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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 Lichfields

Matter 1 Legal Requirements and Overarching Issues

1.0 Issue 1: Does the DPD meet all its legal requirements, specifically:

Question 1: Does the content and timescale for preparation of the DPD accord with the latest version of the Local Development Scheme?

1.1 Question 1 is for the Councils to answer. Latimer does not have any specific submissions to make on this.

Question 2: Has the DPD consultation complied with the Statement of Community Involvement and public consultation requirements in the Town and Country Planning (Local Plan) (England) Regulations 2012?

1.2 Question 2 is for the Councils to answer. Latimer does not have any specific submissions to make on this.

Question 3: Has the DPD been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?

1.3 Question 3 is for the Councils to answer. Latimer does not have any specific submissions to make on this.

Question 4: Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the DPD?

1.4 Question 4 is for the Councils to answer. Latimer does not have any specific submissions to make on this.

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Question 5: Has the preparation of the DPD complied with the Town and Country Planning (Local Plan) (England) Regulations 2012?

1.5 Question 5 is for the Councils to answer. Latimer does not have any specific submissions to make on this.

Question 6: Does the 'policies map' correctly illustrate geographically the application of policies of the DPD?

1.6 Yes, overall, the policies map at Figure 2 of the DPD correctly and usefully illustrates geographically the application of the DPD policies. However, for full clarity in interpreting the policies map and DPD at subsequent planning application stage, a number of changes are requested by Latimer and listed at Appendix 3 of the Statement of Common and Uncommon Ground (SoCUG) between the Councils and Latimer, to ensure the map is effective. These changes are also included at Appendix 1 of this Matter 1 statement, for ease of reference.

1.7 Requested and agreed modifications with the Councils (SoCUG, Appendix 3) are to ensure the policies map is fully consistent with the policy text in respect of the Gypsy and Traveller Site and the woodland buffer and to correct a minor spelling error.

1.8 In addition, as set out principally in Latimer's Matter 2 statement, and within the SoCG between the University of Essex ('UoE') and Latimer, Latimer is also seeking a change to the policies map (and strategic illustrative framework masterplan) with respect of the land use designation on land south of the A133, within the TCBGC allocation boundary.

1.9 Latimer consider that if the UoE's need for priority students (see EB16, 'TCBGC – Review of University of Essex Land Requirements and the Latimer/UoE SoCG para 3.10) are to be accommodated within the Garden Community, the DPD as drafted does not appropriately allow for this, as this should not all be provided in the South Neighbourhood. To adequately address this need and to be 'effective', greater flexibility should be added to the DPD, including the policies map, for the land south of the A133. This land is within the Garden Community allocation boundary and is adjacent to the existing UoE campus and so is the logical location for priority student accommodation, which comprises a proportion of the UoE's evidenced need for student accommodation. However, the DPD currently restricts use of this land to provision of a 'Sports and Leisure Park' only.

1.10 Instead, Latimer considers that there is an opportunity for land south of the A133 to forge a stronger relationship with the University of Essex and the Garden Community if it were to be allocated as 'University Expansion' land to accommodate a range of uses including, student accommodation, alongside the sports hub and the Park and Choose. The requested changes to the policies map on this issue are included at Section 4 of the UoE/Latimer SoCG (agreed between the parties) and Appendix 3 of the Councils/Latimer SoCUG (not agreed between the parties). Please also see Appendix 1 of this Matter 1 statement.

1.11 Please refer further to Latimer's Matter 2 Statement, on Land Uses and Spatial Approach (Issue 2, Question 2).

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2.0 Issue 2: Does the DPD accord with national policy for plan making in the NPPF, specifically:

Question 7: Does the DPD contribute to the achievement of the three dimensions of sustainable development – economic, social, and environmental?

2.1 Yes, the DPD contributes to achieving the three dimensions of sustainable development – economic, social and environmental, as per the NPPF (September 2023). The DPD sets out the framework to deliver a highly sustainable new Garden Community, in line with the strategic policy approach set by the North Essex Authorities (NEA) Section 1 Plan, and evidence base.

2.2 The DPD's approach to promoting economic growth and supporting the creation of a variety of jobs in the Garden Community, as principally set out in Chapter 6, GC Policy 5, sets the framework to achieve sustainable economic development (NPPF, paragraph 8a). The DPD will encourage "*a variety of mixed use, flexible spaces that are accessible in close proximity to homes and jobs*" (page 51), across the Garden Community. The DPD will provide and promote opportunities for employment within the new community, alongside the delivery of new homes. As set out in Latimer's Matter 5 statement, Latimer support the principle within GC Policy 5, which sets the ambition to achieve 'one job per household' across the Garden Community. Latimer's emerging masterplan will deliver a diverse and robust range of economic and cultural uses, to provide jobs for residents of new and existing communities.

2.3 Overall, the DPD also sets the framework to enable that the Garden Community, and each of the neighbourhoods within it, to achieve sustainable social development (NPPF, paragraph 8b). GC Policy 4 sets out the approach to meeting housing needs, including: determining appropriate dwelling types, dwelling sizes, and tenure. The DPD states that proposals should reflect the latest available evidence of housing demand and need, which will change over time, and requires the Garden Community to meet a variety of different housing needs and demands. This Policy sets the framework to enable the Garden Community to meet housing need in a sustainable way in the long term.

2.4 GC Policy 3 further aligns with the NPPF's social sustainability objective and sets criteria for the emerging masterplan to design high quality homes and places and maximise health and wellbeing. Latimer's emerging masterplan and site wide Design Codes are evolving to pave the way for further detailed Area Specific Masterplans that create distinctive and well-designed places to come forward for relevant phases of the development.

2.5 Notwithstanding, Latimer's requested amendment for greater flexibility in the land use anticipated in the DPD for land south of the A133 as general 'university expansion' land, including student accommodation (as per paras 1.8 – 1.10 above, and Latimer's Matter 2 statement), would assist with achieving the NPPF[1] social objective into the long term.

[1] The DPD is being examined under the NPPF September 2023 version. See Paragraph 230 of the NPPF, December 2023 for transitional arrangements. All Main Matter responses are provided on this basis.

2.6 The DPD recognises that the outdoor natural environment of the Garden Community is its biggest asset. Latimer concurs with this approach, and is seeking to exceed these expectations delivering the first regenerative residential-led masterplan proposal (see Latimer's Matter 6 Statement) with regenerative design principles and community cohesion at its heart, in order to achieve the environmental dimension of sustainable development (NPPF, paragraph 8c). This includes:

- Latimer's emerging masterplan for Phase 1 expects to deliver 10% Biodiversity Net Gain (BNG) by habitat retention, enhancement and creation measures within the wider hybrid application boundary which is an expectation of GC Policy 2 that requests details for how 10% BNG will be delivered. This reflects the NPPF's environmental objective, and National Legislation, to provide net gains for biodiversity (paragraph 174c) (see Latimer's Matter 3 Statement).
- GC Policy 2, Part C aligns with the NPPF seeking to "*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species".* Latimer's emerging masterplan's green infrastructure strategy includes the retention, enhancement and celebration of existing hedgerows, woodland, trees and other natural assets such as watercourses as far as possible and appropriate mitigation measures to protect identified priority species for each phase of development.
- The SoCUG between the Councils and Latimer agrees on compatible uses that could come forward within the proposed Strategic Green Gaps (as set out in the DPD), such as outdoor sport or recreation, renewable energy, cemeteries, burial grounds and/or allotments and food growing. Such uses, in appropriate locations determined through the planning application, will support the Garden Community to achieve sustainable development, and to be resilient to climate challenges in the long term.

Question 8. Has it been positively prepared 'in a way that is aspirational but deliverable? (paragraph 16 of the NPPF)

2.7 Yes, the DPD has been positively prepared and is deliverable, aligned with paragraph 16 of the NPPF. Latimer by Clarion Housing Group, being the controlling land interest and the master developer for the new community, have been proactively and positively engaged in the DPD process.

2.8 However, with reference to Latimer's Matter 2 statement (and question 6 and 7 above), Latimer have consistently maintained the position that the DPD's approach to proposed land use designations on land south of the A133 should be amended. Whilst the current DPD approach is deliverable in this respect, it could be more 'aspirational'.

2.9 UoE's expansion plans have been reviewed by Wisher Consulting (document EB16) and their need for c.3,500 priority student bedspaces has been agreed with the Councils in their SoCG (document SCG04). These needs cannot be fully met within the Garden Community south neighborhood or other neighborhoods. If it is the intention to meet the UoE's priority student requirements within the Garden Community, greater flexibility in land use for land south of the A133 is needed.

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Question 9. Is the DPD consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?

2.10 Yes. The DPD is consistent with the NPPF. The DPD is being examined under the NPPF September 2023 version as per the transitional arrangements stated at paragraph 230 of the December 2023 version of the NPPF. This is because the DPD was submitted for examination in September 2023 (and therefore reached regulation 19 stage before the 19 March 2024).

Question 10. Are there any policies within the DPD which are Strategic Policies, and should they be identified as such?

2.11 No. The DPD should not contain strategic policies. The DPD has been prepared to contain more detailed non-strategic policies to guide development within the new Garden Community. The strategic policies are within the adopted North Essex Authorities' Shared Strategic Section 1 Plan (2021).

Question 11. Do the policies in the DPD provide a clear indication of how a decision maker should react to a development proposal?

2.12 Yes overall, except for where we have responded to this question specifically in relation to individual DPD policies in all Main Matter statements and explain Latimer's requested amendments.

Appendix 1 Requested Policies Map and Strategic Illustrative Framework Masterplan Modifications

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

Figure 2. Policies Map and Appendix 2 pages 142 and 143 of DPD

Requested amendments to Key:

A1.1 Reference to Gypsy and Traveller Sites is plural and should be amended to be singular, for consistency with DPD.

A1.2 Spelling error to correct "Potential Vehicular Link"

A1.3 Reference to the '30m' woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. Clarification should be added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.

A1.4 ~~Sports & Leisure Park:~~ *University of Essex Expansion:* General location of *university expansion land and community facilities such as* sports pitches, parkland, potential site access and parking

A1.5 ~~Sports and Leisure Park:~~ *University of Essex Expansion: General location of university expansion land and community facilities including* buildings (potential Park & Choose*, Student Accommodation and University ancillary facilities,* Sports Facilities)

A1.6 Add a note to show that the Plan is 'not to scale'.

Page 19: Strategic Illustrative Framework Masterplan

A1.7 Three neighbourhoods should be stated as 'South', 'North' and 'Crockleford' Neighbourhood, for consistency with DPD and Policies Map.

A1.8 The Key colours should be amended to clearly distinguish between the Attenuation Ponds and Sports and Leisure Park, south of the A133.

A1.9 Requested amendment to the key (page 19 of the DPD):

~~Sports and Leisure Park~~ *'University of Essex Expansion and community facilities'*