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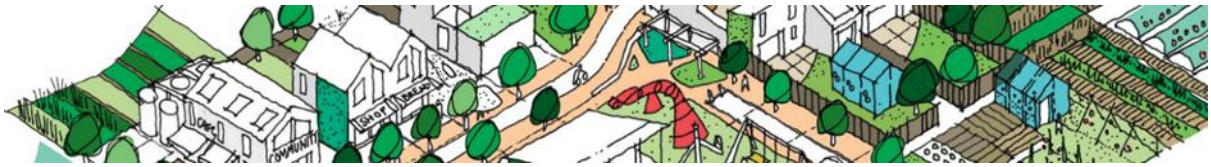

INDEPENDENT EXAMINATION

Tendring Colchester Borders Garden Community (TCBGC)
Development Plan Document (DPD)

HEARING STATEMENT – LOCAL PLANNING AUTHORITY

Main Matter 4 – Buildings, Place and Character (GC Policy 3: Place Making Principles and GC Policy 4: Meeting Housing Needs)

April 2024

Tendring District Council

Colchester City Council

1. INTRODUCTION

1.1 This document is Tendring District Council (TDC) and Colchester City Council (CCC) "the Councils" response to the Matters, Issues and Questions identified for examination by Inspector Graham Wyatt of the Planning Inspectorate, as published on 4 March 2024 (IC3). This is one of nine separate response papers produced by the Councils to address the specific matter and issue as identified on the front page.

1.2 Each response paper includes a number of references to specific evidence which has been relied upon in answering the matters, issues and questions. These reference numbers relate directly to the Examination Library website, where all evidence is published:

Tendring Colchester Borders Garden Community Development Plan Document: Examination Library | Creating a Place for Life (tcbgardencommunity.co.uk)

1.3 As a result of a full and comprehensive review by the Councils of all Regulation 19 representations, and following positive and cooperative engagement with statutory bodies and stakeholders through Statements of Common Ground (SoCG), a series of modifications have been recommended to the DPD Policies and supporting text. Where relevant these modifications are referred to throughout the Councils' Hearing Statements and a full schedule can be found in the 'Schedule of Modifications' (CC4).

2. RESPONSE TO INSPECTOR'S QUESTIONS

Main Matter 4 – Buildings, Place and Character (GC Policy 3: Place Making Principles and GC Policy 4: Meeting Housing Needs)

Are the requirements of the policies justified by appropriate available evidence, having regard to national guidance, and local context?

Policy GC3: Place Making Principles

2.1 Yes, GC Policy 3 is justified by appropriate available evidence, having regard to national guidance and local context.

2.2 It is the Councils view that GC Policy 3 accords with relevant national and local policy. The policy has been prepared positively, in a way that is aspirational, and its content reflects national guidance as set out in Chapter 12 'Achieving well-designed places' of the NPPF. The DPD's design and placemaking policies reflect widely accepted good practice and national guidance.

2.3 Paragraph 126 of the NPPF seeks the creation of high quality, beautiful and sustainable buildings and places (para. 126). It also sets out that plans should set out a clear design vision for places, developed with local communities, to reflect local characteristics and that these should be grounded in an understanding and evaluation of each area (para. 127). In addition, strategic policies should set out an overall strategy for the scale, pattern and design quality of places (places, as distinct from a borough or area). The value of 'place' is further recognised in the important issue of housing provision (para. 73); whilst housing numbers are important,

plans should, 'set clear expectations for the quality of the places to be created and how this can be maintained'.

2.4 The Section 1 Plan Policies SP7, SP8 and SP9 build upon the requirements of Section 12 of the NPPF, acknowledging that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; and that good design is a key aspect of sustainable development, creating better places in which to live and work. Both the NPPF and the Section 1 Plan therefore set the broad aspiration alongside more precise criteria for design and placemaking within the Garden Community. The Councils consider that the requirements of GC Policy 3 are consistent with, further emphasise, and refine said aspiration and detailed criteria.

2.5 Considerations around design and 'placemaking' have increasingly become a core part of the Government's agenda, and a special emphasis has been directed towards creating 'beautiful places'. In 2021, the Government published its National Design Guide (NGD). The DPD is fully in accordance with, and reflects, the Government's 'placemaking' agenda as set out within the NPPF and the NDG and reflect the ten characteristics of well-designed places as set out in the NDG.

2.6 GC Policy 3 'Place Making Principles' is justified by appropriate available evidence and a range of technical studies which have considered issues relating to design, heritage and archaeology, having regard to national guidance and local context. The primary sources of evidence are as follows:

- Crockleford Heath Area of Special Character Assessment (EB7)
- Heritage Impact Assessment (EB10 & EB10a)
- Preliminary Archaeology Assessment (EB11)
- Viewpoint Wireline Testing (EB5)

2.7 The various sources of evidence have come together as part of a strategic masterplanning process which has taken a landscape led approach to design and placemaking and which has drawn together material on the baseline context (EB4), the development of alternative design options (EB3) the articulation of an overall strategic vision (EB2), leading to the preparation of a final 'Strategic Framework Masterplan' (EB1) which draws together all the previous work and wider work across the other relevant themes.

2.8 The Garden Community was one of the Government's National Model Design Code (NMDC) pilots and deployed the approach as set out in the NMDC as part of the overall approach to masterplanning. The pilot specifically included the stage of establishing a robust vision, as set out in the ''Strategic Vision' (EB2) through a thorough process of community involvement. This included the preparation of an 'Engagement & Consultation Strategy' which was delivered through both digital and in-person engagement activities, the use of social media to generate awareness and interest, and the establishment of a 'Community Liaison Group' to input to the process and provide local insight. Elements of the engagement approach have been set out in the 'Masterplan Engagement programme findings' (EB6).

2.9 The Councils have prepared Statements of Common Ground with Historic England (HE) (SCG03) and with Sport England (SE) (SCG01) which includes suggested modifications to the

wording of GC Policy 3 which both parties have agreed to. These are referred to in the Inspectors questions relating to 'heritage assets' and 'direction for the decision maker' later in this statement. The SoCG with NE confirms that there are **no unresolved issues or areas of uncommon ground**. The SoCG with SE confirms that there are **no unresolved issues or areas of uncommon ground**.

Design and Placemaking

2.10 As set out above, the aspirations for design and placemaking within the Garden Community are established within Section 1 Plan Policies SP7, SP8 and SP9, which are consistent with the requirements of Section 12 of the NPPF. GC Policy 3 seeks to further define and refine these aspirations, setting out a clear design vision and the expectations for its delivery.

2.11 The DPD seeks to enhance the sustainability of future communities through the positive planning for the provision of shared spaces, community uses and local services which are well connected and integrated with housing, economic uses and supporting facilities. GC Policy 1 establishes the principles of the Garden Community Neighbourhoods which will be the principle focus of new development and which will deliver three distinct but interconnected 'Neighbourhoods'. Connectivity and access to local services promotes social cohesion, wellbeing and a healthy, happy community that is engaged, empowered and socially inclusive.

2.12 GC Policy 3 takes this forward through Parts A, B, C and D. Through engagement with local people and stakeholders as part of the strategic masterplan process (EB6), the policy has developed to set the Councils' expectation for the Garden Community to be unique and distinctive in character and appearance, with a positive and innovative approach to architecture, urban design, landmarks, and public realm provision. The Garden Community will adopt a landscape led approach to design and build, following healthy new towns principles, Active Design and secured by design certification.

2.13 Part C of GC Policy 3 requires that all new development within the Garden Community must achieve an exemplary standard of design, should maximise health and wellbeing, achieve high standards of amenity, make a positive contribution to the quality of the local environment, and protect or enhance local character.

2.14 Sport England (SE) in their Regulation 19 representation (SE Reg.19 rep) sought clarity and accuracy on referenced requirements, including active design principles. The Councils have continued to engage with SE on this matter through the SoCG (SGC01) which has resolved the outstanding concerns through the suggested addition of wording to GC Policy 3 Part C and Part J. This has resulted in the inclusion of suggested modifications agreed with NE and outlined within the 'Schedule of Modifications' (CC4).

Masterplanning and Design Coding

2.15 GC Policy 3 re-affirms the proposed framework of control documents intended to ensure the delivery of the DPD's design and placemaking aspirations, as established within GC Policy 1 Part K. As set out within the Hearing Statement for Main Matter 2: Land Uses and Spatial Approach, these requirements are considered appropriately justified in order to create a beautiful and distinct place with a consistently high-quality standard of design, in accordance with paragraph 128 of the NPPF.

2.16 GC Policy 1 Part K and GC Policy 3 Part J require that a comprehensive approach to masterplanning be adopted, including a site wide masterplan, detailed area specific

masterplans and design codes for relevant phased developed. These must be informed by assessment frameworks such as the National Design Guide and the National Model Design Code. The Councils consider that these requirements are appropriately justified.

Heritage

2.17 Paragraph 189 of the NPPF asserts the importance of conserving and enhancing the historic environment and notes that heritage *"assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".* GC Policy 3 provides the basis for consideration of the historic environment within future proposals for the Garden Community, and in accordance with paragraph 190 of the NPPF sets out a "*positive strategy for the conservation and enjoyment of the historic environment".*

2.18 Representations received at Regulation 19 from local residents and stakeholders, including Elmstead Parish Council (ID.181) and Wivenhoe Town Council (ID.237) noted the potential for impact and harm to designated and non-designated heritage assets, including the Grade II* Listed Elmstead Hall, the Grade I Listed Church of St Anne and St Laurence, the Grade II Listed Allen's Farmhouse, the registered Wivenhoe Park and gardens, and designated and non-designated heritage assets within the Garden Community site.

2.19 In response to the above noted representations and those Regulation 19 representations made by Historic England (HE) (HE Reg.19 Rep) the Councils commissioned a further Heritage Impact Assessment (EB10a) and have subsequently strengthened the wording within GC Policy 3. The Councils have prepared a SoCG with HE (SCG03) which includes suggested modifications to the wording of GC Policy 3 which both HE and the Councils have agreed to. The SoCG with HE confirms that there are **no unresolved issues or areas of uncommon ground**.

2.20 To achieve conservation and enhancement, the suggested modifications to GC Policy 3 now sign posts to the updated Heritage Impact Assessment, requiring future proposals to take its recommendations into account and demonstrate that any negative impacts are avoided, and where this is not possible impacts minimised. This should be carried out through appropriate masterplan design development as required by GC Policy 3 Part J 'Planning Application Requirements' and GC Policy 1. Additionally, GC Policy 3 requires that mitigation measures must be identified through the preparation of a further detailed Heritage Impact Assessments, which will inform future proposals at the site.

2.21 Further consideration of how a decision maker should react to a development proposal with regard to heritage assets is outlined later in this statement in response to the Inspectors questions.

Landscape

2.22 The DPD recognises that the outdoor natural environment of the Garden Community will be its biggest asset. It seeks to provide green infrastructure where neighbours will spend time, play, interact and grow, whilst providing a natural support system for both people and wildlife. The strategic masterplanning process, which has taken a landscape led approach to design and placemaking, has culminated in the preparation of a final 'Strategic Framework Masterplan (EB1). The NPPF provides a steer for planning requirements under section 8 on 'Promoting Healthy and Safe Communities' as well as section 15 on 'Conserving and Enhancing the Natural

Environment'. The policy requirements under GC Policy 2 and GC Policy 3 take forward the strategic approach to maintaining and enhancing networks of habitats and green and blue infrastructure as outlined in Section 1 Plan, whilst establishing the principles of public open space, landscape character and important local views.

2.23 Within the Section 1 Plan, Part A, point 1 of SP9 further requires that the new Garden Community draws on its context and existing assets whilst safeguarding the important green edge to Colchester with a new country park, and Part F, point 18 of Policy SP9 which requires *"Landscape buffers between the site and existing development in Colchester, Wivenhoe and Elmstead Market".* The Section 1 Plan requires that proposals are based on a robust assessment of natural environmental constraints and opportunities, in order that proposals protect and enhance assets of natural value, and celebrate natural environments.

2.24 GC Policy 2 sets the primary context for nature within DPD, and further information can be found in the Councils Hearing Statement on Main Matter 3. GC Policy 3 builds upon this in terms of landscape implications, requiring that development relates well to its site and surroundings, and respects and/or enhances local landscape character, views, skylines, landmarks, open spaces and other locally important features. GC Policy 3 ensures full consideration of these matters by requiring that a comprehensive 'Landscape Visual Impact Assessment' is submitted, demonstrating how proposals have evolved to avoid and minimise harmful impacts on the wider landscape. GC Policy 3 is therefore considered consistent with the Section 1 Plan and paragraph 130c of the NPPF in this regard.

2.25 The evidence base includes detailed consideration of local environmental conditions and considerations including the 'Crockleford Heath Area of Special Character Assessment' (EB7), the 'Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy' (EB9), Heritage Impact Assessment (EB10 and EB10a), and the 'Preliminary Archaeological Assessment' (EB11), all of which have informed the 'Strategic Framework Masterplan' (EB1). The Objectives of the DPD make it clear that the Garden Community will take a landscape led approach to development and will create a place with distinctive identity. The existing important landscape features of both green and blue infrastructure (ancient woodland, hedgerows) are identified as the structure around which the Garden Community will grow.

2.26 There was strong support for the protection of the Salary Brook Slopes and the provision of a Country Park at Regulation 19 stage, recognising that development encroaching on this area would be restricted through the DPD. Some representations, including that from Sir Bob Russell (ID.217), continued to raise concern over the impact on existing views and vantage points from Greenstead. The eastern boundary of the Country Park allocation has been extensively considered through the 'Viewpoint Wireline Testing Document by Gillespies' (EB5). The viewpoints in the document were selected for iterative testing to assess likely impacts and mitigation requirements on buffers including the boundary with Salary Brook (to consider what could be suitable in relation to heights/massing/extent of development and visibility from Greenstead).

2.27 The viewpoint testing shows that from the footpath on Sherbourne Road, development within the Garden Community will be of very limited visibility and buildings would not break the wooded skyline. From Hawthorne Avenue development will not be visible as it would be almost entirely filtered and screened by mature vegetation within Salary Brook Local Nature Reserve area and buildings would not break the wooded skyline. The Garden Community would be behind a mature vegetation belt which will provide good screening in winter as well

as summer. The 'Viewpoint Wireline Testing' (EB5) goes on to note that no further visual mitigation is recommended to screen the development however the existing trees and vegetation should be retained and managed and new woodland should be planted along the eastern edge of the new Salary Brook Country Park connecting the existing ancient woodlands of Walls Wood and Churn Wood and strengthening the character of the upper slopes of the Salary Brook valley.

2.28 Further information is set out in the Hearing Statements for Matter 2: Land Uses and Spatial Approach and Matter 3: Nature.

2.29 The Councils are preparing a SoCG with Latimer which identifies that there are also matters relating to GC Policy 3 where the Councils and Latimer do not agree. On the basis that, the Councils do not agree that changes should be made to the wording of Policy GC3, primarily replacing the words 'must' and 'will', to allow for greater flexibility in the design parameters relating to future proposals. The criteria as outlined within GC Policy 3 is considered to be sufficiently flexible whilst establishing fundamental principles. In these regards, the DPD is considered to be sound, is in accordance with the NPPF and based on a robust evidence base.

Policy 4: Meeting Housing Needs

2.30 Yes, GC Policy 4 is justified by appropriate available evidence, having regard to national guidance and local context. The policy has been prepared positively, in a way that is aspirational, and its content reflects national guidance as set out in Chapter 12 'Achieving well-designed places' of the NPPF.

2.31 Paragraph 62 of the NPPF states that within a context of assessing the minimum number of homes required in an area, 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'.

2.32 GC Policy 4 sets out the Councils' expectation for new homes within the Garden Community to be of a high standard that will meet a variety of different needs and demands for people and families over the courses of their lives. The requirements of this policy are justified by appropriate evidence, having regard to national guidance and local context.

2.33 GC Policy 1 provides the overall housing number of circa 7,500 which has refined the number of homes expected at the Garden Community towards the lower end of the Section 1 Plan range of 7,000 to 9,000. This DPD figure therefore addresses the need for housing and the detailed housing policies of the DPD address specific needs and types of housing.

2.34 Further information on meeting housing need is set out within the Councils Hearing Statement on Main Matter 1 – Land Uses and Spatial Approach.

Are the policies relating to Affordable Housing, Development Density, and Housing justified by appropriate available evidence, having regard to national guidance, and local context?

2.35 Yes, GC Policy 4 is justified by appropriate available evidence, having regard to national guidance and local context. GC Policy 4 covers all elements of housing relevant to the Garden Community, including a range of types of housing for a broad cross section of the community.

Affordable Housing

2.36 The Councils expect affordable housing to be delivered in accordance with national policy and the DPD evidence base. GC Policy 4, which has been tested for viability and deliverability through the 'Financial Viability Assessment Update' (EB24), seeks to provide at least 30% of all new homes across the garden community and within its neighbourhoods in the form of 'affordable housing'. In line with paragraph 65 of the NPPF at least 10% of the total number of homes will be expected to be provided for 'affordable home ownership'. The 'Financial Viability Assessment Update' has considered and tested the required level of affordable housing provision for the Garden Community in order to ensure that development proposals remain viable as per paragraph 58 of the NPPF.

2.37 The policy recognises the substantial need for low cost rented homes, but also aims to support those people with lower household incomes who would not qualify for social housing nor be able to afford market housing.

2.38 The policy therefore aims to deliver affordable housing in accordance with both national advice and local evidence that would aim to meet the needs of those most in need whilst also seeking to fulfil the need of those in the 'buy/rent gap' – those not eligible for social housing, yet not able to buy in the local market.

2.39 The approach to pepper potting and seeking no difference in appearance and quality between market and affordable homes reflects the policy of both TDC and CCC in their respective Section 2 Plans and is justified as a means to ensure mixed, balanced and inclusive communities.

2.40 The requirement for a 'Phasing Strategy' is necessary to ensure affordable housing is delivered throughout the development, again in the interest of achieving mixed, balanced and inclusive communities. This approach also guards against the risk of disproportionate levels of affordable housing being delivered in certain neighbourhoods or locations; and ensures that much-needed affordable housing does get delivered in the early phases of development and within its different neighbourhoods and is not unduly deferred or delayed to the detriment of meeting affordable housing need.

Development Density

2.41 As set out within the Hearing Statement for Main Matter 2: Land Uses and Spatial Approach, the development of the 'Strategic Framework Masterplan' (EB1) has not only refined the number of homes expected at the Garden Community to circa 7,500, but also defined the developable area. As a result, a broad density for the Garden Community in its entirety is established. This is considered consistent with Section 1 Plan requirements and justified by appropriate available evidence as part of the strategic masterplanning process.

2.42 The detailed requirements around the density of housing development within the Garden Community are set out in Part D of GC Policy 4 where it is expected that density will vary throughout the development and the appropriate density will be defined by future Masterplans and Design Codes. The policy requires that the appropriate density is informed by a variety of factors, including the Council's 'Strategic Masterplan' (EB1) , proximity to any

designated and non-designated heritage or environmental assets, access to sustainable transport methods and the need for an appropriate transition to sensitive areas such as open countryside and the 'Crockleford Heath Area of Special Character'. This policy and approach is considered consistent with paragraphs 124 and 125 of the NPPF.

Student Accommodation

2.43 GC Policy 1 Part B and GC Policy 4 Part H allow for the provision of student accommodation to be located in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex (UoE) and where it will contribute to a mixed and diverse community.

2.44 The Councils sought an independent review of the UoE growth predications being the 'Wisher Report' (EB16). The evidence illustrates that there is a reasonable growth prospect of a further 10,000 students between 2025 and 2035. The University has aspirations to provide for up to 45% of student growth on land very close to or adjacent to the existing campus, but do not support the provision of student accommodation within the Garden Community Neighbourhoods. Further information on the UoE position is set out within the Councils Hearing Statement on Main Matter 1 – Land Uses and Spatial Approach, within the Councils 'Land South of the A133 & University of Essex Topic Paper' (TP3), and the Statement of Common Ground between the Councils and the UoE (SCG04).

Further information on meeting housing need is set out within the Councils Hearing Statement on Main Matter 1 – Land Uses and Spatial Approach.

Policy GC Policy 1 and GC Policy 3 - Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, is a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. In light of this Judgement does the Council consider if it is necessary to review their assessment of Traveller site needs?

2.45 The Councils do not consider it necessary to review the assessment of Traveller site needs. The case of Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022 hinges on the change of the definition of 'gypsies and travellers' given in Annex 1 of the PPTS 2015. This change excluded individuals who, due to disability or old age, permanently ceased travelling (referred to as the "relevant exclusion").

2.46 The 2015 definition differs from the definition in the 2012 NPPF as follows:

> *"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 ~~or permanently~~, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

2.47 Following the Court of Appeal ruling in the Smith v SSLUHC & ORS case, the government reverted to the 2012 definition of Gypsies and Travellers in the PPTS, effective from December 19, 2023, for planning and decision-making purposes.

2.48 Although the Tendring Gypsy and Traveller Accommodation Assessment (TGTAA) May 2017 and the Colchester Gypsy and Traveller Accommodation Assessment (CGTAA) May 2017,

recognise the 2015 definition, they additionally identify the need for pitches to accommodate those who do not meet this revised definition. This acknowledgment reflects the Councils' commitment to addressing the needs of both groups adequately.

2.49 Therefore, the Councils assessment of need within both the Section 2 Plans and the DPD Submission Version has been based on a broader definition than as set out in the 2012 PPTS, and includes individuals who have permanently ceased traveling. Consequently, the Councils have determined that it is unnecessary to review the Colchester or Tendring GTAAs as part of the DPD preparation.

2.50 While the Councils do not find it necessary to reassess their evaluation of Traveller need, they acknowledge the outcome of the judgment and the government's update to the PPTS effective from December 19, 2023. As a result, the Councils suggest a modification to the DPD Glossary definition within the DPD. This revised definition considers various factors when determining whether individuals qualify as "gypsies and travellers," including their past nomadic lifestyle, reasons for ceasing it, and intentions for the future. The suggested modification is detailed within the 'Schedule of Modification (CC4).

Is the Gypsies and Travellers Accommodation Assessment up to date and robust in its identification of needs for plots and pitches?

2.51 The Councils affirm that TDC and CCC GTAAs are up to date and robust in their identification of needs for plots and pitches.

2.52 The GTAAs were prepared by Opinion Research Services (ORS), who are one of the country's leading consultants in the preparation of GTAAs and have produced assessments for all local planning authorities in Essex, as instructed by the Essex Planning Officers' Association. ORS employed a consistent methodology, and the latest update in 2017, with a September 2016 base date, provides the most up to date evidence of the traveller pitch needs in both authorities. These findings were endorsed as robust and up to date by Inspectors examining the Section 2 Plans for TDC and CCC which have both been relatively recently adopted.

2.53 In CCC's Section 2 Plan, a total need for 15 pitches is identified for the Plan period. While specific site allocations are not made, Policy DM11 highlights that an existing site at Severalls Lane can accommodate an additional 6 pitches, with the remaining demand addressed within the Garden Community.

2.54 Similarly, TDC's Section 2 Local Plan outlines a requirement for 5 pitches over the Plan period. Policy LP9 specifies that this need can be entirely fulfilled by sites with existing planning permission. No additional specific sites are allocated, with longer-term provision to be addressed as part of the Garden Community development.

2.55 GC Policy 1 designates land for **18 pitches** which, in line with approach to housing delivery set out in Policy SP9 in the Section 1 Plan, will be distributed evenly between the two Councils irrespective of location, thus meeting CCC's outstanding need for 9 pitches and TDC's longer-term need. The Policy stipulates that these pitches will come forward in response to need.

Does the Council's approach in relation to traveller sites generally conform with the expectations of Planning Policy for Traveller Sites (August 2015)?

2.56 The Councils affirm that the approach adopted by the DPD in relation to Traveller Sites aligns with the expectations of 'Planning Policy for Traveller Sites' (August 2015) (PPTS). The PPTS comprises three sections: Using evidence, Plan-making, and Decision-taking. The requirements of the first two sections are relevant to the preparation of the DPD.

Using Evidence

2.57 The PPTS emphasises the importance of LPAs engaging early and effectively with both settled and traveller communities, cooperating with them to understand their needs. LPAs are encouraged to collaborate with neighbouring authorities, and to utilise robust evidence to inform the preparation of their Local Plans. The methodology employed by ORS when preparing the TDC and CCC GTAAs aligns with their approach used throughout Essex and other regions nationwide. The GTAAs and their methodology were considered during the examinations of both the Section 2 Local Plans, where they were deemed robust and up to date. Cooperation with neighbouring LPAs is demonstrated through the shared procurement of evidence across Essex, as well as the joint preparation of the DPD by TDC and CCC.

Plan-Making

2.58 When preparing Plans, LPAs are expected to develop policies that actively contribute to sustainable development, addressing the anticipated accommodation needs of travellers in their area while working collaboratively with neighbouring authorities. Such policies should protect local amenity and environment, promote a peaceful co-existence between allocated sites and the local community, and ensure access to services such as health and education without placing undue pressure on local services or infrastructure.

2.59 The Councils masterplanning approach has incorporated the consideration of traveller sites, with the 'Strategic Framework Masterplan' (EB1) presenting an overall approach to create new mixed and balanced communities and neighbourhoods across the Garden Community area.

2.60 The DPD 'Policies Map' (CD2) designates a broad location within the Garden Community boundary for 18 pitches for gypsies and travellers. This broad location is strategically positioned to allow convenient access to the services provided as part of the Garden Community while facilitating easy access to the highway network, enabling travellers to maintain their nomadic lifestyle while having a base adjacent to the new community.

2.61 The precise layout and phasing of provision will be considered through future stages of preparing, determining, and then implementing planning applications and permissions.

Does GC Policy 1 and GC Policy 3 provide an adequate criterion-based policy for the assessment of Gypsy and Traveller site proposals.

2.62 Yes, in situations where there is no identified need (and therefore no land is allocated for Gypsy and Traveller sites), the PPTS requires Plans to include criteria-based policies which provide a basis for decision making in the event applications nevertheless come forward. Given that the DPD designates a broad location for Gypsy and Traveller provision, it is not anticipated that any speculative applications for further provision will be permitted. Any additional need arising in future will need to be met by TDC and CCC in their respective Local Plans during their reviews. However, GC Policy 4 does stipulate some overarching criteria that the proposed

Gypsy and Traveller site will be expected to meet, detailed under Part G of the policy, including amenity, access and landscaping.

Does GC Policy 3 provide clear direction as to how a decision maker should react to works to designated heritage assets?

2.63 Yes, GC Policy 3 provides clear direction as to how a decision maker should react to works to a designated heritage asset in its provision of criteria for evaluating proposals involving heritage assets. In the first instance, any proposal leading to substantial harm or total loss of significance to a heritage asset must demonstrate that exceptional circumstances apply where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, consistent with paragraph 207 of the NPPF. Where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, consistent with paragraph 208 of the NPPF.

2.64 GC Policy 3 goes on to provide clear requirements concerning development affecting the historic environment and the need to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. It then sets an expectation that in all cases any new development will avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal. Furthermore, GC Policy 3 states that development should enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.

2.65 In response to Regulation 19 representations made by Historic England (HE) (HE Reg.19 Rep) the Councils commissioned a further Heritage Impact Assessment (EB10a) and have subsequently strengthened the wording within GC Policy 3. The Councils have prepared a SoCG with HE (SCG03) which includes suggested modifications to the wording of GC Policy 3 which both parties have agreed to. The SoCG with HE confirms that there are **no unresolved issues or areas of uncommon ground**.

2.66 To achieve conservation and enhancement, the suggested modifications to GC Policy 3 now sign posts to the updated Heritage Impact Assessment, requiring future proposals to take its recommendations into account and demonstrate that any negative impacts are avoided, and where this is not possible impacts minimised. This should be carried out through appropriate masterplan design development as required by GC Policy 3 Part J 'Planning Application Requirements' and GC Policy 1. Additionally, GC Policy 3 requires that mitigation measures must be identified through the preparation of a further detailed Heritage Impact Assessments, which will inform future proposals at the site.

2.67 The Councils are preparing a SoCG with Latimer which includes a suggested modification to the wording of GC Policy 3 Part H regarding heritage matters, which both parties have agreed to. This suggested modification is detailed in the 'Schedule of Modifications' (CC4).

Does GC Policy 3 and GC Policy 4 provide clear direction as to how a decision maker should react to a development proposal?

2.68 Yes, GC Policy 3 and GC Policy 4 provide clear direction to a decision maker as to how to react to a development proposal.

2.69 The Councils consider that the policies are in accordance with Paragraph 16 of the NPPF, which requires that they are, 'clearly written and unambiguous', and drafted in such a manner that it is 'evident how a decision maker should react to development proposals'. The policies are positively worded and – where appropriate – sets out the requirements for decision makers. The justification for the policy and how it will be applied is clearly set out within the relevant supporting text.

2.70 GC Policy 3 and GC Policy 4 are clearly linked to the relevant 'Building, Places and Character' vision as set out in Chapter 2 and the Objectives as set out in Appendix 1 of the DPD.

2.71 For a decision maker, it is essential to comprehend the purpose of the policy, its broader objectives, and any specific criteria to determine whether a proposal results in harm or benefit. In some instances, the policy wording partially reflects the demands of statutory consultees who require specific wording to ensure that the decision maker and applicant clearly understand the requirements, facilitating the approval of the planning application.

2.72 Additionally, the policies specify the information that must accompany planning applications in GC Policy 3 Part J and GC Policy 4 Part I.

END.