387 Object

Document Element: MM75 (Main)
Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]
Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

The IDPFP has been prepared for a specific purpose to support the DPD. In Latimer's view, to be compliant with national policy and pass the legal tests for a planning application, the infrastructure items, package of mitigation measures and their proposed phasing must be agreed as part of the planning application determination where they can be based on sound evidence-based work related directly to Latimer's proposals.

It's proposed that clarification is provided that a "relevant" IDP, for the purposes of this policy, could be one provided by Latimer and agreed with the Council's as part of the planning application process.

Full text:

The IDPFP has been prepared for a specific purpose to support the DPD. In Latimer's view, to be compliant with national policy and pass the legal tests for a planning application, the infrastructure items, package of mitigation measures and their proposed phasing must be agreed as part of the planning application determination where they can be based on sound evidence-based work related directly to Latimer's proposals.

It's therefore proposed that clarification is provided that a "relevant" IDP, for the purposes of this policy, could be one provided by Latimer and agreed with the Council's as part of the planning application process.

Change suggested by respondent:

It is proposed that clarification is provided that a "relevant" IDP, for the purposes of this policy, could be one provided by Latimer and agreed with the Council's as part of the planning application process.

Legally compliant: Yes
Sound: No
Comply with duty: Yes
Attachments: None

388 Support

Document Element: MM76 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM76, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. The modification provides for flexibility should the conditions of the HIF be prohibitive or alternatives possible that could significantly benefit to journey to net zero carbon.

Full text:

Latimer support modification MM76, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. The modification provides for flexibility should the conditions of the HIF be prohibitive or alternatives possible that could significantly benefit to journey to net zero carbon.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

390 Support

Document Element: MM76 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM76, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. The modification provides for flexibility should the conditions of the HIF be prohibitive or alternatives possible that could significantly benefit to journey to net zero carbon.

Full text:

Latimer support modification MM76, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. The modification provides for flexibility should the conditions of the HIF be prohibitive or alternatives possible that could significantly benefit to journey to net zero carbon.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

464 Object

Document Element: MM76 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM76 – the adjustment to wording is concerning as after the change, a proposal could be made having taken into account the HIF agreement but not in accordance with it, leaving decision makers in an impossible decision. While the HIF agreement is in effect, any such proposal needs to be in accordance with its requirements.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

398 Support

Document Element: MM78 (Main)

Respondent: Mrs Claudia Alsdorf [80]

Summary:

To be added: a thorough investigation regarding sewers, drainage, flood defences in view of the fact that land and dwellings downstream and downhill will be affected by sealing vast areas of land through construction across this development. The whole of wivenhoe and much of Colchester has been identified by the government as critical drainage areas. https://flood.essex.gov.uk/get-a-grant-to-protect-your-home-from-flooding/check-if-you-are-in-a-critical-drainage-area/check-if-you-live-in-a-critical-drainage-area/

Full text:

To be added: a thorough investigation regarding sewers, drainage, flood defences in view of the fact that land and dwellings downstream and downhill will be affected by sealing vast areas of land through construction across this development. The whole of wivenhoe and much of Colchester has been identified by the government as critical drainage areas. https://flood.essex.gov.uk/get-a-grant-to-protect-your-home-from-flooding/check-if-you-are-in-a-critical-drainage-area/check-if-you-live-in-a-critical-drainage-area/

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

391 Support

Document Element: MM79 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM79, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. The amended wording provides additional clarity that a viability assessment would only be required if proposals were not achieving requirement due to viability matters, as is appropriate.

Full text:

Latimer support modification MM79, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. The amended wording provides additional clarity that a viability assessment would only be required if proposals were not achieving requirement due to viability matters, as is appropriate.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

392 Object

Document Element: MM80 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

In line with Latimer's comments under MM75, the IDPFP has been prepared for a specific purpose to support the DPD. In Latimer's view, to be compliant with national policy and pass the legal tests for a planning application, the infrastructure items, package of mitigation measures and their proposed phasing must be agreed as part of the planning application determination where they can be based on sound evidence-based work related directly to Latimer's proposals.

Full text:

In line with Latimer's comments under MM75, the IDPFP has been prepared for a specific purpose to support the DPD. In Latimer's view, to be compliant with national policy and pass the legal tests for a planning application, the infrastructure items, package of mitigation measures and their proposed phasing must be agreed as part of the planning application determination where they can be based on sound evidence-based work related directly to Latimer's proposals.

It is therefore proposed that clarification is provided that the IDPFP performs the role as the IDP for the DPD and that the "relevant" IDP (as quoted from GC Policy 9 Part A) could be one provided by Latimer and agreed with the Council's as part of the planning application process.

Change suggested by respondent:

It is proposed that clarification is provided that the IDPFP performs the role as the IDP for the DPD and that the "relevant" IDP (as quoted from GC Policy 9 Part A) could be one provided by Latimer and agreed with the Council's as part of the planning application process.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Attachments: None

327 Object

Document Element: MM84 (Main)

Respondent: Mr Philip Robinson CBE [74]

Summary:

The word “policy” is not specific re the actual Policy it refers to; this should be stated to be The National Planning Policy Framework.

The Recorded loss data should include loss, harm and additionally harm to the setting of all affected designated and all non- designated heritage assets listed on all relevant Local Authority Lists (ie the Tendring and Essex County Council List in addition to the currently stated Colchester List).

Full text:

The word “policy” is not specific re the actual Policy it refers to; this should be stated to be The National Planning Policy Framework.

The Recorded loss data should include loss, harm and additionally harm to the setting of all affected designated and all non- designated heritage assets listed on all relevant Local Authority Lists (ie the Tendring and Essex County Council List in addition to the currently stated Colchester List).

Change suggested by respondent:

Update the Monitoring Indicator of this SA Objective (no9) as follows:

All permissions granted which affect, destroy or , harm the setting, of a designated or non-designated heritage asset and/or archaeological sites are in accordance with the National Planning Policy Framework.

Record the loss, harm or, harm to the setting of Listed buildings Grade 1 and Grade11+, Scheduled Monuments and nationally important archaeological sites and non-designated heritage assets on the Colchester Local List, the Tendring Local List and the Essex County Council LocalList.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Attachments: None

465 Support

Document Element: MM84 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM84 – support this clarification.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

283 Object

Document Element: MM91 (Main)

Respondent: Wivenhoe Town Council (Mrs Joanne Beighton-Emms, Town Clerk) [96]

Summary:

Do not agree that references to CIL, or any other subsequent similar policy, should be removed. The council needs the flexibility to use any system they chose to adopt.

Full text:

Do not agree that references to CIL, or any other subsequent similar policy, should be removed. The council needs the flexibility to use any system they chose to adopt.

Change suggested by respondent:

see above

Legally compliant: No

Sound: No

Comply with duty: Yes

Attachments: None

389 Support

Document Element: MM91 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM91, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024.

Latimer accept the requirement that the subject scheme makes appropriate, proportional contributions to mitigate the impact of development. However, it is appropriate to remove all references to CIL from the DPD – should a CIL charging schedule be prepared by either Tendring or Colchester Councils, this world need to be considered separately. Strategic sites of this scale are quite commonly zero rated for CIL.

Full text:

Latimer support modification MM91, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024.

Latimer accept the requirement that the subject scheme makes appropriate, proportional contributions to mitigate the impact of development. However, it is appropriate to remove all references to CIL from the DPD – should a CIL charging schedule be prepared by either Tendring or Colchester Councils, this world need to be considered separately. Strategic sites of this scale are quite commonly zero rated for CIL.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None