Tendring Colchester Borders Garden Community EIP

Response to the Inspector's Questions
From Cllr. William Sunnucks

19 April 2024

Introduction

I support the Garden Community as a concept, but believe that the DPD requires significant amendment if it is to deliver the intended benefits.

I am in a good position to comment following a long career in property and finance[1]. I have been tracking the garden community proposals since 2015 and played an active role in both the 2018 and 2020 Examinations of the Section 1 plan. My comments were taken seriously by Inspector Roger Clews whose two reports echoed closely my own conclusions.

My answers below will show why stronger financial and phasing controls are needed if the community is to be assured of the promised benefits. More detail is provided in my in the four appendices in my personal Dropbox[2], and even more detail in my Reg19 response[3]

Appendix 1 – Link Road Delivery (Matter 7)
Appendix 2 – Viability (Matter 7 & 9)
Appendix 3 – Colchester's resolutions explained (Matters 1,7 and 9)
Appendix 4 – New Towns – the track record (Matter 9)

Main matter 1 – Legal Requirements and overarching issues

Does the DPD meet all its legal requirements?
Does the DPD accord with national policy for plan making in the NPPF?

Status of Section 1 plan:

I hope the Inspector will clarify that the Section 1 plan will remain in full force after the DPD is adopted. This is important because the wording of the DPD is often weaker than Section 1, especially in policy GC9. Examples of protections that will be lost if the section 1 plan is overwritten by the DPD are:

[1] I have recently become a substitute member of the Joint Committee formed by the three Councils – not a proper member. I have an investment in a company which owns a small business in Elmstead Market. I don't regard either as a conflict.
[2] https://www.dropbox.com/scl/fo/1iki52h3vlzj37qxz449w/AEdggNEeiLm-jLulFUnvjms?rlkey=9ratbb3x97y26ge5gnylthpox&dl=0 .
[3] https://www.dropbox.com/sh/skhjwuf7iswy8ej/AAA-lhfL-Wa67zIw_wbRQHu-a?dl=0

- Speculative development: the section 1 plan (para 8.5) provides protection against speculative development if the GC proposals stall by stating that "In the absence of commitment and a policy framework that secures the principles of garden communities development in the identified location would not be acceptable". This critical protection is left out of the DPD and will be lost unless the status of the section 1 plan is reinforced.
- Phasing: the Section 1 plan repeatedly refers to the need for a phasing plan in the DPD (see SP6 A1a and SP8 for example). But the DPD has very little about phasing, and no formal link to the IDPFP[4]. It doesn't mention the key 2200-2500 dwellings deliverable in the Local Plan period or the agreement to split the number evenly between the Councils (SP8). It seems that these matters are to be deferred until a planning application comes forward.

We also need a statement to confirm that the policies of the Section 1 plan are intended to apply throughout the garden community build period. The section 1 plan only extends to 2033 whereas the DPD purports to apply until 2058

Duty to co-operate (CD8)

Most of the housing will be built in Tendring but the infrastructure burden will fall mainly on Colchester. Some Colchester Councillors have well founded concerns that the infrastructure will fall behind and their residents will suffer – thus the additional resolutions approved by a large majority alongside the DPD approval on 23rd March 2023[5]. The two Councils have very different interests which could cause tensions and disputes over the 35-year build period.

To avoid serious disputes in future the Inspector might consider two possible mitigations:

1. A more prescriptive approach to infrastructure delivery to reassure Colchester's residents (covered in detail later), and
2. A further Memorandum of Understanding (to supplement the one agreed for the Section 1 plan) between Colchester and Tendring covering the following:
    - Agreement on housing numbers beyond the plan period (s/b 50/50)
    - Agreement on social housing nomination rights (s/b 50/50)
    - Agreement to split any other income or receipts relating to TCBGC, including business rates
    - Agreement on future planning and management cost sharing (ECC, Tendring Colchester)

The Duty to Co-operate statement at CD8 largely ignores these potential flashpoints.

[4] The Infrastructure Delivery Phasing and Funding Plan February 2023 included at EB17

[5] See Appendix 3

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

The Role of the Joint Committee

The role of the decision maker under this DPD is unusual. The decision-making body will be a Joint Committee drawn from Colchester, Tendring and Essex County Council. It will probably only ever consider one planning application from one applicant. The pressures to approve will be huge, and the option to refuse will be "nuclear".

This is why the DPD needs an unusual level of viability evidence and monitoring controls. Once the DPD is "made" the Joint Committee will have very little control in practice. To retain some control it needs to match the planning approvals with infrastructure commitments in a phased approach.

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William Sunnucks is a Chartered Accountant with a first degree in Economics and a Masters degree in Business Administration. His career took him overseas with Shell and then into a series of Finance Director roles in the UK. Over the last 20 years he has initiated and overseen two significant mixed use town centre developments in the Greater London area, working alongside professional developers with all their strengths and weaknesses.