes <i>and buildings</i> will achieve:</p> <ul style="list-style-type: none"> Space heating demand of <i>15 kWh/m² GIA/yr or less (except Bungalows which</i> 	<p>The Essex Design Guide is not part of the Development Plan. Therefore, the suggested modification is not</p>	No effect



Policy	Mod ref.	Part	Modification	Inspector comment and Councils action	Effect upon the Conclusions of the HRA
			<p><i>must achieve 20 kWh/m2 GIA/yr or less) than 30kWh/m2/ per annum.</i></p> <ul style="list-style-type: none"> • Total energy consumption (energy use intensity) of <u>35 kWh/m2 GIA/yr or less</u> 40kWh/m2/annum for residential. <i>For non-residential buildings they must achieve a total energy use consumption (energy use intensity) of no more than the following (where technically feasible) by building type or nearest equivalent:</i> <ul style="list-style-type: none"> - <u>70 kWh/m2 GIA/year or less for offices</u> - <u>65 kWh/m2 GIA/year or less for schools</u> - <u>35 kWh/m2 GIA/year or less for light industrial</u> 	<p>considered reasonable and would be likely to create issues in relation to deliverability.</p> <p>Councils action – remove modifications.</p>	
GC Policy 9 Infrastructure Delivery, Impact Mitigation and	MM90	N/A	Remove all references to Community Infrastructure Levy	The CIL charging schedule will be considered separately from the DPD.	No effect



Policy	Mod ref.	Part	Modification	Inspector comment and Councils action	Effect upon the Conclusions of the HRA
Monitoring				Councils action – remove reference to CIL within GC Policy 9.	
GC Policy 2 – Nature	MM91	Part D	Remove last sentence: “As such an ambition is to achieve BNG of 15% on average across the whole masterplan.”	<p>The minimum requirement of 10% will be met across the masterplan as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).</p> <p>Councils action – remove sentence in GC Policy 2 – Nature.</p>	No effect

Clients: Tendring District
Council and Colchester City
Council

Tendring Colchester Borders Garden Community: Development Plan Document
Submission Version Plan
Habitats Regulations Assessment Addendum





Appendix 4. Review of modifications of the HRA following the DPD policy amendments

Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
55	4.8.7	<u>Policy GC2 sets out that each</u> Each phase of development must be supported by up-to-date over-wintering bird surveys to determine the usage of the phases by individual waterbirds and the importance of their assemblages. If any over-wintering bird surveys at application stage identifies that the proposals will result in impacts upon the individual waterbirds or the waterbird assemblage associated within the Colne Estuary SPA and Ramsar site or the Stour and Orwell Estuaries SPA and Ramsar site, then bespoke mitigation measures must be secured either by legal agreement or a condition of any consent with landowners located in Tendring District Council and Colchester City Council within close proximity of the relevant Habitats sites.	To highlight that policy GC2 been amended within the DPD in regard to securing measures for functionally linked land.	No effect
55	4.8.8	With the measures required as part of each phase of development <u>embedded within Policy GC2</u> , we are satisfied that the policies of the DPD Submission Version Plan reviewed at Appropriate Assessment stage will not result in	To highlight that policy GC2 been amended within the DPD in regard to securing	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
		any in direct Adverse Effects On site Integrity to Colne Estuary SPA and Ramsar or the Stour and Orwell Estuaries SPA and Ramsar site via the loss of functionally linked land.	measures for functionally linked land.	
57	4.9.12	Each relevant phase of development for the garden community should will be supported by traffic scoping modelling to fully determine whether further mitigation measures to avoid adverse impacts from air quality are required. <u>This has been embedded within GC Policy 2 of the DPD.</u> The assessment methodology will be in line with the Highways Agency Design Manual for Road and Bridges and must be completed by a competent expert for traffic. Therefore, the methodology at a minimum will need to calculate the annual average daily traffic (AADT) and heavy duty vehicle (HDV) AADT traffic flows at the sensitive receptors identified, with the exception of A2, B3 and U1. This is because it is unlikely that A2 will generate increase traffic from garden community and because B1 is located on the same road as B3 and U2 on the same road as U1,	To highlight that policy GC2 been amended within the DPD in regard to securing measures for air quality.	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
		therefore recording AADT at both locations will not provide any additional information		
56	4.9.16	With the measures embedded as part of each phase of development <u>by policy GC2</u> , we are satisfied that the policies of the DPD Submission Version Plan reviewed at Appropriate Assessment stage will not result in any in direct Adverse Effects On site Integrity to Colne Estuary SPA and Ramsar, the Stour and Orwell Estuaries SPA and Ramsar site, the Blackwater Estuary SPA and Ramsar site and the Essex Estuaries SAC via adverse air quality.	To highlight that policy GC2 been amended within the DPD in regard to securing measures for air quality.	No effect
60	4.11.3	As per Natural England's advice letter, the DPD Submission Version Plan needs to consider the availability of on-site (i.e. within development boundaries) avoidance measures (such as the recommended Green Infrastructure within Annex I of Natural England's referenced strategic letter).	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
60	4.11.5	<u>Consequently, a</u> A network of green infrastructure within the garden community has been was secured by Policy SP8 of the Section 1 Local Plan including a community park facility, a new country park of a minimum of 70 hectares in size provided along the Salary Brook corridor and incorporating Churn Wood, the provision of sports areas with associated facilities and play facilities.	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect
61	4.11.6	<u>The DPD also embeds the provision of appropriate SANGs within GC Policy 2 – Nature. This sets out that the provision of SANGs will be required to be provided for each relevant phase of the development, including access to temporary SANG where required. It also sets that proposals that incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to</u>	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect



Page	Paragraph / Table	Updated Sections	Reason	Effect upon the TCBGC DPD
		<p><u>accommodate any increased visitor usage proposed in order to count towards SANG provision.</u></p> <p>If this mitigation is secured by appropriately worded policy text e.g. Policy 3 Nature Part A, this can be considered as embedded or intrinsic mitigation. Such measures must be incorporated into the DPD Submission Version Plan so that these are integral parts of it and they are guaranteed to be delivered i.e. mitigation by design. Provision of sufficient SANG will need to be secured to support each and all phases of residential development.</p>		
61	4.11.6	<p><u>In addition, the</u> The design of greenspace to provide sufficient and suitably attractive natural greenspace which will function as SANGs should include the following features to divert and deflect daily visits away from the Essex coastal Habitats sites:</p>	To highlight that policy GC2 been amended within the DPD in regard to green infrastructure	No effect



Place Services

Essex County Council

County Hall, Chelmsford, Essex CM1 1QH

T: +44 (0)333 013 6840

E: enquiries@placeservices.co.uk

www.placeservices.co.uk

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Essex County Council