HS2.3

Hearing Statement- Main Matter 2 – Land Uses and Spatial Approach

Tendring Colchester Borders Garden Community Development Plan Document (DPD)

Wivenhoe Town Council

23.160

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1. Introduction

1.1 Cerda are instructed on behalf of Wivenhoe Town Council to act on its behalf in respect of the Examination into the Tendring Colchester Borders Garden Community DPD.

1.2 The Town Council are a key stakeholder and provided representations to the Regulation 19 consultation, making strong objections to the plan

1.3 This document has been prepared in response to the Planning Inspectors invitation to provide further statements on the soundness of the plan and other elements of the plan ahead of the Examination in Public which starts on May 7th.

2. Matter 2 Questions and Responses

2.1 ***Question 1*** *– Is the DPD justified by appropriate available evidence, having regard to national guidance, and local context?*

There is a lack of evidence regarding the constraints of land subject to the required Link Road which is intrinsic to the delivery of the DPD and which itself has constraints. For instance, with regard to mineral extraction. Phasing of the link road and phasing of mineral extraction is possible and should be worked in accordance with paragraph 212 of the NPPF.

There is insufficient discussion of the justification of the location of various land uses and facilities. E.g. it is not explained why the Knowledge based employment is located along the A133, why the south of the A133 could be a good location for a Park and Choose site and why the proposed main sports facilities are so far from the majority of housing. Equally there is justification for a gypsy and travellers' site near to the 120, a location shown on the policy maps. The lack of phase two link road also makes this an undeliverable aspect of the plan period, so it does not comply with section 1 policy.

We also note that ECC are in the process of reviewing and updating the Minerals Local Plan, extending it to cover the period to 2040. Yet the Issues and Options consultation that is currently out for consultation has no site included in it within the area of search of the TBGC. Which we believe will lead to the sterilisation of large amounts of land. We are aware for instance that when ECC gave themselves planning permission for the link road they wavered any need to do any prior abstraction of minerals because their timescale was too short. But given this project is set to run for a 30-year period it makes sense to us that the minerals should be prioritised for abstraction in the current ECC plan. The plan is not justified or effective and is unsound.

2.2 ***Question 2*** *– Is the DPDs spatial 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?*

Much of the evidence base is very out of date and not appropriate. It is not clear if it can all be produced in time for the conclusion of the 5 year review of section 1 in 2026. The production of evidence for the section 2 plan at Colchester has surpassed the much needed review of evidence such as:

- Demographic and Household Projections - produced 2016
- Strategic Housing Market Assessment (SHMA) / Local Housing Needs Assessment - produced between 2015 and 2016
- Gypsy and Traveller Accommodation Assessment (GTAA) - produced 2018
- Tendring's Infrastructure Study - updated 2021.
- Habitat Regulation Assessment.

A definitive map is necessary in order to inform future planning applications but the DPD states that 'The location of specific land uses, facilities and activities are illustrative and subject to further master planning'.

Policy SP 9 it states 'The adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with Historic England guidance, 'and 'Detailed masterplans and design guidance, (should be) based on a robust assessment of historic and natural environmental constraints and opportunities for enhancement.' However, the decision to put development south of the A133 was taken before the heritage impact assessment was commissioned. Consequently, the DPD has not set out a positive strategy for the conservation and enjoyment of the historic environment, because no assessment was made regarding the effect on the setting of Wivenhoe Park and gardens (Grade II Registered), Wivenhoe House, (Grade II* listed), the east and west Gate Lodges (Grade II listed) contrary to the NPPF paragraph 190.

The National Planning Policy Framework (NPPF) notes that setting is: 'The surroundings in which a heritage asset is experienced.' The March 2024 Heritage Assessment says at:-

4.23. 'the proposed development would result in the irreversible loss of the heritage assets' historic rural landscape setting, which contributes positively to their significance, therefore eroding the appreciation of the assets' associative relationship with its historic context.'

Section one also says *'Clear separation will be maintained between the new garden community and the nearby villages of Elmstead Market and Wivenhoe.'*

This will not be possible if the green gaps can include elements such as solar panels, allotments and cemeteries (needing services, the built form, road access, and carparks) which the DPD policy allows. The green gap should remain as farmland with covenants that it can never be built on to comply with section 1. The Sustainability Appraisal does not take account of the harm identified in the Heritage Assessment. SA objective only requires lower densities. There would be further effects on the viability study with regard to these requirements which again predates the Heritage Assessment.

Also, section one specified that *'there should be Provision of appropriate buffers along strategic road and rail infrastructure to protect new development.'* Yet there is no buffer or tree screening shown along the A133 except adjacent to the country park.

We also question if it complies with Section 1 policy SP3.

'Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.' Yet development is south of the A133 eroding separation and setting. Also '*development locations are accessible by a choice of means of travel*' But there is no RTS halt at the sports park.

In Part D of the DPD: Wivenhoe Strategic Green Gap, it states *'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.'* Should any of these options be brought forward they will destroy the notion of a strategic green gap. It is noted as an example that in the Colchester Infrastructure delivery plan (June 2017) it specifies a need for allotment space at this site as 1.12ha per 2500 dwellings. Therefore, over the lifetime of the plan this provision alone could be up to 3.5 ha.

All land south of the A133 should be designated as a country park, as previously promised by the Local authorities. Or at a minimum remain as farmland or open space with a legal agreement to set this in perpetuity. The same applies for Part E: Elmstead Strategic Green Gap.

Additionally, throughout the life of the project, (and in particular the reg 18 consultation) a large number of Wivenhoe residents, (and WTC as a statutory body) have made our views clear on development south of the A133. This has consistently been ignored.

In of the DPD at 'Part A: Land Use Parameters and Policies Map' Wivenhoe and Elmstead Strategic Green Gap's are said to be protected. However, a Sports and Leisure Park which the University specify would have to include a multiple story

stadium with flood lights. Any sport provision will also need extensive carparking (not shown or calculated within the area) given it is too far for residents to walk to and away teams will bring a significant amount of supporters with them. All of which will destroy the setting of Wivenhoe with light and visual intrusion.

The DPD also does not conform in principle to section 1 of the local plan.

page 19 - 3 Spatial context -3.1 – '*The countryside will be protected and enhanced*.'

Page 20 – Policy SP3 '*Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.*'

Nor does it make reference to the East Colchester Growth Area Option Environmental Audit Update 2022

3.4.11 '*On the basis of the work carried out for this study areas that provide a high contribution to the separation of settlements are considered to be essential in helping retain the character and identity of the Burroughs key settlements, and should be safeguarded from inappropriate development. Any new built development on this land is likely to seriously undermine the sense of settlement separation and the strong rural character of the land.*'

3.4.12 '*Any new built development as defined on the land identified as providing a high contribution to the separation of settlements is likely to seriously undermine both the sense of* settlement *separation and the strong rural character of land outside the university campus in spite of the visual enclosure provided by field boundary hedgerows woodland and campus trees new development which results in a diminished sense of leaving one settlement and entering another for people traveling along the roads and public footpaths between the settlements.'*

3.4.13 "*The majority of land within the south-eastern corner of the Study Area provides a high contribution to the separation of Colchester and Wivenhoe, which is essential in helping retain the character and identity of these settlements*."

The preparation and review of all policies has not been underpinned by relevant and up-to-date evidence contrary to paragraph 31 of the NPFF, so is not justified, effective or consistent with National Policy in relation to paragraph 35 of the NPPF.

2.3 ***Question 3*** *– Does the DPD deliver the quantum of housing consistent with the Section 1 and Section 2 plans regarding the quantum of homes i.e. setting a 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 clearly set out a delivery trajectory that is achievable?*

Based on the evidence and requirements of the plan it cannot deliver the quantum of housing proposed because it is reliant on highway infrastructure which has not been fully funded.

None of these houses are needed in the plan period (up to 2033). Tendring have a huge surplus and Colchester have consistently overdelivered at 113% for many years. The section one policy only agrees housing numbers within the plan period (2,500) but this proposal is for 7,500 plus homes. The section one inspector stated that a delivery of 200 to 250 homes per year was a reasonable target but Latimer state they can deliver 3000! Even if this is a typo and they meant 300 – in the current climate this is totally unreasonable.

2.4 ***Question 4*** *– Does the DPD adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraph 63 of NPPF)?*

The key evidence is the Demographic and Household Projections, and the Strategic Housing Market Assessment is significantly out of date and so a reasonable assessment of what sort of homes are needed locally cannot be properly reflected in planning policy. However, there is no definition as to where land will be provided for people that want to build their own homes.

Furthermore, it does not set out local policy on the tenure split of affordable housing being 80% affordable rent and 20% help to buy scheme, which is fully justified by evidence for both Tendring and Colchester.

Section 1 inspector: Mr Roger Clews in his letter of 8 June 2018 said (50). ..*'I consider it reasonable to assume that the planning approval process would allow housing delivery at any* GC*(s) to start within four or five years from the adoption date of the plan (or plan revision) which establishes the GC(s) in principle. However, that timescale could alter depending on how long it takes to put the necessary infrastructure in place..'*

We are unsure how the ECC will comply with the HIF conditions as they relate directly to house delivery by 2026. Evidence of those requirements are held by ECC and have not be part of any consultation. ECC refuse to share details of those conditions which have a direct impact on the delivery and viability of this plan.

The preparation and review of all policies has not been underpinned by relevant and up-to-date evidence contrary to paragraph 31 of the NPFF, so is not justified, effective or consistent with National Policy in relation to paragraph 35 of the NPPF.

2.5 ***Question 5*** – Does the DPD make adequate provision to contributing towards meeting Tendring and Colchester's economic growth requirements for the plan period and its timescale for delivery?

The Economic and Employment Study (Quod, January 2022) sets out the evidence, analysis and recommendations which has informed this Plan. The study concluded that the prospects for a business park (B2/B8 logistics, industrial and ancillary office) with direct access to the A120 was a very strong offer whereas the knowledge gateway provision was a more long-term opportunity. Therefore, the majority of the employment can no longer be delivered in the plan period because none of the employment area shown in the policy maps can come forward without the link road and this is not planned before the end of the plan period.

The need for employment land is driven by housing supply, without the employment provision which was estimated in the Section one plan the housing need would be reduced. Consequently, with a potential imbalance of housing in the area, new households may need to travel further to work which would increase commuting distances.

The preparation and review of all policies has not been underpinned by relevant and up-to-date evidence contrary to paragraph 31 of the NPFF, so is not justified, effective or consistent with National Policy in relation to paragraph 35 of the NPPF.