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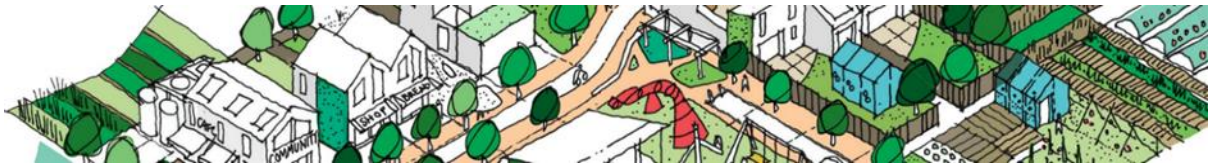

INDEPENDENT EXAMINATION

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

HEARING STATEMENT – LOCAL PLANNING AUTHORITY

Main Matter 6 – Community and Social Infrastructure (GC Policy 6: Community and Social Infrastructure)

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 6 – Community and Social Infrastructure (GC Policy 6: Community and Social Infrastructure)

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

2.1 Yes, GC Policy 6 'Community and Social Infrastructure' is justified by appropriate available evidence, having regard to national guidance and local context. The primary sources of evidence are as follows:

- 'Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy' (EB9)
- 'Infrastructure Delivery, Phasing and Funding Plan' (EB17)
- 'Review of University Land Requirements - Wisher Report' (EB16)

2.2 The various sources of evidence have come together as part of a strategic masterplanning process 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.

2.3 Chapter 7 of the DPD and GC Policy 6 set out how the Garden Community will be served by community services and facilities of the right type in the right location, including schools and

sports facilities; as well as access to health services and how the development will incorporate measures to encourage inclusive, healthy, and happy lifestyles.

2.4 The NPPF (paragraph 8) sets out the social dimension to sustainable development, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. GC Policy 6 reflects the NPPF in this regard.

2.5 The Councils have prepared a Statement of Common Ground with Sport England (SE) (SCG01) which includes suggested modifications to the wording of GC Policy 6 which both parties have agreed to. These are referred to below under the relevant part of the Policy. The SoCG with SE confirms that there are **no unresolved issues or areas of uncommon ground**.

2.6 The sections below look at each of the parts within GC Policy 6 and explain their policy context, the evidence base on which they are justified, and their particular contribution to meeting infrastructure and service needs.

Part A: Neighbourhood Centres

2.7 The NPPF (paragraph 92) requires Local Plans to achieve healthy, inclusive and safe places. This is a key priority for the DPD as it plays an important role in influencing the built and natural environment and therefore plays a crucial role in the physical and mental well-being of the population. It is expected that each neighbourhood would contain a suitable community resource in the form of a building, hub or cluster, providing flexibility for a range of local services to be delivered. The approach as set out in the DPD under GC Policy 1 and GC Policy 6 is to provide multi-functional community space which can accommodate a wide range of activities, subject to the needs of the local neighbourhoods and communities as they come forward.

2.8 The provision of a local centre within each of the neighbourhoods will provide residents with access to services and facilities, reducing the need to travel and contributing to the creation of 'walkable neighbourhoods'. Social interaction will be promoted through a mix of uses and layouts that allow for easy pedestrian and cycle connections. GC Policy 6 plans positively for the provision and use of shared space, multifunctional community facilities and other local services.

Part B: Community Buildings and Spaces

2.9 Paragraph 93 of the NPPF specifically states planning policies should plan positively for the provision and use of shared space, community facilities, public houses, open space and other local services. The DPD is therefore consistent with national policy. The approach accords with the Section 1 Plan policies SP6, SP8 and SP9, recognising that additional and enhanced social infrastructure is required to meet the needs of the Garden Community.

2.10 GC Policy 6 requires that multifunctional community buildings and spaces be provided throughout the Garden Community, including within each of the Neighbourhood Centres. To ensure that land is used effectively when considering the location and use of community facilities and services, GC Policy 6 Part B supports the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities; for example, where the provision of services is being reconfigured. Supporting the co-location of different forms of infrastructure helps these facilities and services to develop and modernise in a sustainable way so they can benefit from shared proximity to the communities they serve.

2.11 The scale of the Garden Community will necessitate the incorporation of a variety of multifunctional community spaces which can accommodate a wide range of activities, subject to the needs of the local neighbourhoods and communities that they are intended to serve. Accordingly, community facilities and their land requirements are included in the 'Strategic Framework Masterplan' (EB1), 'Infrastructure Phasing Delivery and Funding Plan' (EB17) and considered in the 'Financial Viability Assessment Update' (EB24). As proposals are prepared by the developer, it is important that the planning of new facilities is informed from the outset by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure. As reflected in GC Policy 6 Part G 'Planning Application Requirements', proposals must include a Phasing and Implementation Strategy as well as demographic studies.

Part C: Education, Early Years and Childcare

2.12 Paragraph 95 of the NPPF (2021) states that '*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.'*

2.13 The education requirements for the Garden Community are documented in Part C: Education, Early Years and Childcare of GC Policy 6, and included in the 'Strategic Framework Masterplan' (EB1), 'Infrastructure Delivery, Phasing and Funding Plan' (EB17) and considered in the 'Financial Viability Assessment Update' (EB24).

2.14 The lead authority for education is Essex County Council (ECC), who have been working alongside CCC and TDC in the preparation and development of the DPD. Educational needs as advised by ECC are based upon anticipated child yields and demand, and development requirements are in accordance with the ECC Developers' Guide to Infrastructure Contributions 2019.

2.15 The scale of the Garden Community will require the provision of new education facilities that are commensurate with the total number of homes built and the housing mix delivered. ECC has undertaken an assessment of education requirements arising from DPD housing numbers and the anticipated pupil yield. This assessment considered the number of additional primary school, secondary school and EYCC places generated from DPD growth; the subsequent location and number of any new school and EYCC facility; and whether existing schools and EYCC facilities need/can be expanded. Accordingly, the number of schools, EYCC facilities and their land requirements are included in GC Policy 6 and the 'Infrastructure Phasing Delivery and Funding Plan' (EB17).

2.16 Garden Communities by their nature are unique developments and the precise level and pattern of demand for school places may differ from the norm that has been observed on other developments. Therefore, as proposals are prepared by the developer, it is important that the planning of new schools is informed from the outset by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure, and to confirm exact requirements against those contained in the DPD. As reflected in GC Policy 6 Part G 'Planning Application Requirements', proposals must include a Phasing and Implementation Strategy, which explains how the rate of development will be linked to the provision of the necessary social, physical, and environmental infrastructure (this would include education) and that education proposals will be confirmed through a bespoke demographic study commissioned by the developer. In this

way provision will align with delivery and there is flexibility to ensure education requirements reflect proposals that will come forward in planning applications.

2.17 GC Policy 6 Part C as submitted is considered to be sound. Notwithstanding this, the Councils agree with Sport England's (SE) recommendation to strengthen links between health and education through agreement outlined in the SoCG (SCG01). The suggested modification is detailed within the Schedule of Modifications (CC4).

Part D: Sports, Recreation and Open Space

2.18 The NPPF recognises that the planning system can support healthy, inclusive communities and can deliver wider benefits for nature and support efforts to address climate change. Paragraph 98 states that *'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities'.*

2.19 Taking forward Policy SP9 of the Section 1 Plan which requires the provision of sports areas, and indoor leisure and sports facilities, the DPD Objectives (contained within Appendix 2 of the DPD) require the provision of high quality and accessible sports facilities, playing pitches and greenspaces.

2.20 GC Policy 6 Part D identifies that the sports and recreation requirements of the Garden Community, as set out in the 'Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy' (EB9), must be met in full in terms of the typology, quantity, quality and location of facilities provided. Opportunities should be taken to deliver multipurpose facilities which are well integrated into the built environment and well designed in terms of their landscape settings. The policy also allows for the provision of off-site facilities where it is well connected to the Garden Community and/or where it will deliver multiple benefits, including benefits to existing communities.

2.21 The spatial implications of the sports, recreation and open space requirements required by GC Policy 6 and as detailed in the 'Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy' (EB9), has been considered within the context of the overall quantum of development as defined by GC Policy 1 'Land Uses and Spatial Approach'. This has been addressed within the 'Strategic Framework Masterplan' (EB1) process, which has supported the DPD and which has illustrated the total area of open space required to meet the needs of the Garden Community in addition to the needs of the University of Essex, as also considered by the 'Review of University Land Requirements - Wisher Consulting' (EB16).

2.22 Sports recreation and open space land requirements are included in the 'Strategic Framework Masterplan' (EB1), 'Infrastructure Phasing Delivery and Funding Plan' (EB17) and considered in the 'Financial Viability Assessment Update' (EB24).

GC Policy 6 Part D as submitted is considered to be sound. Notwithstanding this, the Councils agree with Sport England's (SE) recommendation to strengthen links to University/shared sports facilities through agreement outlined in the SoCG (SCG01). The suggested modification is detailed within the Schedule of Modifications (CC4).

Part E: Heath

2.23 NPPF paragraph 8 seeks to use the planning system to promote strong, vibrant and healthy communities that reflect the community's needs and supports its health and well-being.

2.24 The NPPF also sets out explicit policy requirements pertinent to promoting healthy spaces. Paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'.

2.25 One of the NPPF's core planning principles (paragraph 93.b.) is that plan-making should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

2.26 The NPPG on Health and Wellbeing (paragraph 002) states the link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. Achieving better health and wellbeing outcomes has been a key part of the decision by the Councils to plan for a new Garden Community.

2.27 As part of the consideration of Garden Communities across North Essex, the Councils were part of the NHS: Putting Health into Place : Healthy new towns programme. This programme was a collaboration led by the NHS and a number of other organisations which worked with 10 demonstrator sites and drew out key lessons which were shared in a series of published good practice guides in 2019.

2.28 In light of the importance of health and wellbeing, the Councils have prepared a separate 'Health Topic Paper' (TP1) to provide background information; it considers the health and wellbeing context for the area, detailing some of the key challenges that are faced. The 'Health Topic Paper' has considered the Essex Joint Health and Wellbeing Strategy which sets out the priorities identified through Essex's Joint Strategic Needs Assessment that local government, the NHS and other partners will deliver together.

2.29 Section 1 Plan Policy SP9 requires that in the design, development and delivery of the Garden Community increased primary healthcare capacity will be provided to serve the new development as appropriate. This may be by means of new infrastructure or the improvement, reconfiguration, extension or relocation of existing medical facilities.

2.30 The Councils 'Infrastructure Delivery, Phasing and Funding Plan' (EB17) provides background on the current position in relation to the integrated provision of healthcare and sets out general requirements for future provision to support need. The report notes caution however, that the depth and extent of healthcare transformation means the exact nature of provision, whether in expansion of existing facilities or creation of new multi-purpose hubs, makes it difficult to pin down precise requirements to meet future demand associated with development.

2.31 To reflect the current stage of planning and unconfirmed future provision, demand and need; health and planning partners are engaged in an ongoing collaborative process to refine the requirements for health infrastructure. GC Policy 6 also requires that developers enter into early discussions with the relevant health partners to ensure that proposals reflect current health and social care models.

2.32 To aid the determination of site-specific requirements, GC Policy 6 provides that Health Impact Assessments (HIAs) will be required to establish a proposal's health-related impacts and determine appropriate mitigation requirements. The HIA process is recognised and endorsed

by Government as a recommended vehicle for the above purpose of assessing health and wellbeing impacts. It provides a comprehensive and systematic process for assessing health related impacts arising from proposed development. HIA ensures that the wider determinants of health can be factored into the assessment process, including socio-economic, lifestyle and other considerations.

2.33 Working in combination, GC Policy 6 and GC Policy 9 of the DPD provides that delivery of the health infrastructure, as determined to be required for new development in the 'Infrastructure Delivery, Phasing and Funding Plan' (EB17) and through the HIA process, will be secured by planning conditions, Section 106 contributions and/or CIL. In line with national policy, all planning obligations are required to meet the tests of being necessary; directly related to the development; and fairly and reasonably related in scale and kind.

2.34 The provision of health facilities has been included in the 'Strategic Framework Masterplan' (EB1), 'Infrastructure Phasing Delivery and Funding Plan' (EB17) and considered in the 'Financial Viability Assessment Update' (EB24).

2.35 It is the Councils view that the general requirements of GC Policy 6 Part E adequately and appropriately cover the requirement for future proposals to address the need for health and wellbeing services within the Garden Community, whilst allowing sufficient flexibility to meet changing demands and the policy is considered to be sound. The Health Partners, being the NHS Suffolk & North East Essex Integrated Care Borad (SNEE ICB), the east Suffolk & North Essex NHS Foundation Trust (ESNEFT) and the East of England Ambulance Service NHS Trust (EEAST), submitted largely supportive comments at Regulation 19 stage and have been actively engaged throughout the development of the DPD as detailed within 'Health Topic Paper' (TP1).

2.36 The Councils have been working with the Health Partners to provide clarity and to address a number of suggested modifications which stem from their Regulation 19 representations. At the time of writing, a Statement of Common Ground (SoCG) with the Health Partners has not been finalised but constructive progress has been made. A further statement of clarity will be provided to the Inspector prior to the hearings and suggested modifications detailed within the Schedule of Modifications (CC4).

Part F: Stewardship

2.37 The NPPF requires at paragraph 73 that, in the planning for larger scale developments, such as new settlements, policies should '*set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles)'.* The Town and Country Planning Association's (TCPA) Garden City Principles referred to within national planning policy make clear that long-term stewardship is an essential component of successful new settlements.

2.38 As set out above, there is a strong national policy and guidance rationale for the inclusion of stewardship requirements within GC Policy 6; setting out expectations and requirements for stewardship at the Garden Community will ensure that development is not only delivered to a high quality, but that it will also be maintained at a high quality over the long-term.

2.39 The DPD takes forward Section 1 Plan Policy SP9 which requires the '*establishment at an early stage in the development of the garden community, of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other relevant facilities; such arrangements to be funded by*

the development and include community representation to ensure residents have a stake in the long term development, stewardship and management of their community'.

2.40 GC Policy 6 requires that arrangements for the sustainable long-term governance and stewardship of local assets, and community development activities appropriate to the creation of a new community, must be agreed as part of the planning permissions and planning obligation agreement(s) relating to the Garden Community.

2.41 As reflected in GC Policy 6 Part G 'Planning Application Requirements', proposals must include a detailed Stewardship Strategy, supported by a (independently reviewed) business case, which will need to be prepared in collaboration with, and agreed in writing with, the Councils. The Stewardship Strategy will also need to establish the scope of stewardship activities, community governance arrangements, how arrangements will evolve and develop over time, and demonstrate the long-term financial sustainability of the proposed model. This strategy will need to show how the arrangements proposed will successfully interact with and work alongside existing local governance arrangements including town and parish councils.

2.42 An allowance for some form of contributions to enable the implementation of an appropriate stewardship approach has been included in the 'Infrastructure Phasing Delivery and Funding Plan' (EB17) and considered in the 'Financial Viability Assessment Update' (EB24).

Part G: Planning Application Requirements

2.43 GC Policy 6 Part G includes requirements for documents and information to be submitted in support of future planning applications. The right information is crucial to good decision making, particularly where formal assessments are required (NPPF Paragraph 43). In accordance with the NPPF Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question, those matters as outlined within GC Policy 6 Part G have therefore been carefully considered in the context of national policy, local requirements and context and proportionality to ensure required documentation is not overly onerous on the applicant.

2.44 GC Policy 6 Part G as submitted is considered to be sound. Notwithstanding this, the Councils agree with Sport England's (SE) recommendation to strengthen links with the 'Open Space, Playing Pitch, Outdoor Sports and Built Facility - Overarching Strategy' (EB9), and to provide additional clarity with regard to securing community use of education facilities as outlined in the SoCG (SCG01). The suggested modifications are detailed within the Schedule of Modifications (CC4).

2.45 The Councils consider that the requirements in GC Policy 6 Part G are appropriately justified.

Does the Policy provide clear direction as to how a decision maker should react to a development proposal?

2.46 Yes, GC Policy 6 provides clear direction to a decision maker as to how to react to a development proposal.

2.47 The Councils consider that GC Policy 6 is 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 policy is

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.

2.48 The policy is clearly linked to the relevant social vision as set out in Chapter 2 and the Objectives as set out in Appendix 1 of the DPD.

2.49 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.

2.50 Additionally, the policy specifies the information that must accompany planning applications in Part G.

END.