HS2.2

TENDRING COLCHESTER BORDERS GARDEN COMMUNITY

REGULATION 19 SUBMISSION DRAFT

Examination in Public

Main Matter 2 – Land Use and Spatial Approach (GC Policy 1: Land Uses and Spatial Approach)

Statement prepared on behalf of the University of Essex

April 2024

1. INTRODUCTION

1.1 This Statement has been prepared on behalf of the University of Essex in respect of Main Matter 2 – Land Uses and Spatial Approach (GC Policy 1).

1.2 The University made representations at the Regulation 17, 18 and 19 stages, but considers it necessary to submit this further Statement, and appear at the Examination, in order to personally make its case, as the policy/strategy that is being pursued by the Councils fundamentally threatens its expansion plans which are, purportedly, supported by the Councils.

1.3 The University maintains the position that the Draft Plan is 'unsound' as it fails to deliver a number of the objectives set out in Policies SP8 and SP9 of the Colchester City Local Plan 2013-2033, North Essex Authorities Shared Strategic Section 1 Plan (Document PD6), under which it is being produced. The University's position is set out in the following documents: -

- Its representations to the Regulation 18 Draft.
- Further clarifications submitted at the request of the Councils in August 2022.
- Its representations to the Regulation 19 Draft.

1.3 The above documents should be read in conjunction with this Statement and will be referred to throughout. Reference will also be made, as necessary, to: -

- the Statement of Common Ground that the University has agreed with the Councils (Document SCG04); and
- the Statement of Common Ground agreed with Latimer (Tendring Colchester Borders Garden Community) Developments Ltd, which has the controlling land interest in, and is the master developer for, the Garden Community.

1.4 In respect of the former document, the University draws attention to the fact that there is no disagreement between it, and the Councils, in respect of the following matters: -

1. The presence of the University of Essex and The Knowledge Gateway and the fact that the potential for job creation associated both directly, and indirectly, with their presence and future growth, was a key factor in the selection of this location for the new Garden Community[1].
2. Part 1, Policy SP9, Part F, provides that the TCBGC DPD should include an allocation of land to accommodate University expansion, which is at least equivalent in size to the allocation in the former Colchester Development Framework Site Allocations document October 2010[2].
3. Part F does not place any limitation as to what the University expansion land may be used for[3].
4. In order to achieve its growth objectives, the University needs to provide, or have access to, the required level of academic, teaching and research facilities, student accommodation and other ancillary facilities such as sports fields and sports centres[4].
5. There are a number of environmental, landscape and ecological issues that constrain the development potential of the existing Campus[5].

[1] Paragraph 2.2 of the Statement of Common Ground between the University and the Council's.
[2] Paragraph 2.5 of the Statement of Common Ground between the University and the Council's.
[3] Paragraph 2.6 of the Statement of Common Ground between the University and the Council's.
[4] Paragraph 5.3 of the Statement of Common Ground between the University and the Council's.
[5] Paragraph 5.5 of the Statement of Common Ground between the University and the Council's.

6. The Councils support the growth of the University to 20,000 students by 2025 and 25,000 students by 2030 and acknowledge that the University has aspirations to grow to 30,000 students by 2035. The Councils accept that, in order to achieve its growth targets, and thus maximise its potential and the contribution that it can make to the success of the Garden Community, the University needs to provide an additional 2,725 beds for priority students by 2030 and 4,474 by 2035. In addition, the market will need to provide additional bed spaces for returning students[6].

The University's Position

1.5 For the avoidance of doubt, it is the University's position that a specific land allocation needs to be made in the TCBGC DPD if it is to achieve its growth objectives and contribute fully to the success of the Garden Community. That allocation must not only be of sufficient size to meet the University's needs, but it must also allow for the development of the full range of facilities needed to support the academic mission of the University (to include student accommodation).

1,6 The provision of priority student accommodation is a critical component of the facilities required by the University to support growth and financial sustainability.

2. TOPIC PAPER TP3: LAND SOUTH OF A133 & UNIVERSITY OF ESSEX EXPANSION TOPIC PAPER (Document TP3)

2.1 The University wishes to correct a number of erroneous statements that appear in the Topic Paper.

Recent Student Accommodation Development

2.2 Paragraphs 1.9 and 1.35 state that the University has recently developed 2,554 new student bed spaces (The Meadows, The Copse and The Pastures) within the Campus. This is incorrect, as the sites of these developments all lie outside of the Campus, as it is designated on The Colchester Part 2 Local Plan Proposals Map (Figures 1).

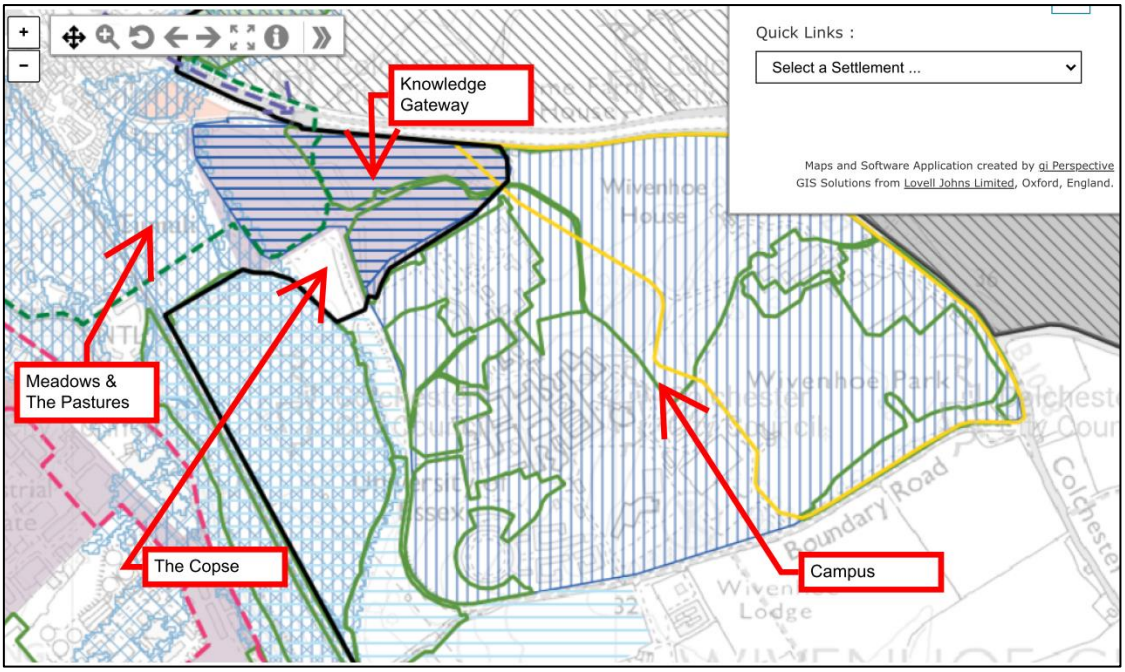

Figure 1: Extract from the On-Line Proposals Map

[6] Paragraph 6.2 of the Statement of Common Ground between the University and the Council's.

2.3 As with the last three student developments undertaken by the University, it seeks to continue developing student accommodation on land adjoining the Campus. The main difference in the approach is that the focus has shifted from land to the west of the Campus, to land to the east. This is the only viable option for the University, as there is no further land available for development to the west of the Campus (apart from the undeveloped parts of The Knowledge Gateway which is allocated for employment use) that could be developed as student residences. The former allocation to the south of the Campus has been removed and land to the north lies across the busy A133 dual carriageway. That land would be very difficult to successfully integrate into the Campus.

Colchester Local Development Framework Site Allocation Document 2010

2.4 The Topic Paper gives the impression that the University was quite happy for the land allocated for its expansion in the 2010 Plan to be removed and replaced with an allocation within the Garden Community (Paragraphs 1.16, 1.22, 1.27 and 1.36).

2.5 The fact is that the University made representations to the Regulation 19 Draft Part 1 Shared Plan strongly objecting to the failure of the Council(s) to carry forward the allocation into that Plan. However, after discussions with the Councils, the University decided not to pursue the objection to examination on the proviso that a replacement allocation would be made in the TCBGC DPD for University expansion. This undertaking was incorporated into two Statements of Common Ground, entered into by the University and the Council's, just prior to the examinations into Parts 1 and 2 of the Plan.

2.5 It is regrettable that the Councils have failed to follow through with the undertakings given to the University and both Examination Inspectors. With hindsight, the University regrets entering into such undertakings and should have pursued its original objection.

'Academic' Use

2.6 The Councils suggest that the land allocated for the University expansion in the 2010 Site Allocations DPD was identified for 'academic' use, with supporting text indicating that it was not suitable for student accommodation. As a result, they suggest that the allocation(s) required by the replacement Local Plan Part 1, Policy SP9, Part F, whilst agreeing that it contains no restriction, should be read as excluding student accommodation.

2.7 The University notes that the Councils have agreed, in the Statement of Common Ground (Document SCG04), that Part F contains no limitation on the uses that may be accommodated within the land to be allocated for University expansion. The University also notes that the Councils agree that, in order to meet its supported growth objectives, and thus fully contribute to the success of the Garden Community, a significant number of additional student bed spaces (possibly equivalent to the number of dwellings to be developed within the Garden Community) have to be provided.

2.8 The University also notes that it has made representations both to the Part 1 and 2 Local Plans, and also the TCBGC DPD on the basis that the allocation is primarily required for student accommodation.

2.9 The University also notes that the Councils have not, previously, put forward the case that any specific allocation made for the University expansion within the TCBGC DPD should exclude student accommodation. The Councils refer to the fact that the University has indicated, in its representations, that the majority of its requirements for new academic buildings can be met on Campus (despite the acknowledged environmental and planning constraints). Whilst this remains the University's position, if it could not develop student accommodation in an

appropriate position adjoining the Campus, it would be left with a number of unattractive and/or undeliverable options, including: -

- developing on Campus to a greater density and height than current constraints may allow (see paragraph 5 of Document SCG04); and/or

- developing academic buildings on land next to the Campus, as opposed to student accommodation (it would be illogical to develop academic facilities at a distance from the centre of campus, as this would be at odds with the founding ethos of the campus, where academic facilities, activities and disciplines are inter-woven)

2.10 If the University is unable to develop facilities at the Colchester Campus to meet its needs for growth, it will need to redirect the majority of its growth to its Loughton and Southend Campuses.

2.11 Finally, the University notes that the allocation does allow for playing field use and sporting activities. These uses were not referenced in the 2010 allocation, so further undermining the Councils' position.

Strategic Gaps

2.12 The Councils justify the failure to make a specific land allocation to meet the requirement for University expansion on the basis that there are a number of competing needs and that they had to try and find land for all the uses required to make the Garden Community a success whilst, at the same time, acknowledging the representations from local parties (i.e. the general public and parish and town councils) and potential impact on local communities. Accordingly, the Councils have chosen to considerably reduce the area of search, as set out in the Part 1 Local Plan, with significant land now being given over to 'strategic green gaps' (compare Figures 2 & 3).

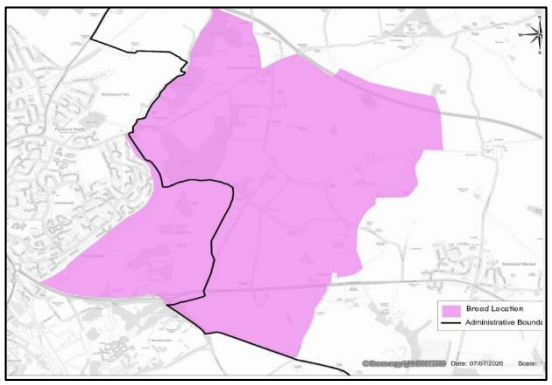

Figure 2: Figure 10.2 from the Part 1 Plan

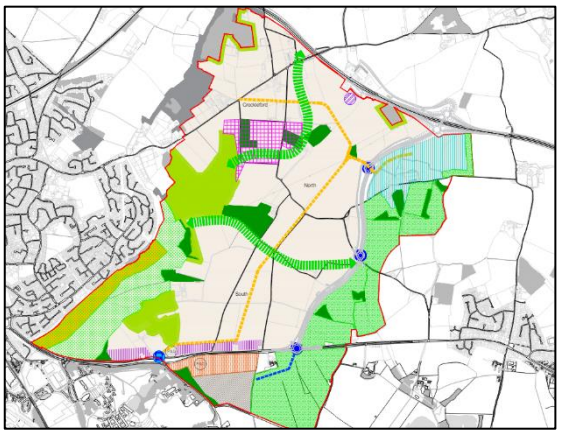

Figure 3: Extract from the TCBGC Policies Map

2.13 In doing so, the Councils have effectively revisited the principles of the Garden Community and the uses that need to be accommodated within it. The Councils are now effectively saying, contrary to Part 1 policy, that there is effectively no room within the developable area to accommodate a specific allocation to meet the University's stated, and universally accepted, needs.

2.14 This position has arisen as a direct result of the fact that the Councils have reduced the boundaries of the developable area and introduced 'strategic gaps', The Councils have, effectively, revisited principles which had been settled at the Local Plan 1 Examination.

Wivenhoe Strategic Gap

2.15 As is confirmed in the Plan produced as an appendix to the Statement of Common Ground made between the University and 'Latimer' (Figure 4), there would still be a good sized, 'defensible', gap between the Garden Community/the University and Wivenhoe of at least 530m (equivalent to the existing gap), even if land to the south of the A113 is allocated, and developed, for University student accommodation and/or other related University uses/activities.

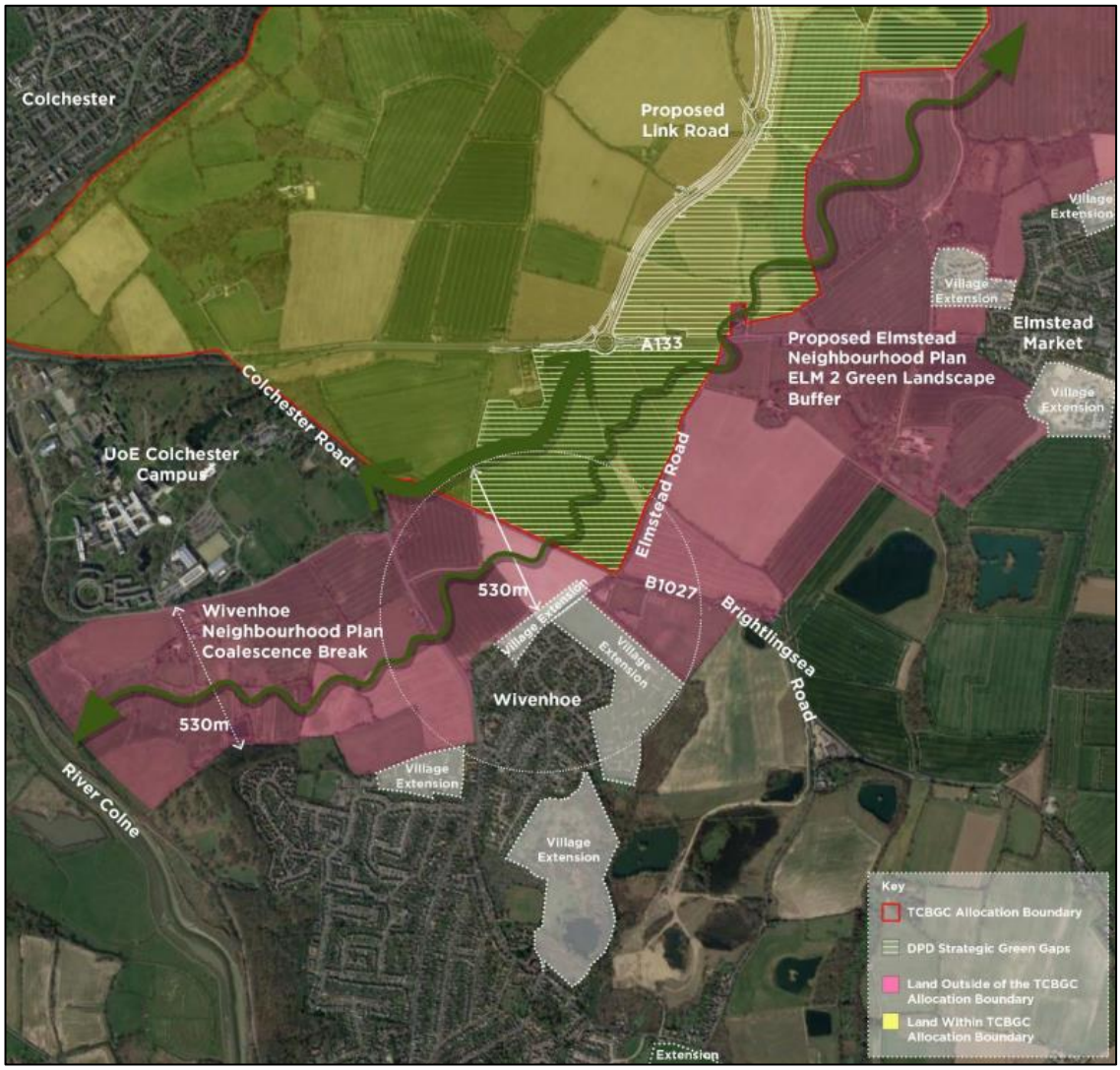

Figure 4: Appendix 1 of the Latimer/University SoCG

2.16 It is noted that, whilst the Councils are resisting the development of the Garden Community towards Wivenhoe, they are promoting the development of Wivenhoe towards the Garden Community (so reducing the gap). Reference is made to the land allocated for housing around the northern edge of Wivenhoe and the western edge of Elmstead Market.

Employment Land

2.17 The Topic Paper records that GC Policy 1 Part G identifies 8 hectares of land north of the A133 for knowledge-based employment, whereas the University considers that, in order to create a sufficient critical mass of such business, the allocation should be increased to 12 hectares.

2,18 More importantly, the Topic Paper states that the potential area highlighted on the Policies Map provides sufficient certainty as to the location and form that the employment development will take. For the reasons set out in the Regulation 18 Representations, and the Statement prepared in relation to Main Matter 5, the University does not agree with this position.

3 IS THE DPD JUSTIFIED BY APPROPRIATE AVAILABLE EVIDENCE, HAVING REGARD TO NATIONAL GUIDANCE, AND LOCAL CONTEXT?

3.1 The Councils commissioned Wisher Consulting to conduct an independent review of the University's Regulation 18 Representations.

Student Accommodation

3.2 The Wisher report (Document EB15) concluded (paragraph 4.10) that, '*whilst the growth predictions of the University have not been forensically tested as part of this review, they are demonstrably aligned with the trends of the last 10-12 years and are backed up by strong belief amongst the University of Essex's leadership team that continued growth would be achieved*'. Accordingly, Paragraph 4.11 states that '*it is suggested that the DPD develops on the assumption that there is a very strong prospect that the University will in fact grow by a further 10,000 students between 2025 and 2035'.*

3.3 The Councils have accepted, in the Statement of Common Ground agreed with the University (Document SCG04), the University's forecast of the number of priority and returning student bed spaces that will be required.

3.4 The Councils, however, maintain the position that the vast majority of the requirement for additional student bed spaces (including for both priority and returning students) should be developed within the southern communities of the Garden Community. It justifies this position on the basis of one paragraph in the Wisher Report (paragraph 4.19), that states that, '*it is not essential that this new accommodation is developed solely in one location – developments split across a small number of locations could work*. This paragraph then goes on to set out four options for meeting the need for additional student accommodation, two of which are not within the Garden Community.

3.5 It is noted that the author of the Wisher report is an economist. The author's LinkedIn biography indicates that Wisher Consulting was set up to provide economic services – no mention is made of any relevant planning qualifications or experience.

3.6 It would appear that the main evidence that the Councils are relying upon, to justify the spatial approach to the provision of student accommodation, which is fundamental to the future growth of the University of Essex, was authored by a party, who it would appear, has no relevant planning qualifications or experience. The Council's approach is not, contrary to NPPF guidance (particularly paragraph 31), based upon relevant, adequate, proportionate or focused evidence. It is unsound.

Knowledge Gateway

3.7 Whilst the Wisher Report supported the Council's allocation of 8 hectares, it also concluded (paragraph 3.16) that, *"…. the need for adjacency and integration with the existing Knowledge Gateway is paramount".* The indicative area shown on the Policies Map will not achieve this fundamental aim.

4 IS THE DPD SPACIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT AS SET OUT IN GC POLICY 1: LAND USES AND SPATIAL APPROACH SUPPORTED BY ROBUST AND UP-TO-DATE EVIDENCE AND OTHERWISE SOUNDLY BASED?

4.1 For the reasons identified above, the Council's spatial approach to the growth of the University, and the provision of student accommodation, which is fundamental to that growth, is not supported by robust and soundly based evidence.

4.2 In addition, the indicative area shown for knowledge-based employment north of the A133 does not follow the evidence that the Council has commissioned.

5 DOES THE DPD DELIVER THE QUANTUM OF HOUSING CONSISTENT WITH THE SECTION 1 AND 2 PLANS REGARDING THE QUANTUM OF HOMES, I.E. SETTING THE REQUIREMENT OF 7,500 NEW HOMES? DOES GC POLICY 1 MAKE ADEQUATE PROVISION TO MEET TENDRING AND COLCHESTER'S HOUSING NEEDS AND DOES THE PLAN SET OUT A DELIVERY TRAJECTORY THAT IS ACHIEVEABLE?

5.1 Whilst the Councils acknowledge, and fully agree with, the quantum of student accommodation (both for priority and returning students) that will need to be delivered during the lifetime of the DPD, in failing to provide a specific allocation, as required by Local Plan, Part 1, Policy SP9, the DPD will fail to deliver the quantum of student housing needed.

5.2 Importantly, the Councils have given insufficient weight to the fact that the party responsible for the delivery of a large part of the required student housing (the University of Essex) has categorically stated, at both the Regulation 18 and 19 stages, that it will not develop student accommodation in accordance with the Council's preferred strategy.

6 DOES THE DPD ADEQUATELY ADDRESS THE NEED FOR ALL TYPES OF HOUSING AND THE NEEDS OF DIFFERENT GROUPS IN THE COMMUNITY (AS SET OUT IN PARAGRAPH 63 OF THE NPPF)?

6.1 NPPF Paragraph 63 provides that local planning authorities should assess, and provide for, the need, size and tenure of housing required by different community groups, including students.

6.2 Whilst the Councils accept both that there is a need for additional student housing, and also the quantum of that need, the spatial strategy, for the reasons set out in the University's Regulation 18 and 19 representations, will not deliver or meet that need. As a result, the strategy, and thus the DPD, is not sound.

7 DOES THE DPD MAKE ADEQUATE PROVISION TO CONTRIBUTE TOWARDS MEETING TENDRING AND COLCHESTER'S ECONOMIC GROWTH REQUIREMENTS FOR THE PLAN PERIOD AND ITS TIMESCALE FOR DELIVERY?

7.1 The University's case is set out in its Regulation 18 and 19 representations and is further expanded in its Main Matter 5 Statement. The University notes that the failure of the DPD's spatial approach will frustrate the University's growth aspirations and will not, therefore, allow the Garden Community to fully capitalise on the benefits that the growth of the University could make in terms of employment; attracting high-quality, secure jobs; attracting research and technology-intensive businesses to the Garden Community; the contribution that students make to local business and the local economy; and helping retain and grow graduate employment skills in Northeast Essex.

7.2 The indicative area shown for knowledge-based employment north of the A133 provides insufficient certainty and will make it difficult to deliver the Councils' growth aspirations.