TP3

Tendring Colchester Borders Garden Community Development Plan Document

Land South of A133 & University of Essex Expansion Topic Paper

Colchester City Council
Tendring District Council
Essex County Council

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Tendring District Council

Colchester City Council

Essex County Council

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Executive Summary

This Topic Paper is one of a series that has been prepared to support the consideration of the Tendring Colchester Borders Garden Community Development Plan Document (DPD). The purpose of this Topic Paper is to provide background information, a summary of the evidence base and an analysis of key issues, opportunities and constraints regarding the area of land south of the A133 and the University of Essex's position and expansion plans.

The principle of a new Garden Community was established in the shared strategic Section 1 of the Tendring and Colchester Local Plans, which identified the broad location of the Garden Community [Figure 1]. The **Section 1 Local Plan** (PD10) for North Essex was formally adopted by both Colchester City Council (CCC) and Tendring District Council (TDC) in 2021 following an examination in public and modifications made on the advice of the Planning Inspector. It sets out the strategic policy basis for the Tendring Colchester Borders Garden Community, makes specific references to the University of Essex and knowledge-based employment land in respect of the Garden Community and sets out expectations with regard to the content of the DPD.

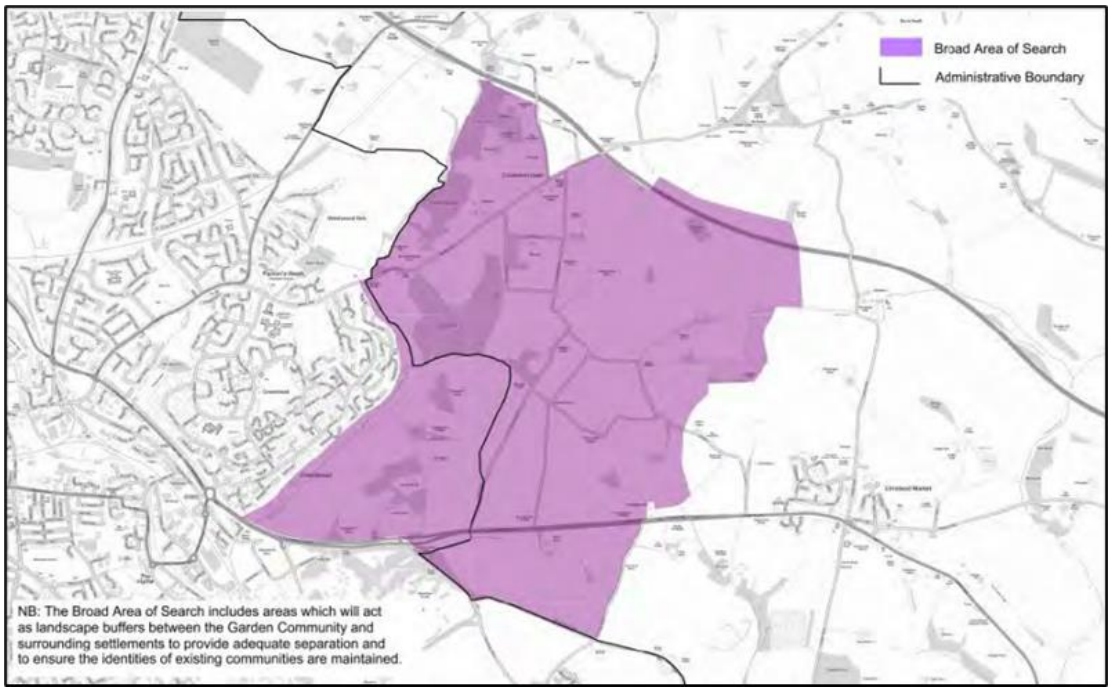

Figure 1: Section 1 Plan - Garden Community Broad Area of Search

Within the broad location of the Garden Community is a triangular area of land located to the south of the A133 which comprises approximately 70ha [Figure 2]. This area is situated to the east of the University of Essex Campus and falls predominantly within the administrative boundary of TDC. The administrative boundary is illustrated by the black line as shown on Figure 1, the area of land to the east falls within TDC and to the west CCC.

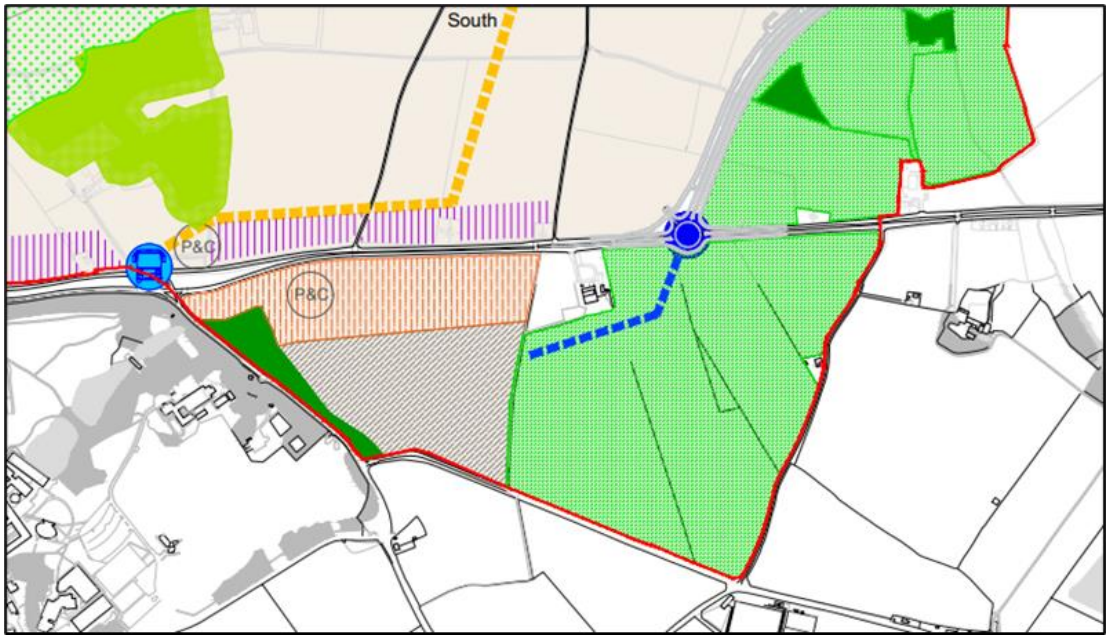

Figure 2: DPD Policy Map Extract - Land South of the A133

The University of Essex

The University Campus and the existing Knowledge Gateway Research & Technology Park lie on the east side of Colchester, immediately to the south of the proposed Garden Community and to the west of the triangular area of land south of the A133, falling within the administrative boundary of CCC.

The University currently comprises just over 17,000 students and student numbers are targeted to increase to 20,000 within the University's current strategic plan period. The University has aspirations to grow to 25,000 by 2030 and reach a student population of circa 30,000 by 2035, at which point, the University is expected to employ approximately 1,500 researchers/academics.

Throughout its history, the University has been campus based, with all of its main activities (academic, admin, support, student residences and student services and leisure facilities) on, or adjacent to, the campus. The University's growth aspirations are to continue its expansion as a campus-based institution. To achieve this objective, the University needs to provide the required level of academic, teaching and research buildings, student accommodation, support, leisure, and recreation facilities. Much of its future growth will require new facilities and additional expansion land.

In recognition of the expansion requirements of the University, the CCC 2010 Local Development Framework Site Allocations DPD allocated an area of land to the South of the campus for expansion. Development within this allocation was never realised and the allocation was not carried forward into the CCC Section 2 Local Plan allocations.

The Section 1 Local Plan requires that the DPD includes the allocation of land within the Garden Community to accommodate University Expansion, which is at least equivalent in in size to the allocation in the 2010 Local Development Framework Site Allocations DPD.

Land South of A133

The land south of the A133, comprises approximately 70ha of agricultural land and was a notable topic of representations received on the Draft Plan at Regulation 18 stage with conflicting positions expressed by key stakeholders and interested parties. Representations received from Wivenhoe Town Council also reflected public sentiment that was not supportive of development south of the A133.

Figure 3: Land South of A133 - Aerial Photo

Representations at Regulation 19 on the Submission Version DPD by the lead developers – Latimer (Tendring Colchester Borders Garden Community) Ltd and the University of Essex continue to identify conflicting positions with regard to the allocated land use of the land south of the A133. Full consideration of both the Regulation 18 and Regulation 19 representations with regard to this area of land can be found in section 2 of this paper.

Summary of Evidence Position

A series of reports have been prepared and commissioned by the Councils exploring the position of the University of Essex, land allocation relating to the land south of the A133 and the wider economic context.

These include an **Economic and Employment Study** by Quod (EB15), which considers the economic evidence supporting the allocation of 25ha of employment land for the Garden Community, how it might be achieved and any barriers to success. The final report from Quod sets out the evidence, analysis and recommendations which has informed the drafting of the DPD and responded to comments from stakeholders at Regulation 18 stage.

This report concludes that the most likely source of office (or office/research and development mixed space) will be university linked growth through spin-offs from the Knowledge Gateway or expansion of the Gateway itself. It notes that the University has ambitious aspirations for growth in its student numbers and its commercial activities. While this will not lead to an

immediate significant demand for more land (as their current land holding already has some room to grow), University linked growth is expected to play a key part in driving demand for commercial space at the Garden Community in the long term.

The Quod Report concludes that up to 8ha of Knowledge Based Employment land be provided on a parcel north of the A133 and that this should support university-linked commercial space and/or higher density office and lab space.

Following Regulation 18, further evidence for the DPD in relation to the University of Essex's growth ambitions was prepared by Wisher Consulting on behalf of the Councils who undertook an independent **Review of University of Essex Land Requirements** (EB16). The core objective of this work has been to advise the Councils on the reasonableness of the University's position, given conflicting pressures for land at the Garden Community identified at regulation 18 stage, with a particular emphasis on the land south of the A133.

Both of these evidence base documents fed into and facilitated the development of the Councils **Strategic Framework Masterplan** (EB1) work which sets key illustrative principles and establishes a high quality design approach to guide development. It proposes an illustrative layout and relationships between land uses and provides a check on overall site capacity. It tested and defined key areas of land use and quantum of development including supporting infrastructure land uses. Combined with the above mentioned evidence base documents and other supporting evidence base work, it informed the preparation of the DPD and the land use allocations in the **Policies Map** (CD2).

Summary of Position

Proposals for the Tendring Colchester Borders Garden Community were found sound and deliverable in December 2020 by an independent Planning Inspector, following detailed scrutiny of a wide range of evidence base material – as part of the Section 1 Local Plan examination process. This included the area land south of the A133 within the Broad Area of Search.

To support the DPD, the Councils have assembled additional evidence including an independent review of the University of Essex's Growth ambitions, additional work on economic matters and a comprehensive Strategic Framework Masterplan.

The policy development within the Submission Version DPD has considered all available evidence and representations, including those from key stakeholders and the local community. The Councils have sought to address the land south of the A133 and the expansion aspirations of the University of Essex with a balanced and proportionate approach which addresses those requirements of the Section 1 Local Plan.

The Councils consider that this Topic Paper and the wider associated evidence base addresses these representations received at regulation 18 and 19, and that the Plan is Sound, Justified and Legally Compliant.

1. Existing Policy Position

Colchester Local Development Framework Site Allocations DPD 2010

Knowledge Gateway

1.1 The important role of the University and how it can support future development and economic prosperity was recognised by CCC in its 2010 Local Development Framework Site Allocations DPD. This stated:

> *"The Knowledge Gateway is an integral part of the East Colchester Growth Area and is allocated as a Strategic Employment Zone. Constraints within the existing campus make academic expansion there difficult if not impossible. The need for new buildings to accommodate new academic developments and maintain the University's high reputation is recognised and reflected in the allocation on the Proposals Map."*[1]

1.2 On the 2010 Proposals map [Figure 4] the 'Knowledge Gateway' was situated within the East Colchester Growth Area and was identified as an Employment Zone as shown in purple with the black dashed surround below:

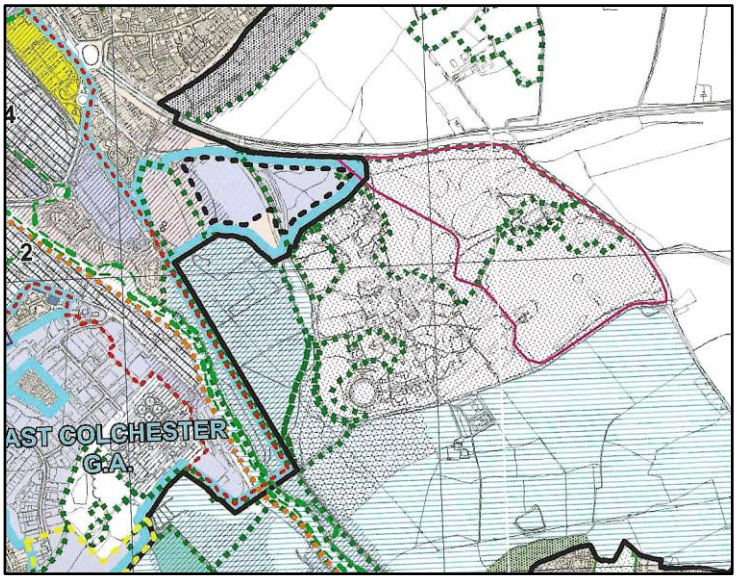

Figure 4: Colchester Local Development Framework Site Allocations DPD 2010

1.3 It was recognised in the Framework that the plans for the Knowledge Gateway were at an advanced stage at this time.

University Campus and Expansion

1.4 The University campus was located outside of both the Growth Area and the Employment Zone within which the adjacent 'Knowledge Gateway' was situated. The University Campus itself was subject to an allocation for 'University Purposes', this allocation encompassed the existing campus, including the historic Wivenhoe House and Gardens to the east, and a new area of expansion to the situated to the south west of Boundary Road which encircles the existing campus to the north.

[1] CCC Local Development Framework Site Allocations DPD 2010 – Para.5.73

1.5 This new area of allocation comprised 11.5ha of land situated to the east of the railway and River Colne. Despite being greenfield land, this option was considered at the time to make efficient use of land in that it would have retained *"all University buildings together at one location close to the other academic departments, student facilities and services."*[2]

1.6 Policy SA EC7 'University of Essex Expansion' addressed the allocation for 'University Purposes' covering the existing campus and expanded area as follows:

> ***Policy SA EC7 University of Essex Expansion***
> *Permission will be granted for academic expansion within the area denoted by University Purposes on the Proposals Map provided that it relates satisfactorily to its setting on the edge of the built up area of Colchester. Proposals within the existing campus will be acceptable providing they have full regard to the landscape setting and nature conservation interests. All proposals for development will need to include the following information;*
>
> *• A Flood Risk Assessment; it should satisfy the Sequential Test and the Exceptions Test of PPS25 and provide open space to the river frontage;*
>
> *• A comprehensive landscaping scheme;*
>
> *• A biodiversity enhancement plan.*[3]

1.7 The area of site allocation is illustrated below in pink [Figure 5]. With specific reference to the expanded area of allocation comprising 11.5ha, Wivenhoe Park, a designated Local Wildlife Site, covers the north-west part of the expanded allocation and is comprised predominantly of woodland. The area of land which falls outside of the Local Wildlife Site is approximately 8ha, and was also subject to other constraints including part of the site being within Flood Zone 3, overhead powerlines, a Coastal Protection Belt and identified important local views from the west.

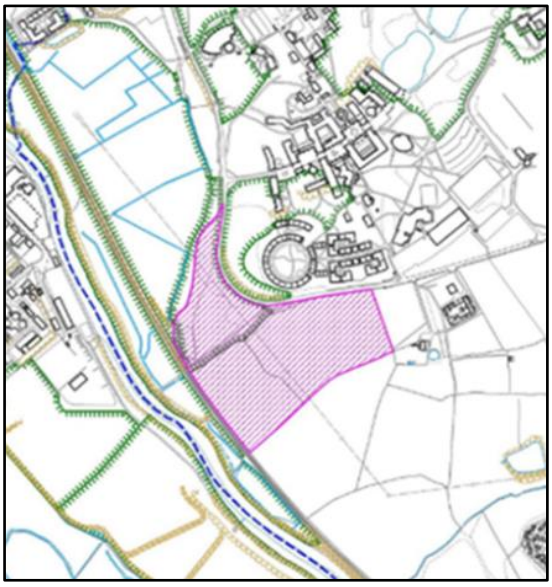

Figure 5: University Expansion allocation area - Colchester Local Development Framework Site Allocations DPD 2010

[2] CCC Local Development Framework Site Allocations DPD 2010 – Para.5.41
[3] CCC Local Development Framework Site Allocations DPD 2010 – Policy SA EC7 University of Essex Expansion

Student Accommodation

1.8 Policy SA EC7 specifies that the allocation covering both existing University Campus and the expanded area was for "academic expansion". No reference is made to student accommodation or residential development as part of this allocation. The 2010 Site Allocations DPD goes on to note in the supporting text relating to the University of Essex that:

> *"No additional land has been allocated for residential development as this location does not accord with the housing strategy in the adopted Core Strategy and there are sufficient sites elsewhere in the Borough."*[4]

1.9 Notwithstanding that the 2010 Framework did not include a specific residential or student accommodation allocation, the University has itself developed additional student accommodation within the existing campus. The University has grown from 10,000 students in 2013 to what will be 20,000 students in 2025; to meet the needs of this growth on campus 2,554 new bed spaces have been created in the form of developments known as 'The Meadows', 'The Copse' and 'The Pastures'. These recent permissions have increased student accommodation on site bringing the total number of student units on campus to 6,017.

Wivenhoe Neighbourhood Plan 2019 - 2033

1.10 Wivenhoe Parish falls within the administrative boundary of CCC and The Wivenhoe Neighbourhood Plan (WNP) was formally adopted in May 2019. The Parish of Wivenhoe to which the Neighbourhood Plan Area relates encompasses the University of Essex Campus and extends north onto the Salary Brook Slopes north of the A133. With the exception of a small strip south of the A133, it does not include the triangle of land south of the A133 which is within the Garden Community area, and which in part is the subject of this Topic Paper. The plan area is shown in below [Figure 6]:

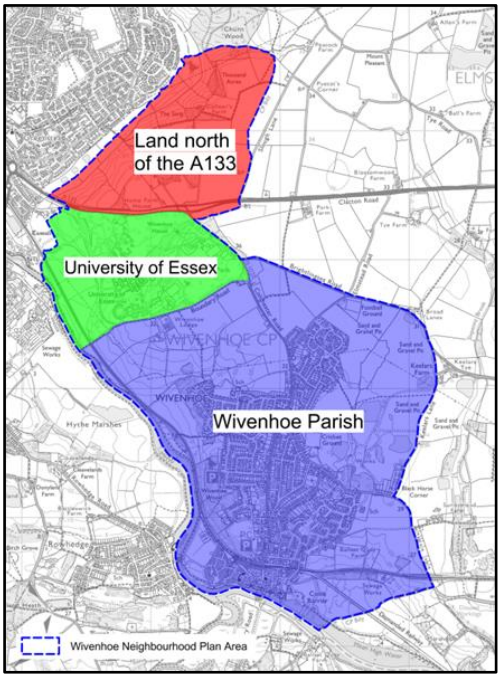

Figure 6: Wivenhoe Neighbourhood Plan Area 2019

[4] CCC Local Development Framework Site Allocations DPD 2010 – Para.5.73

1.11 The period of development of the WNP coincided in part with the emerging Shared Section 1 and CCC Section 2 Local Plans. A review of all current site allocations within the CCC Local Development Framework Site Allocations DPD 2010 was therefore ongoing, with discussions taking place between CCC, the University of Essex and the WNP Steering Group. The first draft of the WNP started with the CCC 2010 Site Allocations position including the University Expansion Land, however as the WNP came together and in recognition of discussions with the University and the emerging Section 1 and Section 2 Plans, a change emerged which included a Coalescence Break covering in part the 2010 allocated University Expansion Land.

1.12 The WNP seeks to prevent encroachment from expansion of the University Campus south of Boundary Road and the A133 towards the settlement of Wivenhoe to the south. It considers it vital that a gap is preserved between such growth and the distinct community of Wivenhoe and wants to ensure protection from potential coalescence in the long term from any other direction. As such Policy WIV 4 'Settlement Coalescence' as below, establishes a coalescence break.

> ***POLICY WIV 4 'Settlement Coalescence'***
> *All development proposals within the Coalescence Break illustrated on Figure 12 and the Proposals Map should satisfactorily demonstrate that they will not unduly reduce the physical and visual separation between, or contribute to the coalescence of, the Wivenhoe settlement with the University of Essex campus.*[5]

1.13 The coalescence break is illustrated hatched red in the following map [figure 7]:

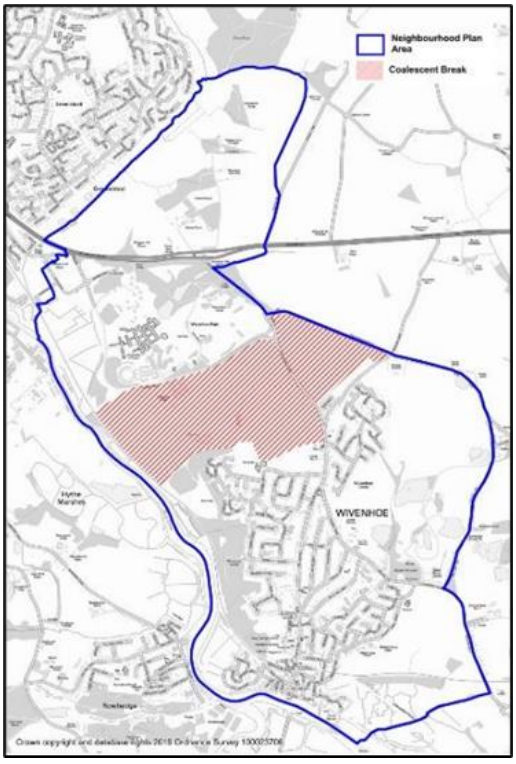

Figure 7: Wivenhoe Neighbourhood Plan 2019 - Coalescence Break

[5] Wivenhoe Neighbourhood Plan 2019 – Policy WIV 4 'Settlement Coalescence'

1.14 The area of Coalescence Break as illustrated above includes the southern parcel of the Colchester Local Development Framework Site Allocations DPD 2010 'University of Essex Expansion' site allocation, encompassing it within the Wivenhoe coalescence break.

1.15 The 2017 Section 2 Statement of Common Ground between the Councils (this related to both the TDC and CCC Section 2 Local Plans) and the University agreed the following point of relevance with regard to the WNP:

- The University raised concerns that the draft WNP was not consistent with the Local Plan. It was agreed that the WNP needs to align and be coordinated with the Local Plan and that the University expansion needs would be best met on land laying in the Tendring District which is outside the Neighbourhood Plan Area. A site for expansion crossing the Colchester/Tendring border was shown for expansion in the emerging DPD along with further land for the expansion of the Knowledge Gateway to the north of the A133.

1.16 The removal of the 'University of Essex Expansion' site allocation and the encompassment of that land within the Wivenhoe coalescence break within the WNP was therefore agreed at the time by the University.

North Essex Authorities Shared Section 1 Plan 2021

1.17 In 2021, TDC and CCC both agreed to formally adopt the 'North Essex Authorities' Shared Strategic Section 1 Local Plan' (Section 1 Local Plan) which, amongst other things, identifies the broad location of the Garden Community, sets out the Strategic Policies and the overarching requirements and expectations that it will need to meet.

1.18 The adoption of the Section 1 Local Plan followed years of technical analysis, public consultation, and an independent examination by a government-appointed Planning Inspector. The independent examination enabled the Planning Inspector to conclude that the Garden Community would be the most appropriate and sustainable option for meeting the need for long-term growth in the North Essex area – having considered and discounted a variety of alternative ideas and options.

1.19 Amongst other things, Policy SP9 'Tendring/Colchester Borders Garden Community' of the Section 1 Local Plan requires:

- Part C (Employment and Jobs), item 5 which requires: *"The DPD will allocate about 25 hectares of B use employment land within the garden community. This may include provision for office, research & development, light industrial and/or other employment generating uses towards the south of the site in proximity to the existing University of Essex and Knowledge Gateway and provision for office, research & development, industrial, storage and distribution uses towards the north of the site close to the A120."*
- Part F (Other requirements), item 18 which requires: *"Landscape buffers between the site and existing development in Colchester, Wivenhoe and Elmstead Market."*
- Part F (Other requirements), item 25 which requires: *"Allocation of additional land within the garden community, to accommodate University expansion, which is at*

> *least equivalent in size to the allocation in the Colchester Development Framework Site Allocations document October 2010."*[6]

1.20 The Report on the Examination into the Section 1 Local Plan identified that access to employment opportunities at the adjacent University of Essex and its associated Knowledge Gateway was one of the factors contributing to the ability of the Garden Community to deliver sustainable development.

1.21 However, whilst provision for academic expansion was made in the CCC Local Development Framework Site Allocations DPD 2010, this was not reflected in the submission version of the Section 1 Local Plan.

1.22 As is appropriate in the consideration of all Local Plan site allocations, those previous allocations should not be automatically carried forward to the next plan. An assessment of the likely deliverability of each allocation must be undertaken in the context of current evidence and knowledge. In the case of the 'University of Essex Expansion' land which fell outside of the existing university campus, this had not come forward for development since allocation and the landowner did not offer support for continued allocation. This combined with the recognised physical and environmental site constraints, along with discussions that took place between the Councils and the University of Essex, led to the deletion of the allocation.

1.23 Para.101 of the Inspectors Report on the Section 1 Plan identified:

> *"access to employment opportunities at the adjacent University of Essex and its associated Knowledge Gateway as one of the factors contributing to the ability of the GC to deliver sustainable development. Moreover, national policy encourages LPAs to plan positively for the expansion of knowledge-based business and employment. But while provision for expansion is made in the adopted Colchester Site Allocations DPD, it is not reflected in the Plan."*[7]

1.24 Based on the 2019 Section 1 Plan Statement of Common Ground (SoCG) between the Councils and the University of Essex, the Inspector sought to rectify this position with the inclusion of the following wording to Part F of Policy SP8 (SP9):

> *"Allocation of additional land within the garden community, to accommodate University expansion, which is at least equivalent in size to the allocation in the Colchester Local Development Framework Site Allocations document October 2010."*[8]

1.25 The above extract was a required modification, consulted on as part of the Main Mods and subsequently adopted in the Plan. The wording of the modification requiring the allocation of additional land is to accommodate "*University expansion"* as opposed to *"academic expansion"* which was the wording used in the 2010 site allocation. Point 25 of Part F is unspecific about the nature of the land use for expansion, thus allowing flexibility in how this may come forward.

[6] North Essex Authorities' Shared Strategic Section 1 Plan 2021 – Extracts from Policy SP9
[7] North Essex Authorities' Shared Strategic Section 1 Plan, Inspector's Report, 10 December 2020 – Page 22, para.101
[8] North Essex Authorities' Shared Strategic Section 1 Plan 2021 – Policy SP9, Part F

1.26 However, it is pertinent to note that, as has been previously outlined in para.101 of the Inspectors Report, that the Inspector referred to the omission of expansion land in the context of knowledge-based business and employment opportunities at the University of Essex. Furthermore the 2010 site allocation made no reference to student accommodation or residential development and the 2010 Site Allocations DPD went on to note in the supporting text relating to the University of Essex that no additional land was allocated for residential development (see para. 1.8 of this paper).

1.27 The SoCG between the Councils and the University of Essex during the Section 1 Plan examination, upon which the Inspector drew his modification raised (amongst other things) the following areas of agreement:

- The University supported Policy SP2 and the overarching spatial strategy within the Section 1 Plan.
- The University noted, welcomed and supported Policy SP4 and the acknowledgement that TCBGC has potential to deliver residential and employment opportunities. They looked forward to working with the Councils to realise the potential of this strategic commitment, particularly in terms of the opportunities that it opened up for new technology-based businesses associated with the University itself.
- The University noted and welcomed Policy SP8 (SP9), and supported the need to integrate the new Garden Community with its own activities and development proposals for the campus and the Knowledge Gateway.
- To strengthen the commitment to University growth, the University supported the proposed amendment to add Part F (allocation of University Expansion Land) to Policy SP8 (SP9).

1.28 There were no areas of disagreement between the parties subject to the proposed amendments relating to strategic transport infrastructure and the inclusion of the above noted wording to policy SP8 (SP9).

Colchester Section 2 Plan 2022

1.29 In July 2022 CCC adopted the second part of their Local Plan comprising 'The Colchester Local Plan Section 2' which provides the policy framework, site allocations and development management policies for the Borough up to 2033.

1.30 The Section 2 Plan acknowledges the importance of the University and the Knowledge Gateway as a Strategic Economic Area (SEA), being one of the best employment sites in the Borough which should be retained for employment purposes to meet anticipated needs over the plan period, in accordance with the NPPF. Supporting text of the Section 2 Plan notes:

> *"The Knowledge Gateway and University SEA reflects opportunities associated with the growth plans for the University of Essex and the benefits linked to the new Garden Community to the east of Colchester. Additional land to expand the Knowledge Gateway is expected to be allocated within the Garden Community to the east."*[9]

1.31 The relevant extract from the Colchester Section 2 Plan Policy Map is as follows [Figure 7]:

[9] Colchester Section 2 Plan 2022 – Page 23, para.3.32

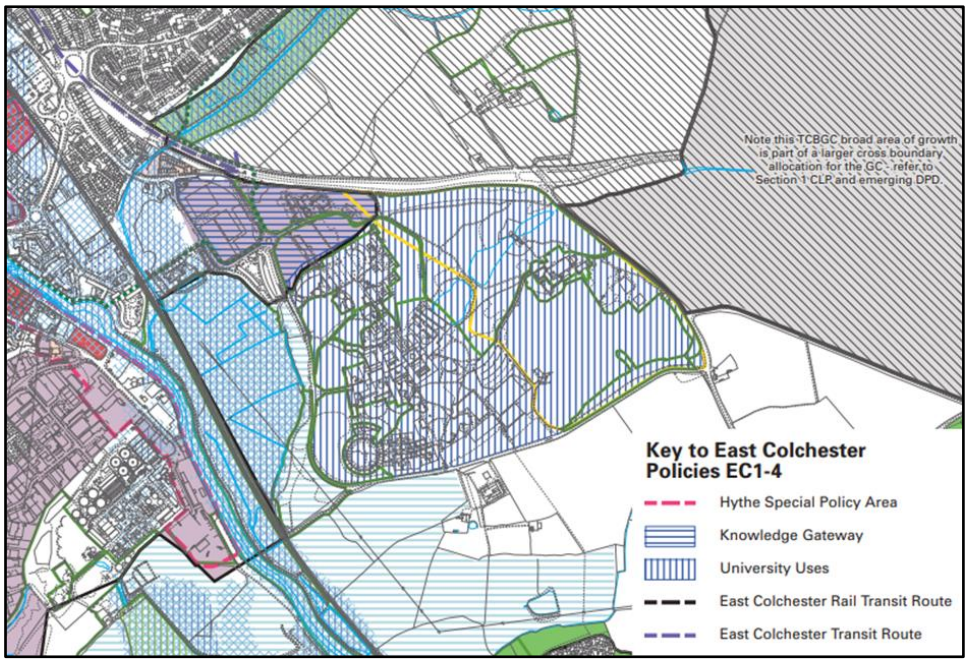

Figure 8: Colchester Section 2 Plan, Policy Map - East Colchester Policies EC1-4

1.32 Policy EC1 'Knowledge Gateway and University of Essex Strategic Economic Area' of the Colchester Section 2 Plan states:

> ***Policy EC1: Knowledge Gateway and University of Essex Strategic Economic Area***
> *…… The area shown on the Policies Map is designated as the University and Knowledge Gateway Strategic Economic Area. Within this area development will be supported which enables significant expansion of the University of Essex as reflected in its current Strategic Plan 2013-19 as well as the retention and expansion of the Knowledge Gateway. Proposals which provide for the retention and expansion of the Knowledge Gateway and which build on the benefits of the growing University will be supported.*
>
> *There will be a need for a comprehensive approach to development in conjunction with the Tendring Colchester Borders Garden Community proposed to the east of Colchester, working in partnership with key stakeholders including the University…….*
>
> ***Knowledge Gateway***
> *The area shown on the East Colchester Proposals Map will be safeguarded for the expansion of the Knowledge Gateway associated with the Tendring Colchester Borders Garden Community to allow for provision of a range for additional jobs and to accommodate expansion of the existing research and technology uses…..*[10]

1.33 The Knowledge Gateway area comprises some 12ha of developable land and is shown hatched purple in Figure 8 above. With recent completions approximately half of the Knowledge Gateway has now been developed.

1.34 Policy EC1 does not make specific reference to the expansion of the University through the provision of student or staff accommodation. However, the supporting text notes that:

[10] Colchester Section 2 Plan 2022 – Extract from Policy EC1 'Knowledge Gateway and University of Essex Strategic Economic Area'

> *"The University competes globally for staff and students and there is a clear need for good quality and affordable accommodation. On the Colchester campus, the University already offers a mix of medium and high-rise student accommodation, and it is likely that future need will mirror this pattern to allow for an efficient use of space, protection of the historic Wivenhoe House, and surrounding parkland and ensure that as many students as possible can be accommodated on the campus. High quality staff housing will also be in demand, with the development of the new Garden Community also providing attractive new locations for University staff to live, adding to the existing blend of urban and rural dwellings in the area. The University strongly supports a vision for a proposed Garden Community to the east of Colchester, providing a sustainable, mixed academic, commercial and residential community that offers a high quality of life to enhance both Colchester and the University."*[11]

1.35 The East Colchester Policy Map [Figure 8] relating to Policies EC1-4 has a hatching showing 'University Uses' across the existing campus site. Within this policy context the University of Essex has a recent history of proposing and getting permission for student accommodation on the campus itself, with recent permissions in the form of developments known as 'The Meadows', 'The Copse' and 'The Pastures' creating 2,554 new bed spaces. It is acknowledged that there are constraints within the campus site, notwithstanding this, within the permissive policy position of the Section 2 Plan expansion has and is coming forward.

1.36 The 2017 Section 2 Statement of Common Ground between the Councils (this related to both the TDC and CCC Section 2 Local Plans) and the University agreed the following points of relevance:

- The importance of continuing partnership working to deliver improved additional sports facilities and the addition of wording in Section 1 Policy SP8 (SP9) F.25 to allow for expansion land would provide scope for the provision of further University sports facilities within the Garden Community.
- Land crossing the Colchester / Tendring boundary is considered to provide an alternative to meet University expansion needs. It is shown on the emerging DPD for the TCBGC and will be finalised through further work on the DPD.
- The University raised concerns that the draft Wivenhoe Neighbourhood Plan (WNP) was not consistent with the Local Plan. It was agreed that the WNP needs to align and be coordinated with the Local Plan and that the University expansion needs would be best met on land laying in the Tendring District which is outside the Neighbourhood Plan Area. A site for expansion crossing the Colchester/Tendring border was shown for expansion in the emerging DPD along with further land for the expansion of the Knowledge Gateway to the north of the A133.

Tendring Section 2 Plan 2022

1.37 In January 2022 TDC adopted the second part of their Local Plan comprising the 'Tendring District Local Plan 2013-2033 and Beyond Section 2' which provides the policy framework, site allocations and development management policies for the Borough up to 2033 and beyond.

[11] Colchester Section 2 Plan 2022 – Page 94, para.6.74

1.38 Only limited reference is made within the TDC Section 2 Plan to the University of Essex and its expansion. Of note is Policy PP12 as noted below:

> ***Policy PP12 'Improving Education and Skills'***
> *To improve education and employment prospects for Tendring District's residents, the Council will work with its partners including Essex University……. to deliver new and improved facilities for…. further and higher education. The Council will support proposals that will result in new, expanded or improved education facilities and facilities for vocational training, particularly in the growing care and assisted living and renewable energy sectors. This will include expansion of the University as part of the Garden Community development.*[12]

1.39 The area of land south of the A133, and situated east of the University Campus, to which this Topic Paper in part relates, is within the TDC local authority area. There are no other relevant policies within the TDC Section 2 Plan referring to the protection of coalescence.

2. Policy Development & Evidence Base

Regulation 18 Draft Development Plan

2.1 From 14 March - 25 April 2022 consultation on the Draft Plan for the Tendring Colchester Borders Garden Community was undertaken. This Draft Plan consultation (Regulation 18) was a part of the statutory plan making process under the Town and Country Planning (Local Planning) Regulations 2012. In total 620 comments ('representations') were received from 193 stakeholders and members of the public, in direct response to the Draft Plan consultation.

2.2 As part of the Draft Plan two principal areas of employment land were indicated one south of the A120 and east of the A120-A133 Link Road, primarily to serve the needs of general business and industry, and one north of the A133 adjacent to the University of Essex and Knowledge Gateway to accommodate the expansion of those activities.

2.3 Alternative sub-options were presented as part of the consultation for the employment land north of the A133 and for potential expansion of the University of Essex for which no preference was indicated in the Draft Plan. The inclusion of these alternative options followed on from engagement and communication with the University of Essex. The alternative options involved different scales of development with different implications for connectivity with the existing Knowledge Gateway, commercial deliverability, accessibility, impact on land around Salary Brook, and the size of any green gap south of the A133 and north of Wivenhoe. The options included University Expansion land either to the north of the A133 or to the south of the A133.

[12] Tendring Section 2 Plan 2022 – Policy PP12 'Improving Education and Skills'

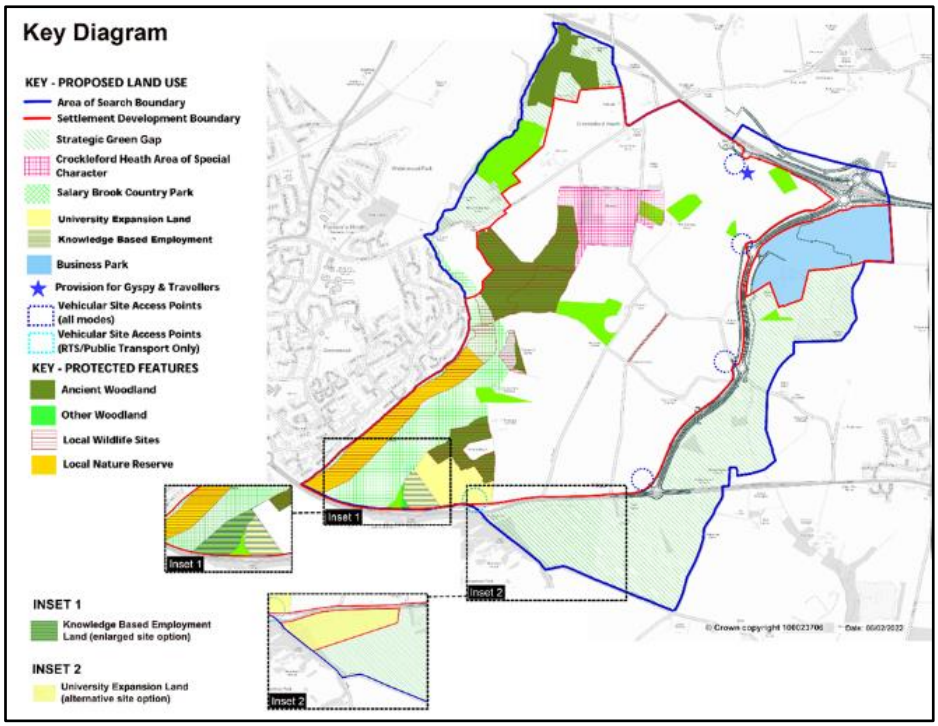

Figure 9: Draft Plan Key Diagram with inset alternative options

Representations at Regulation 18

2.4 The most notable topic of comment in response to Land Use and Spatial Approach and the proposed options, to which 76 representations made direct reference to, was that there should be no development of any kind located south of the A133, including no University Expansion land in this area. Concerns being about unrestricted sprawl of development towards Wivenhoe, the potential for future coalescence of the Garden Community with the existing town and damage to its individual character and countryside setting, and disconnection of University Expansion land from the existing campus.

2.5 29 representations stated that they supported the protection of the Salary Brook slopes, with all development in this area restricted, and 15 representations did not support the inclusion of University Expansion land to the north of the A133.

University of Essex Reg. 18 Representation

2.6 The University of Essex submitted a representation to the Councils supporting the principle of the Garden Community but also noting that the proposed approach set out in the Draft Plan did not identify sufficient land to accommodate the University's growth ambitions. The University's representation set out their own quantified land requirements. The University submitted a further clarification note ('Garden Community – DPD – Further clarity and justification') to the Councils in August 2022, which is summarised below:

- The University considered that there was no requirement for additional land outside the existing campus for additional academic buildings. The areas suitable for development within the existing campus, together with the rationalisation and better use of the existing estate, would be able to accommodate the majority of the University's needs for academic buildings up to 2035.

- An additional 12 hectares for knowledge-based employment uses (comprising a total 'critical mass' of at least 25 hectares) should be provided to the north of the A133 such that it will form a natural extension of the existing Knowledge Gateway.
- An additional 4,500 student accommodation units were considered to be required up to 2035 to be directly provided for by the University (or via its development partnerships) on land adjacent to or very close to the existing campus. The location of expansion land for student accommodation was considered must connect seamlessly with the existing University campus. The University considered that North of the A133 would not provide a seamless connection, but potential expansion East, West or South of the existing campus were options the University was willing to consider. The University considered that the land requirement for student accommodation to be circa 8 hectares to 11 hectares.
- The University required 10 hectares of new sports pitches and 2 hectares of built development for sports facilities to accommodate expansion plans.

2.7 Following the Draft Plan consultation, the Councils sought an independent review on the requirements as set out in the University's representation by Wisher Consulting. The core objective of this work was to advise the Councils on the reasonableness of the University's position, given conflicting pressures for land at the Garden Community. Full consideration of this report can be found at section 2.11 of this paper.

Latimer (Lead Developer) Reg. 18 Representation

2.8 In their Reg. 18 representation Latimer put forward that neither approach to the land south of the A133 outlined within the Draft Plan would make sufficient land available to accommodate the 7,500 to 8,000 homes suggested at an appropriate density that incorporates the flexibility needed to protect key environmental features and assets. To resolve this matter in part, the developer argued that land south of the A133 was needed for development and that it should accommodate both the land requested by the University for its expansion (for student accommodation), land required for knowledge-based employment, and for additional sports facilities associated with the University. In total the developers requested up to 48.5 hectares of land to be included south of the A133.

Wivenhoe Town Council (WTC) Reg.18 Representation

2.9 In their Reg. 18 representation WTC stated that the Land Uses and Spatial Approach failed to respect existing significant geographic boundaries (such as dual carriageways) and that the Sustainability Appraisal made a convincing argument that there shouldn't be any development south of the A133. The representation highlighted a lack of 'meaningful public and stakeholder participation' with regard to developing south of the A133, and felt that there was no evidence that previous feedback had been considered. They also put forward that, amongst other things, the viability assessment needed to consider the employment forecasts of the University, the University's long-term expansion plans and the funding/management of the green buffers.

2.10 WTC also raised a series of questions, including about the scope, necessity, and viability of the academic expansion, and justification for the University allocation.

Evidence Base

University Land Requirements – Wisher Report

2.11 Following the Regulation 18 Draft Plan consultation, the Councils sought an independent review on the requirements as set out in the University's reg. 18 representation, this being referred to here as the **Wisher Report** (EB16). The core objective of this work was to advise the Councils on the reasonableness of the University's position, given conflicting pressures for land at the Garden Community. This review focused on three key themes, the conclusions of which are outlined below:

Review of Knowledge Gateway Requirement

2.12 Based on an analysis of the Existing Knowledge Gateway and other UK based science and technology parks, the report suggested that expansion land of circa 8 hectares, rather than 13 hectares, was a more appropriate figure to feed into the preparation of the DPD. An overall concept of circa 20 hectares in total (12 hectares of the existing allocated Knowledge Gateway land plus a further 8 hectares of expansion land) would in the view of the review prove to be sufficient to create a product of regional/national significance.

2.13 On location, the review agreed with the need to create a single coherent property product and the need for adjacency and integration with the existing Knowledge Gateway was important.

Review of Student Accommodation Requirement

2.14 The growth predictions of the University were considered to be aligned with the trends of the last 10-12 years and are backed up by belief amongst the University of Essex leadership team that continued growth will be achieved. It is suggested that the DPD develops on the assumption that there is a reasonable prospect that the University will in fact grow by a further 10,000 students between 2025 and 2035.

2.15 The review considered that circa 8-9 hectares of land should be sufficient for the University to continue its trend of providing for up-to 45% of all student growth via its own 'campus-based' accommodation – but on this occasion on land very close to or adjacent to the exiting University campus. The review went on to conclude that it was not essential that this new accommodation was developed solely in one location – development split across a small number of locations could work, with options being:

- North of the A133 within the Garden Community. This was recognised as not favoured by the University but the growth of both new transit nodes and new local centres within the Garden Community could present opportunities to develop student accommodation. This review noted the predicted growth in postgraduate student numbers, and bespoke accommodation tailored to this growth sector in particular could be appropriate north of A133.
- South of the existing campus. This is land outside the Garden Community Area of Search but remained a potential future logical location for additional student accommodation. Any provision here would need to be considered/accommodated by future reviews to the Local/Neighbourhood Plan.
- Further development of the Hythe area for student accommodation, and possibly elsewhere across the Colchester urban area within close proximity to the campus.
- East of the B1028 and south of the A133. If all options north and south of the exiting campus are exhausted, then land to the east of the campus could prove to be a location for future student accommodation growth subject to continued evidenced expansion needs – although this is likely to be more remote from the

existing campus and the likely Garden Community local centres so iwas not considered the most suitable location.

Review of Sports/Leisure Requirement

2.16 The University has for a long time pursued a model of shared use, whereby they seek to open up sports and leisure facilities for both student use and for wider community use, and remain committed to this model.

2.17 The University clarified following their Reg. 18 representation that its main requirement was for a purpose-built sports facility on a likely 2 hectare plot. This facility could comprise gym, studios, squash courts and potentially a swimming pool. Elsewhere in the UK combined sport centres and swimming pools of the scale envisaged have certainly been constructed on 2 hectare plots. The review agreed with the University that a circa 2 hectare plot was likely to be required for a shared use sports centre and swimming pool facility. This facility would meet the needs of an expanding student population and the needs of residents of the Garden Community. The review also recommended that any expansion land for sport pitches incorporates at least 2 to 3 artificial pitches, potentially with floodlighting. With the ability to incorporate artificial pitches in this way, the long-term land requirement for additional outdoor pitches is unlikely to exceed 10 hectares.

2.18 The review concluded that both a purpose-built sports facility and sports pitches would be most appropriately located on the land south of the A133.

Economic and Employment – QUOD Report

2.19 In mid-2021 the Councils instructed Quod to undertake an Economic and Employment Study, hereafter referred to as the **Quod Report** (EB15), to inform the preparation of the emerging DPD. The purpose of the study was to:

- Advise on the potential means of maximising the positive economic and employment generation opportunities;
- Provide an analysis and options for location, format, and potential end-users of the employment allocation;
- Take into account the long-term nature of the development, and the potential for innovation and change over the period of construction; and
- Consider the wider objectives of the Garden Community, including its aspirations to create one job per household (within a sustainable commuting distance) and achieve a modal shift towards sustainable transport solutions.

2.20 The brief was not to challenge or test the 25ha allocation, which as established in planning policy in the Section 1 Plan has already been subject to testing through Examination in Public and found sound. However, the report did conclude that the evidence and engagement with stakeholders indicates that the Section 1 Policy remains sound, assuming there is flexibility and breadth in how the 25ha could be delivered. Quod undertook an extensive programme of interviews and information gathering with a range of stakeholders including representatives from the Authorities, the private sector, and the University of Essex.

2.21 The report found that role of employment land at the Garden Community is more nuanced than the established need for housing; it is also associated with more risk and uncertainty. But with the right support and investment, there is evidence of an opportunity for above trend

growth in both a traditional business park and a knowledge-based employment offer. The prospects for a business park (B2/B8 logistics, industrial and ancillary office) with direct access to the A120 are strong in the short term. The evidence also shows that demand for innovative, knowledge intensive office-based research and spin-out space (E(c) and E(g)) is longer term, but that there could be opportunities to accelerate if it is de-risked.

The University and Knowledge Based Employment Land

2.22 The Quod Reports notes that the University is a regional and national success story with an expansion strategy in place which is aligned with an increase in student numbers. Within the existing campus is the Knowledge Gateway, which is a business community run by the University focused on supporting University spin outs and start-ups as well as providing space for local businesses. Phases 1 and 2 are built out and phase 3 is anticipated to be completed by the early to mid-2030s. The University has a long-term aspiration to expand the Knowledge Gateway, the Quod Report confirms that land within the Garden Community may be suitable for this expansion and has the potential to be directly linked, such as via a pedestrian or cycle route across the A133, and via the Rapid Transit System.

Masterplanning and Policy Implications

2.23 The work undertaken through the Quod Report develops an understanding of where different uses could be located within the Garden Community, considering the relationship with the road network, the Rapid Transit Route, the topography and other site constraints including masterplanning, and the relationship with the University. To the east of the University campus, and to the north of the University campus (north of the A133), parcels of land were identified as being suitable to sustain expansion of the University and Knowledge Based employment activities. Specifically relating to the expansion of B class uses it was confirmed that it will be important to ensure there is a legible link between any new development and the existing Knowledge Gateway; this will be the case in either development scenario, whether that is north of the A133 or east of the campus.

2.24 It was identified that the parcel of land situated opposite the existing Knowledge Gateway to the north of the A133 would be particularly appropriate to expand for Knowledge based employment purposes. It would provide a legible link to the residential elements of the Garden Community but being on the edge it would not pose a sterilisation risk to other elements of the site. The alternative of expanding eastwards, and south of the A133, is that it will be easier to physically connect the with existing Knowledge Gateway without needing to cross the A133. However, the report notes that the downside would be the challenge of physically connecting the new employment site into the residential and mixed-use area (including the placemaking and amenity connections that would likely make it attractive) given the need to cross the A133.

2.25 In conclusion, the Quod Report recommends that up to 8ha of Knowledge Based Employment land, on a parcel in the south-west corner of the Garden Community developable area, north of the A133. This should support university-linked commercial space and/or higher density office and lab space. It is likely that this will develop over the medium to long-term including at least some outside the plan period.

Strategic Framework Masterplan

2.26 In support of the DPD the Councils commissioned a series of masterplan documents to assess, support and guide key issues, opportunities and constraints to be considered in the future masterplanning, design development and policy development. This provided a comprehensive evidence base to inform the preparation of the DPD.

2.27 The **Masterplan Baseline Report** (EB4) identified key considerations to guide initial thinking. This included, amongst other things, a recognition of landscape assets including Salary Brook and its potential to form part of a wider green infrastructure network, maximising the potential for movement corridors between the University, the existing Knowledge Gateway and existing settlements, including Wivenhoe, and the exploration of employment land use locations with sufficient capacity to meet the Section 1 Plan policies.

2.28 The potential developable area was explored further within with the **Masterplan Design Options** (EB3) and involved the removal of protected and special landscape areas which included the setting of Wivenhoe Park and it recognised the avoidance of loss of features that form screening in views from Wivenhoe and the need for landscape buffers to existing settlements.

2.29 Three options were developed within a set of parameters based on accommodating 8,000 homes. These options can be found in Appendix 1 to this paper and included 'Maximum Development Area', 'Maximum Connectivity' and 'Maximum Landscape'. Densities would vary considerably over the site and are dependent upon factors mentioned within the strategic vision. More dwellings mean more open space and other facilities, which then means less space for development and increased density. All three options included a southern landscaped buffer between Wivenhoe and the Garden Community, this increased in size from a 50m buffer on Option 1 to a fully retained landscaped setting with no built development south of the A133 in Option 3.

2.30 An alternative Option 3 was explored which prioritised a fully retained landscaped setting to the east and majority of land south and is illustrated as follows:

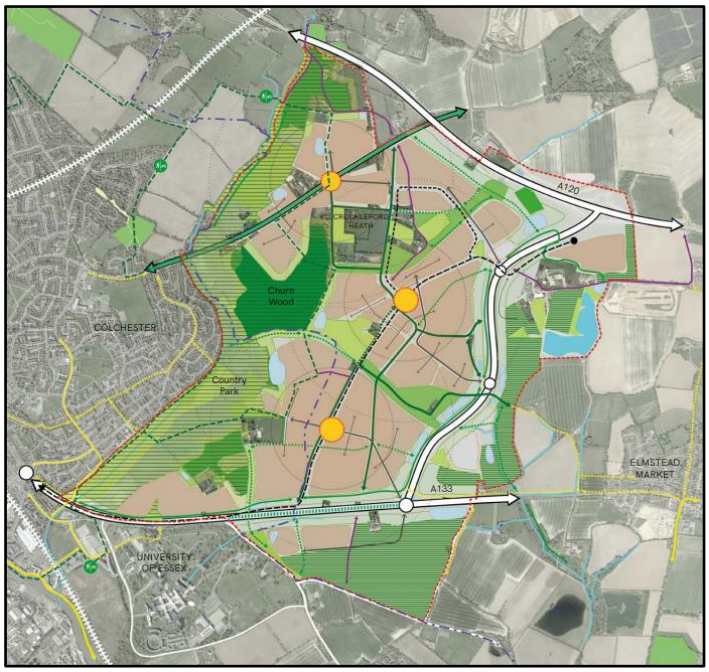

Figure 10: TCBGC Masterplan Design Options - Option 3 (Alternative Approach)

2.31 This alternative option included University Expansion land to the south of the A133 and an employment area on land adjacent to the A133 to the north. The Councils considered these masterplan options and progressed to those options included within the Draft DPD at Regulation 18 stage.

2.32 In light of the regulation 18 consultation and the updated evidence base, the **Strategic Framework Masterplan** (EB1) option selected was subsequently informed by the **Viewpoints Wireline Testing** (EB5). This considered 3 viewpoints situated south of the A133 looking north towards the Garden Community area. The position of these viewpoints can be seen in Figure 11 below and the viewpoint assessments can found in Appendices 2-4 to this paper.

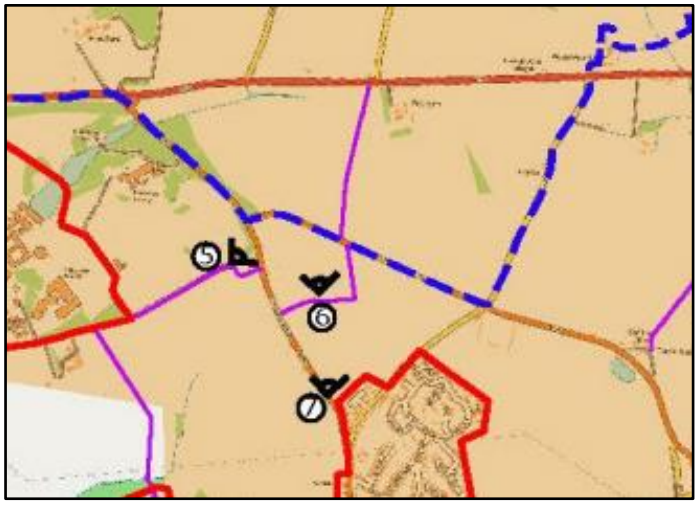

Figure 11: TCBGC Viewpoint Wireline Testing - Viewpoint locations 5, 6 and 7

2.33 Key conclusions and recommendations of the wireline testing were:

- Viewpoint 05 shows that proposed development will not be visible from the listed Wivenhoe Park as is almost entirely filtered and screened by vegetation bordering Wivenhoe park and beyond. Although the proposed development is not visible from this viewpoint, it is recommended that the existing woodland belt along the Colchester Road edge of the site should be retained and a wide band of new woodland planting should be provided for screening to Wivenhoe to the south and create an ecological and contextual connection to the listed Wivenhoe Park.
- Viewpoint 06 shows that long distance views toward the proposed development will be partially visible. The proposed development can be seen above the existing hedgerows and trees bordering arable fields in the foreground. Existing trees and hedgerows should be retained and supplemented with new tree planting. It is also recommended that any sports facilities built in the land south of the A133 should be located at the northern edge along the A133. This is to ensure visual impact is minimised and to keep built development away from Wivenhoe to the south. As the proposed development is partially visible from this viewpoint, it is recommended that as the architectural design develops, careful consideration is given to the elevational treatment to blend buildings into the surroundings and minimise visual prominence of buildings.

- Viewpoint 07 shows that long distance views of the proposed development will be partially visible. Glimpsed views of proposed development are visible through gaps in vegetation. Existing trees and hedgerows should be retained and supplemented with new tree planting. It is also recommended that any sports facilities built in the land south of the A133 should be located at the northern edge along the A133. This is to ensure visual impact is minimised and to keep built development away from Wivenhoe to the south. A wide band of new woodland planting should be provided for increased screening to Wivenhoe to the south and to prevent settlement coalescence. As the proposed development is partially visible from this viewpoint, it is recommended that as the architectural design develops, careful consideration is given to the elevational treatment to blend buildings into the surroundings and minimise visual prominence of buildings.

2.34 These recommendations were considered and incorporated within the Strategic Framework Masterplan, and subsequently influenced the land uses and spatial approach of the DPD including the development of GC Policy 1 and the land use allocations within the DPD Policies Map.

Regulation 19 Submission Version Plan

2.35 The Regulation 18 consultation on the Draft Plan clearly highlighted a range of conflicting positions with regard to the land south of the A133 from equally important stakeholders, each with a critical interest in the project, and a range of conflicting positions from the local community. The reconciliation of these positions required further consideration, including the findings of additional evidence, further work on masterplanning and landscape capacity, the economic potential, viability and robustness of the University of Essex's growth forecasts and land requirements to ensure that amendments to the Plan, and decisions taken, were properly informed by evidence.

2.36 At regulation 18 stage, 76 representations made direct reference to all land south of the A133 needing to be protected from any development. At regulation 19 stage, only 3 representations made this direct reference.

Employment Land

2.37 In light of the regulation 18 consultation and the updated evidence base, revisions to GC Policy 1, Part B were taken forward. Part G of GC Policy 1 was updated as follows:

> ***Part G: Knowledge-Based Employment Land***
> *Approximately 8 hectares of land north of the A133, opposite Wivenhoe Park and the University of Essex, is allocated on the 'Policies Map' for knowledge-based employment purposes to maximise the benefits arising from close proximity to the University of Essex and the developing Knowledge Gateway.*[13]

2.38 This is in line with the recommendations of the Wisher Report (EB16), the Quod Report (EB15), in terms of its location and scale, but is lower than the 12 hectares sought by the University.

[13] Submission Version DPD, Extract from Policy GC1 – Part G

2.39 It is important to note that the potential area for this is highlighted as part of the Policies Map, but it is only shown and referenced as indicative and therefore its actual form and specific layout will be subject to further design work and masterplanning.

2.40 The combined total of 8 hectares of Knowledge-Based employment land with additional land proposed at the Business Park situated to the south of the A120, addresses the 25 hectare requirement carried forward from Policy SP9 'Tendring/Colchester Borders Garden Community' of the Section 1 Local Plan.

Sports and Leisure Park and University of Essex Expansion

2.41 In light of the regulation 18 consultation and the updated evidence base, revisions to GC Policy 1, Part F were taken forward. Part F of GC Policy 1 was updated as follows:

> ***Part F: Sports and Leisure Park and University of Essex Expansion***
> *Approximately 25 hectares of land south of the A133 and north of the proposed 'Wivenhoe Strategic Green Gap', is allocated on the 'Policies Map' for new a 'Sports and Leisure Park'. This will facilitate the enhancement of sports facilities required by the University of Essex as part of its plans for long-term expansion and will provide sports and leisure facilities which will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University.*[14]

2.42 The allocated 25 hectares would provide for university sports requirements and, in part, would meet the wider needs of the Garden Community as evidenced by the **Open Space, Playing Pitch, Sport & Recreation Study** (EB9). It is recognised that further sports facilities would also be required elsewhere within the Garden Community Area, the total of which has been evidenced within the **Strategic Framework Masterplan** (EB1).

2.43 The allocated 25 hectares, as illustrated the Submission Version of the **Policies Map** (CD2), is made up of:

- 8 hectares directly south of the A133 comprising the general location of buildings
- 13 hectares to the north of the B1027 comprising the general location of sports pitches, parkland, potential site access and parking.
- 4 hectares of retained woodland to the east of the B1027 providing a landscaped and ecological buffer to the Wivenhoe Park.

2.44 The allocated 25 hectares provides the "allocation of additional land to accommodate University expansion, which is at least equivalent in size to the allocation in the Colchester Local Development Framework Site Allocations document October 2010." as required by Policy SP9 'Tendring/Colchester Borders Garden Community' of the Section 1 Local Plan. The Colchester Local Development Framework Site Allocation comprised 11.5 hectares of which 8 hectares was considered developable land.

2.45 Whilst the land use restriction differs from 'academic expansion' as referenced by Policy SA EC7 'University of Essex Expansion' of the 2010 allocation, it is consistent with the identified expansion needs of the University as evidenced by way of the University's Reg. 18 representation and the Wisher Report (EB16).

[14] Submission Version DPD, Extract from Policy GC1 – Part F

2.46 In light of the regulation 18 consultation and the updated evidence base, revisions to GC Policy 1, Part B were taken forward. Part B of GC Policy 1 was updated as follows:

> ***Part B: The Garden Community Neighbourhoods***
> *The provision of student accommodation will be encouraged in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community.*[15]

2.47 In light of the regulation 18 consultation and the updated evidence base, revisions to GC Policy 4, Part H were taken forward. Part H of Policy CG 4 'Meeting Housing Needs' was updated as follows:

> ***Part H: Student Accommodation***
> *The University of Essex has long term plans to expand student numbers and to extend its accommodation provision. Student accommodation will be encouraged in accessible locations within the 'South Neighbourhood' where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community. The size and specification of any student accommodation will be determined through the Housing Strategy (see Part B) and will be informed by evidence held by the Councils in partnership with the University of Essex.*[16]

2.48 It is acknowledged that provision of student accommodation within the neighbourhoods does not meet the preferred requirements of the University as noted within their Reg.18 representation in terms of its location. However, the Councils evidence from the Wisher Consulting Report concluded that it was not considered essential that new accommodation is developed solely in one location. It also concluded that the land south of the A133 is likely to be more remote from the existing campus than other alternatives and so is not considered the most suitable location. The Strategic Framework Masterplan (EB1) has also considered the approach and concluded that sports and open spaces were considered to be the most appropriate uses in this location.

2.49 Whilst the University may not wish to develop their own student accommodation outside of the existing campus, this does not preclude that other Purpose Built Student Accommodation (PBSA), which would meet the identified expansion in student numbers could not be appropriately developed within the Garden Community neighbourhoods.

2.50 It is also noted that the supporting text to Policy SA EC7 'University of Essex Expansion' of the 2010 Site Allocations DPD specifically excludes residential development. There is therefore **no** requirement under Policy SP9 'Tendring/Colchester Borders Garden Community' of the Section 1 Local Plan to make provision for student accommodation within the Garden Community.

Coalescence

2.51 The area directly south of the A133 allocated for 'Sports and Leisure Park and University of Essex Expansion' as discussed above, serves the spatial requirements of the 2010 allocation, has been evidenced to meet the needs of the University and makes provision in part for the sports/open space requirements of the wider Garden Community. These uses have also been

[15] Submission Version DPD, Extract from Policy GC1 – Part B
[16] Submission Version DPD, Extract from Policy GC4 – Part H

positioned to maximise openness with sports pitches situated to the south of the allocated general location of buildings to be associated with the sports and leisure park, University expansion and the potential Park & Choose site. This seeks to maximise the contribution to providing a permanent buffer and visual gap to the south by maintaining any built form in the area directly the south of the A133. East of the open area of the sports and leisure park, the allocation is adjoined by the proposed 'Wivenhoe Strategic Green Gap'.

2.52 The positioning of the sports pitches, and the 'Wivenhoe Strategic Green Gap', as illustrated on the Submission Version of the Policies Map (CD2), aligns with and continues the line of the Wivenhoe Coalescence break [Figure 5] within the Wivenhoe Neighbourhood Plan 2019.

2.53 In light of the regulation 18 consultation and the updated evidence base, revisions to GC Policy 1, Part D were taken forward. Part D of Policy CG 1 'Land Uses and Spatial Approach' was updated as follows:

> ***Part D: Wivenhoe Strategic Green Gap***
> *Land north of Brightlingsea Road and west of Elmstead Road, connecting Wivenhoe Park and the University of Essex, is designated as a Strategic Green Gap. This designation will provide protection to the open countryside to the south of the Garden Community; maintain the long-term physical and visual separation to Wivenhoe and continue the coalescent break established within the Wivenhoe Neighbourhood Plan. The 'Wivenhoe Strategic Green Gap' will comprise of a strong landscaped edge, protecting the character of the surrounding landscape and creating new enhanced habitats for a range of biodiversity. It will connect to the wider network of multifunctional green and blue infrastructure and walking/cycling routes serving the Garden Community and its 'Neighbourhoods'.*
>
> *Development will only be supported where its role and function would not be materially harmed; it represents the provision of appropriate development for a countryside location; or is for facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, renewable energy, cemeteries and burial grounds or allotments.*[17]

2.54 The updated wording as noted above seeks to strengthen the allocation and protection of a 'Green Gap', with a strong landscaped edge, between the Garden Community and the settlement of Wivenhoe. This carries forward Part F, Point 18 from Policy SP9 'Tendring/Colchester Borders Garden Community' of the Section 1 Local Plan.

Representations at Regulation 19

2.55 From 15 May - 25 June 2023 consultation on the Submission Version Plan for the Tendring Colchester Borders Garden Community was undertaken. This Submission Version consultation (Regulation 19) was a part of the statutory plan making process under the Town and Country Planning (Local Planning) Regulations 2012. In total 276 comments ('representations') were received from 88 stakeholders and members of the public, in direct response to the Submission Version consultation.

2.56 On the whole representations presented a broad and diverse spectrum of views with less emphasis on the particular key issues which emerged through the previous regulation 18

[17] Submission Version DPD, Extract from Policy GC1 – Part D

consultation. There was significant support for the Country Park, protection of the Salary Brook Slopes, quantum of green infrastructure and the Strategic Green Gaps.

2.57 Whilst some concern remained about development proposed south of the A133 (one of the main issues raised at the previous regulation 18 consultation) this was notably reduced.

University of Essex Reg. 19 Representation

2.58 The University of Essex in its Reg. 19 representation acknowledges positives within the Submission Version DPD, but remains of the view that the Plan fails to:

- Properly provide for the University's expansion, and
- Make appropriate provision for the employment land to link to the Knowledge Gateway.

2.59 Furthermore, the University does not support student accommodation within the Garden Community's neighbourhoods as it will only consider developing new student accommodation as a seamless extension to the existing campus.

2.60 Whilst the University is supportive of the objective of allocating additional knowledge-based employment land, contiguous with the Knowledge Gateway, in order to create a critical mass of research, development and knowledge-based employment activity that becomes the location of choice for this type of business, it continues to recommend an allocation of 12 hectares.

Latimer (Lead Developer) Reg. 19 Representation

2.61 Latimer continues to offer broad support for the DPD's overall objectives, vision and purpose including reference to the Garden City Principles. Latimer has set out key points of objection and has requested amendments to each chapter and policy in the DPD. The comments are primarily focused on seeking that a greater degree of flexibility is built into the DPD and its policies.

2.62 One key area of difference in Latimer and the Councils' position relates to the possible location of student accommodation to meet the University of Essex's requirements. Latimer do not consider that sufficient land has been allocated to support the growth of the University, including the need to build 4,500 purpose built student accommodation (PBSA) units. Latimer do not consider that the need for student accommodation can be fully meet within the neighbourhoods and have suggested that additional flexibility is required in relation to accommodating the expansion of the University of Essex south of the A133 to enable an undefined element of PBSA, teaching facilities and university sports and leisure uses be provided within this location.

2.63 Latimer supports Parts D and E (Strategic Green Gaps), and Part J (Park and Choose) of Policy GC1.

Wivenhoe Town Council Reg. 19 Representation

2.64 In their regulation 19 representation WTC continue to maintain their position that the A133 should form a physical boundary to the Garden Community and that the area allocated for 'Sports and Leisure Park and University Expansion' should be part of the green buffer for Wivenhoe. They consider that any use for sports would require extensive car parking, would

be situated too far for residents of the Garden Community to walk, would conflict with the listed Wivenhoe Park to the west, would destroy the setting of Wivenhoe and is insufficiently defined for University use. The potential location of the Park & Choose in this location would further reduce the green buffer for Wivenhoe.

2.65 They do not consider the uses detailed within Part D of GC Policy 1 'Wivenhoe Strategic Green Gap' to be appropriate and consider that all land south of the A133 should be designated as a country park.

3. Summary of Current Position

3.1 Proposals for the Tendring Colchester Borders Garden Community were found sound and deliverable in December 2020 by an independent Planning Inspector, following detailed scrutiny of a wide range of evidence base material – as part of the Section 1 Local Plan examination process. This included the area of land south of the A133 within the Broad Area of Search.

3.2 To support the DPD, the Councils have assembled additional evidence including an independent review of the University of Essex's Growth ambitions, additional work on economic matters and a comprehensive Strategic Framework Masterplan.

3.3 The policy development within the Submission Version DPD has considered all available evidence and representations, including those from key stakeholders and the local community.

3.4 Regulation 19 representations on the Submission Version DPD continue to reference the land south of the A133 with conflicting positions noted. The Council consider that this Topic Paper and the wider associated evidence base addresses these representations and that the Plan is Sound, Justified and Legally Compliant.

END

Appendix 1 – Definition of Option Parameters, Masterplan Design Options Jan 2022

OPTION 1
MAXIMUM DEVELOPMENT AREA

Option 1 is comprised of the following key characteristics:

- Maximises the provision of housing and other development within the area of search
- 50m buffers to southern and eastern boundary, to be planted and landscaped
- Prioritises full site connectivity with the RTS network key to maximising the development opportunity and connecting through the whole garden community
- Allows for 4 mixed use centres with differing roles and characters that respond to their setting
- Allows for a range of residential densities
- Provides a range of economic clusters in the north east and south

OPTION 2
MAXIMUM CONNECTIVITY

Option 2 is comprised of the following key characteristics:

- Increased area of landscaped buffers to the east of the link road and the area south of A133
- Prioritises full site connectivity with the RTS network key to connecting all parts of the garden community
- Allows for 4 mixed use centres with differing roles and characters that respond to their setting
- Allows for a range of residential densities
- Provides a range of economic clusters in the north east and south

OPTION 3
MAXIMUM LANDSCAPE

Option 3 is comprised of the following key characteristics:

- Prioritises a fully retained landscape setting to the east and south of the new community with no built development beyond the A133 or Link Road (apart from an employment area adjacent to the A12)
- Prioritises a quick and efficient Rapid transit route through the garden community
- All vehicular access from the link road
- Allows for 3 mixed use local centres with differing characters that respond to the landscape and location
- Allows for a range of residential densities
- Provides a range of economic clusters in the north east and south

Appendix 2 – TCBGC Viewpoint Wireline Testing - Viewpoint location 5

VIEWPOINT 5

VIEW FROM PUBLIC FOOTPATH ADJACENT TO BOUNDARY ROAD

GRID REFERENCE: 603754 , 223835

REASON FOR SELECTION

This viewpoint has been selected to show the area south of the A133 and to consider what could be suitable in terms of uses/heights/massing/extent of development and visibility from boundary of Wivenhoe Park, Grade II Registered Park and Garden.

This viewpoint is taken to the south of the area of search looking northeast towards the area of search from the footpath within the registered Wivenhoe Park. Views of Wivenhoe Park grass pitches and mature vegetation are within the foreground creating a leafy and green character. Views toward Colchester Road and existing woodland within the area of search are visible in the background. It is representative of people walking within the Wivehoe Park and using the grounds.

The viewpoint lies within Colchester Borough and Tendring District Landscape Character Area: B8 - Wivenhoe Farmland Plateau and Essex Landscape Character Area: E3 - Tendring Plain.

Key characteristics that are visible within the view include

- Small, irregular patches of woodland;
- Distinctive Wivenhoe Park and Lodge adjacent to the University of Essex site;
- Well-connected network of lanes and footpaths traversing the area;
- Large scale productive arable fields divided by low, gappy hedgerows where hedgerow oaks stand out as silhouettes against the skyline.

KEY FINDINGS AND RECOMMENDATIONS

The initial testing from Viewpoint 05 shows that proposed development will not be visible from the listed Wivenhoe Park as is almost entirely filtered and screened by vegetation bordering Wivenhoe park and beyond.

Although the proposed development is not visible from this viewpoint, it is recommended that the existing woodland belt along the Colchester Road edge of the site should be retained and a wide band of new woodland planting should be provided for screening to Wivenhoe to the south and create an ecological and contextual connection to the listed Wivenhoe Park.

GRASS PITCHES IN WIVENHOE GARDEN
EXISTING WOODLAND IN THE BACKGROUND
90 DEGREE BASELINE PANORAMA

APPROXIMATE EXTENT OF PROPOSED DEVELOPMENT
TEST VIEW WITH WIRELINE OF PROPOSED DEVELOPMENT

Appendix 3 – TCBGC Viewpoint Wireline Testing - Viewpoint location 6

VIEWPOINT 6

VIEW FROM PROW ADJOINING COLCHESTER ROAD

GRID REFERENCE: 603904 , 223724

REASON FOR SELECTION

This viewpoint has been selected to show the area south of the A133 and to consider what could be suitable in terms of uses/height:/massing/extent of development and visibility from Wivenhoe.

This viewpoint is taken from the PRoW footpath to the south of the area of search looking northeast towards the area of search. Views toward arable fields. It is representative of people using public rights of way footpath within Wivenhoe.

The viewpoint lies within Colchester Borough and Tendring District Landscape Character Area: B8 - Wivenhoe Farmland Plateau and Essex Landscape Character Area: E3: Tendring Plain.

Key characteristics that are visible within the view include:

- Small, irregular patches of woodland.
- Plateau, predominantly arable farmland consisting of medium to large arable irregular fields with gappy field boundaries.
- Well-connected network of lanes and footpaths traversing the area
- Large scale productive arable fields divided by low, gappy hedgerows where hedgerow oaks stand out as silhouettes against the skyline.

KEY FINDINGS AND RECOMMENDATIONS

The initial testing from Viewpoint 06 shows that long distance views toward the proposed development will be partially visible. The proposed development can be seen above the existing hedgerows and trees bordering arable fields in the foreground.

Existing trees and hedgerows should be retained and supplemented with new tree planting. It is also recommended that any sports facilities built in the land south of the A133 should be located at the northern edge along the A133. This is to ensure visual impact is minimised and to keep built development away from Wivenhoe to the south.

As the proposed development is partially visible from this viewpoint, it is recommended that as the architectural design develops, careful consideration is given to the elevational treatment to blend buildings into the surroundings and minimise visual prominence of buildings.

90 DEGREE BASELINE PANORAMA

APPROXIMATE EXTENT OF PROPOSED DEVELOPMENT

Appendix 4 – TCBGC Viewpoint Wireline Testing - Viewpoint location 7

VIEWPOINT 7

VIEW FROM FOOTPATH ALONG COLCHESTER ROAD

GRID REFERENCE: 604012 , 223398

REASON FOR SELECTION

This viewpoint has been selected to show the area south of the A133 and to consider what could be suitable in terms of uses/heights/massing/extent of development and visibility from Wivenhoe.

This viewpoint is taken to the south of the area of search looking north towards the area of search. Views of Colchester road are within the foreground with views toward arable fields adjoining Colchester Road within the background. It is representative of pedestrians, cyclists and motorists travelling along Colchester road. The viewpoint has been selected for iterative testing to assess the visibility of potential development within land south of the A133 from Wivenhoe.

The viewpoint lies within Colchester Borough and Tendring District Landscape Character Area: B8 - Wivenhoe Farmland Plateau and Essex Landscape Character Area: E3- Tendring Plain.

Key characteristics that are visible within the view include

- Plateau, predominantly arable farmland consisting of large arable irregular fields with gappy field boundaries;
- Well-connected network of lanes and footpaths traversing the area
- Large scale productive arable fields divided by low, gappy hedgerows where hedgerow trees stand out as silhouettes against the skyline.

KEY FINDINGS AND RECOMMENDATIONS

The initial testing from Viewpoint 07 shows that long distance views of the proposed development will be partially visible. Glimpsed views of proposed development are visible through gaps in vegetation.

Existing trees and hedgerows should be retained and supplemented with new tree planting. It is also recommended that any sports facilities built in the land south of the A133 should be located at the northern edge along the A133. This is to ensure visual impact is minimised and to keep built development away from Wivenhoe to the south.

A wide band of new woodland planting should be provided for increased screening to Wivenhoe to the south and to prevent settlement coalescence.

As the proposed development is partially visible from this viewpoint, it is recommended that as the architectural design develops, careful consideration is given to the elevational treatment to blend buildings into the surroundings and minimise visual prominence of buildings.

COLCHESTER ROAD
90 DEGREE BASELINE PANORAMA

APPROXIMATE EXTENT OF PROPOSED DEVELOPMENT
TEST VIEW WITH WIRELINE OF PROPOSED DEVELOPMENT