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HS3.1

Tendring Colchester Borders Garden Community Development Plan Document Examination

Matters and Issues Statement

Our ref 62189/01/PR/CW
Date 19 April 2024
ID 127
Representor Latimer (Tendring Colchester Borders Garden Community) Developments Limited
Prepared by Stantec

Matter 3 Nature (GC Policy 2: Nature)

Stantec has provided the below response to Main Matter 3, on behalf of Latimer.

1.0 Question 1: Is the Policy justified by appropriate available evidence, having regard to national guidance and local context?

1.1 Yes, overall Latimer support GC Policy 2 and consider it is justified in setting the approach for nature and green and blue infrastructure at the Garden Community (NPPF September 2023, paragraph 35 b). A minor change is requested, as set out below and at Appendix 1 of this Matter Statement, in respect of the approach to Biodiversity Net Gain (BNG), to ensure it is justified and aligned to the NPPF and national legislation.

1.2 The Allocation contains parcels of Ancient Woodland and is positioned close to nature conservation designations. The land within the Allocation also supports a range of protected and notable species. Latimer is supportive of the GC Policy 2 approach to 'Nature' and the vision that the outdoor, natural environment of the Garden Community will be its biggest asset. Latimer considers this to be a positive aspect of GC Policy 2. Similarly, the DPD advocates for incorporating existing trees and hedgerows into the development masterplan, which Latimer fully supports and comprises a key principle within Latimer's emerging masterplan for the hybrid planning application. This aspect of the Policy is justified, given the Allocation's local context.

1.3 The Allocation is also located in close proximity to a number of European Sites, and GC Policy 2 therefore calls for mitigation to likely additional recreational pressure caused by the development. Suitable Alternative Natural Green Space ('SANGs') are a standard and accepted approach to mitigate recreational impacts on European Sites. The Policy refers to Natural England guidance on SANG design, which is considered appropriate to inform the design of SANGs throughout England.

1.4 Latimer support the GC Policy 2 requirement for the Garden Community to deliver a minimum of 10% measurable BNG across the site, aligning with the Environment Act and paragraph 179 of the NPPF which seeks that plans should *"identify and pursue opportunities for securing measurable net gains for biodiversity"*. However, Part D of the

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policy also refers to the 'ambition' to achieve a BNG of 15% on average across the whole masterplan based on *"initial high-level testing of BNG calculations"*. This study has not been published as part of the DPD evidence base. As set out in the Statement of Common and Uncommon Ground (SoCUG) between the Councils and Latimer, Latimer request, to be consistent with national regulations and policies, the DPD should remove reference to the 15% ambition. Importantly, this would not preclude delivery of over 10% BNG, if achievable, as part of the planning application, given the policy refers to a minimum of 10% net gain.

2.0 Question 2: Does the Policy provide a clear direction as to how a decision maker should react to a development proposal?

2.1 Latimer is satisfied that, with the agreed and requested modifications as per part 2A – 2D of the schedule at Appendix 1 and 2B of Appendix 2 of the SoCUG, in relation to BNG and SANG requirements and delivery, GC Policy 2 will provide clear direction to decision makers. These requested changes are also set out at Appendix 1 of this statement, for ease of reference.

2.2 GC Policy 2, Part D states that *'Proposals must deliver a minimum of 10% measurable biodiversity net gain across the whole site'*. By completing BNG calculations based on early masterplans developed by Latimer, it is anticipated that +10% is achievable given the flexibility in the Policy wording. It is anticipated that +10% BNG will be delivered for Phase 1 by habitat retention, enhancement and creation measures within the wider hybrid application boundary. It is anticipated that this will in part be facilitated by the delivery of the first phase of the Country Park, with habitat within the Country Park being delivered in advance of and/or alongside the Phase 1 construction period. With the requested minor change (as above), Latimer consider that the Policy will be effective in delivering a positive and measurable enhancement on the natural environment.

2.3 Natural England has provided positive feedback on Latimer's initial SANG strategy during pre-application consultation. Latimer's initial SANG strategy delivers sufficient SANG area to mitigate for the allocated number of homes and carefully considers quality guidance. It has been agreed through this pre-application consultation with Natural England that habitats within the SANG can partly contribute to BNG units, where habitat is delivered within the SANG which is over and above the minimum SANG quality requirements. This aligns with the requested and agreed modification of the Policy referring to 'stacking' as per 2A of the schedule at Appendix 1 of the SoCUG between Latimer and the Councils.

2.4 As mentioned above, the Policy refers to SANG quality guidelines which provides clear direction on how the quantum of SANG necessary to mitigate impacts should be determined. The requested and agreed modifications to the Policy justification wording, as per 2C of the schedule at Appendix 1 of the SoCUG between the Council and Latimer, better allows decision makers to react to phased development proposals, by clarifying that the SANG areas can also be delivered in phases. With this requested and agreed modification, the Policy is considered to be effective and provide a clear direction of travel for policy makers.

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2.5 In addition, whilst not sitting within GC Policy 2, Appendix 1, of the DPD sets out the principles and objectives relevant to each Chapter of the DPD. For 'Nature' this includes *"across the Area of Search, there will be a minimum of 50% open space and multifunctional green infrastructure, that is seamlessly integrated with the built environment to connect people with nature".* Latimer welcomes the clarity in the text that this paragraph offers which is that this 50% ambition relates to the Area of Search as a whole, rather than individual planning applications. It is also Latimer's aspiration to meet this target as far as possible and masterplan work developed for the emerging hybrid planning application indicates that this ambition is likely to be achieved across the site.

2.6 Within the SoCUG between the Councils and Latimer, the Councils agree (Appendix 2 reference 2A) that *'the reference is not a policy requirement and is referencing principles only in the appendix of the DPD'.* Therefore, to provide a clear direction of travel for the decision maker, Latimer consider the paragraph should be reworded so that it reads as more of an ambition (and not a requirement) to refer to 'around' instead of '~~a minimum of~~' 50% open space and multifunctional green infrastructure. Latimer consider this would allow for detailed master planning undertaken by the developer to review green infrastructure and open space in the context of other land uses and wider site provision.

Appendix 1 Requested Wording Changes to GC Policy 2, Nature

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The following amendments are requested by Latimer to GC Policy 2, Nature.

Text proposed to be inserted is ***bold, italic and underlined.*** Text proposed to be removed in ~~strikethrough~~.

A1.1 GC Policy 2, Part D

Habitat enhancement and creation for delivering biodiversity net gain within the Strategic Green Gaps, Salary Brook Country Park, SANG, and SuDS ***and other green infrastructure*** will be supported, where true additionality through stacking of ecosystem services can be demonstrated. ***Stacking of ecosystem services will be permitted where additionality can be demonstrated, taking account of emerging guidance on stacking from Natural England and Defra.***

A1.2 GC Policy 2, Part D

Proposals must deliver a minimum of 10% measurable biodiversity net gain across the whole site with gains delivered either on-site or immediately adjacent to the site in accordance with the mitigation hierarchy, and must follow the latest Defra Metric, and its accompanying guidance, as well as local guidance where applicable. Initial high-level testing of BNG calculations of the strategic masterplan indicate that in excess of 10% can be achieved on average across the masterplan allocation. ~~As such the ambition is to achieve a BNG of 15% on average across the whole masterplan.~~

A1.3 GC Policy 2

Part * (new) : Suitable Accessible Natural Greenspace (SANG)

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 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.

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 phase of the development, including access to temporary SANG where required.

A1.4 GC Policy 2, justification wording (page 46), new paragraph:

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.

A1.5 **Glossary**

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~~ ***the*** biodiversity metric ***as specified in the Environment Act (or otherwise agreed).***

A1.6 **Appendix 1**

Across the Area of Search, there will be ~~a minimum of~~ ***around*** 50% open space and multifunctional green infrastructure, that is seamlessly integrated with the built environment to connect people with nature.