SCG06

Tendring Colchester Borders Garden Community Development Plan Document - Submission Version

Statement of Common and Uncommon Ground

Between the Councils (Tendring District Council, Colchester City Council and Essex County Council) and Latimer (Tendring Colchester Borders Garden Community) Developments Limited

18 April 2024

Contents

1.0 Introduction 1

2.0 General Matters 2

3.0 Areas of Agreement 3

Strategic Approach 3

Approach to Development 3

4.0 Joint Working 7

5.0 Areas of Disagreement 8

Appendices:

Appendix 1 Schedule of Requested and Agreed DPD Policy Modifications

Appendix 2 Schedule of Requested and Not Agreed DPD Policy Modifications

Appendix 3 Requested Policies Map and Strategic Illustrative Framework Masterplan Modifications

Appendix 4 Latimer and the Councils' Position on Transport Matters

THIS STATEMENT OF COMMON GROUND HAS BEEN AGREED BY:

The Councils (Tendring District Council, Colchester City Council, Essex County Council)

Signed:

Name:

Amy Lester – Garden Community Planning Manager

Dated

18.04.2024

Latimer (Tendring Colchester Borders Garden Community) Developments Limited

Signed:

Name:

Luke Cadman – Senior Development Manager

Dated:

18.04.2024

1.0 Introduction

1.0 This Statement of Common and Uncommon Ground ('SoCUG') has been prepared to identify the areas of agreement and disagreement between Tendring District Council ('TDC'), Colchester City Council ('CCC') and Essex County Council ('ECC') ('The Councils') and Latimer (Tendring Colchester Borders Garden Community) Developments Limited ('Latimer by Clarion Housing Group' or 'Latimer') on matters relating to the Tendring Colchester Borders Garden Community ('TCBGC') Submission Draft Development Plan Document ('DPD').

1.1 This SoCUG is provided to inform the Examination into the soundness of the DPD and sets out the areas of agreement and disagreement between the Councils and Latimer. Latimer is the Master Developer, with a controlling land interest, who will be delivering the new Garden Community.

1.2 Appendix 1, 2 and 3 of this SoCUG sets out proposed modifications to the DPD and the position of the Councils and Latimer, for the Inspector's consideration. Cross reference is made to individual technical topics of the DPD under relevant headings below.

1.3 Appendix 4 sets out the position between Latimer and the Councils in relation to Transport Matters.

1.4 Latimer is undertaking detailed site investigations, surveys and more detailed design in anticipation of submitting a hybrid planning application in 2025. Latimer has gone into more detail for their application than the Councils have (and reasonably would be expected to do) for the purposes of the DPD preparation. Changes to the DPD are therefore recommended by Latimer to introduce flexibility and facilitate the delivery of the Garden Community, and to ensure the final DPD is sound. Such changes are identified within Latimer's Reg. 19 representations (June 2023) and within this SoCUG.

2.0 General Matters

2.1 By way of background, in 2021 TDC and CCC adopted the 'North Essex Authorities' Shared Strategic Section 1 Local Plan (Section 1 Local Plan). The independent examination concluded that the TCBGC would be the most appropriate and sustainable option for meeting the need for long-term housing growth in the North Essex area.

2.2 Adopted Policies SP 8 and SP 9 of the Section 1 Local Plan allocate the TCBGC 'Broad Location' (Figure 10.2) and sets out the Strategic Policies and the overarching requirements, principles and expectations for the Garden Community of up to 9,000 new homes. Policy SP8 explains that a DPD will be prepared to guide the development of the TCBGC. The DPD was required to define the boundary of the new Garden Community and provide more detail on how the TCBGC will come forward.

2.3 Latimer submitted representations to the Regulation 19 DPD consultation in June 2023, and before this to the Regulation 18 DPD consultation in April 2022. In its Regulation 19 Representations, Latimer provided comments focused on ensuring sufficient flexibility is built into the DPD and its policies, where appropriate, to make them more robust and effective, particularly as the Garden Community will be delivered over many decades. Latimer included key points of objection to the draft DPD and requested amendments to each chapter and policy, which it felt were required to make the Plan sound.

2.4 Latimer controls the majority of land within the Garden Community site allocation. Along with the appointed planning, design and technical team Latimer is working towards the submission of a hybrid planning application in 2025.

2.5 This SoCUG provides the latest position on areas of common and uncommon ground between the parties. It should be read alongside Latimer's Regulation 19 DPD representations and is made without prejudice to the participation in the Examination of any of the parties and the views that may be expressed.

3.0 Areas of Agreement

Strategic Approach

3.1 The DPD will provide focused policies for the Garden Community but the detailed neighbourhood and site wide masterplans and design codes will be prepared by Latimer as the Master Developer for the Garden Community, and approved by the Councils through a future planning application(s).

3.2 The parties agree on the overall purpose, vision and objectives for the TCBGC, including the 'five themes' and the reference to the Garden City Principles set out in Chapter 2 of the proposed DPD.

3.3 The parties agree that the delivery of infrastructure at the TCBGC will need to be phased in a timely manner based on evidenced need to support the development and its deliverability.

3.4 The parties agree on the DPD five-year review requirement and that the design and delivery of the TCBGC will respond to economic, technological, social, environmental and political changes over time. It is agreed that the mechanism will provide the opportunity to support the regenerative design aspirations of the TCBGC and ensure that the DPD remains relevant over time.

Approach to Development

Nature and Open Space

3.5 The parties agree that the outdoor and natural environment of the TCBGC will be a key priority of the masterplan for the Garden Community. Therefore, it is agreed that a cohesive landscape strategy is required as part of the masterplan.

3.6 It is agreed between the parties that the minimum requirement for 50% open space as referenced in Appendix 1 of the DPD is not a policy requirement but an aspiration for the Garden Community. It is accepted between the parties that care is needed in relation to this objective to afford flexibility in case certain objectives in the DPD conflict.

3.7 All parties agree on compatible uses that could come forward on the proposed DPD Strategic Green Gaps, such as outdoor sport or recreation, renewable energy, cemeteries, burial grounds and/or allotments and food growing.

Ecology

3.8 The parties agree, as per the DPD, that the Strategic Masterplan should seek to exceed 10% Biodiversity Net Gain (BNG). It is the Councils ambition that a BNG of 15% be achieved on average across the masterplan, however the Councils acknowledge that the policy requirement requires only a minimum of 10%.

3.9 The parties agree that for ecological reasons, the SANG strategy will carefully consider capacity and sensitivity of existing and retained habitats to recreational pressure. The approach outlined in the DPD evidence base Habitats Regulations Assessment (HRA) Screening Report (2022) and HRA including Appropriate Assessment (May 2023) is a starting point for this SANG strategy. It is agreed by all parties that an approach to meeting

SANG requirements is prepared in consultation with the Councils advisors and Natural England, and that a modification to the wording of Policy 2 is necessary to ensure that Natural England's guidance is followed so that the policy is effective and sound. For clarification purposes it is agreed that one BNG metric is used for all proposals for consistency and to ensure calculations are equivalent. Amended revised wording relating to the HRA process is also agreed.

3.10 Natural England has provided positive feedback on Latimer's initial SANG strategy during pre-application consultation. Latimer's initial SANG strategy for the planning application delivers sufficient SANG area to mitigate for the allocated number of homes and carefully considers quality guidance. It has been agreed through this pre-application consultation with Natural England that habitats within the SANG can partly contribute to BNG units, where habitat is delivered within the SANG which is over and above the minimum SANG quality requirements.

3.11 It is therefore agreed and recommended that for the DPD to be sound Policy 2 is amended as per part 2A – 2D of the schedule at Appendix 1 of this SoCUG.

Heritage

3.12 It is agreed that there is a need for the DPD to define heritage assets consistently and accurately, and to clarify that enhancement and protection are not the only (nor the preferred in many cases) measures available. For the DPD to be sound, the DPD must firstly make a distinction between designated or non-designated heritage assets (the terminology established within the National Planning Policy Framework (NPPF)) and secondly, ensure any reference to "heritage asset" or similar terminology within the DPD directly addresses the historic environment.

3.13 On this basis, the wording changes to Part H of Policy 3 in relation to heritage as per part 3A of the schedule at Appendix 1 of this SoCUG are agreed and recommended by all parties.

Neighbourhood centres

3.14 The parties agree that there is sufficient flexibility within the wording of the DPD such that each of the three neighbourhood centres will be different and have their own scale and character. It is agreed between the parties that each neighbourhood centre should be informed by needs testing, market competition and the masterplan process, with the strategy being outlined in the planning application and neighbourhood design codes.

Employment

3.15 The Garden Community will have a mixed demographic and varied employment landscape. The parties agree that employment generating uses can be accommodated within the designated employment areas and throughout the Garden Community and within the Neighbourhood Centres.

3.16 The parties agree that there will be a need for detailed master planning and needs based evidence to inform future planning applications and that for the DPD to be sound, flexibility in the GC Policy 5 wording, as per part 4A and 4B of the schedule at Appendix 1 of this SoCUG, is agreed and recommended to the Inspector.

Education

3.17 The parties agree that the planning of and number of schools required should be based on evidenced need and demographic studies at the time of a planning application submission. It is agreed that education provision should be delivered on a phased basis, commensurate with the delivery of housing.

3.18 The parties agree to the principle of providing shared multifunctional spaces within the schools, which will need to be subject to careful detailed design as part of future planning applications. On this basis, the requested additional wording at GC Policy 6, Part C is agreed between the parties, as per part 5A of this schedule at Appendix 1 of this SoCUG.

University of Essex (UoE)

3.19 It is noteworthy that the Inspector's report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan that access to employment opportunities at the UoE and its associated Knowledge Gateway as one of the factors contributing to the ability of the TCBGC to deliver sustainable development. The UoE and the existing Knowledge Gateway provide the opportunity to be a major catalyst and key driver of employment growth within and around the new Garden Community. The Inspector commented that the necessary provision of land should be made for the UoE (paragraph 101, Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan).

3.20 The parties agree that there is a need to allocate land in the TCBGC to accommodate for the UoE's growth needs. However, it is agreed that not all of the UoE's growth needs, need to be accommodated within the Garden Community.

3.21 The parties agree that the Wisher Consulting's 'Review of University of Essex Land Requirements' (November 2022), provides confirmation that the UoE purpose built student accommodation aspirations are valid.

3.22 Page 8, paragraph 4.10 of the 'Wisher Report' details that "*whilst the growth predictions of the University have not been forensically tested as part of this review, they are demonstrably aligned with the trends of the last 10-12 years and are backed up by strong belief amongst the University of Essex leadership team that continued growth will be achieved*".

3.23 Page 3, paragraph 2.16 of the 'Wisher Report' quotes the University's position in terms of the University being *"….open minded to the location of expansion land for student accommodation. The land though must connect seamlessly with the existing University campus. North of the A133 would not provide a seamless connection. East, West or South of the existing campus are options the University is willing to consider"*.

Transport

3.24 Please refer to Appendix 4 for the SoCG on Transport Matters.

Viability

3.25 As per the viability analysis evidence base, the methodology adopted by Gerald Eve is agreed, reflecting a 'Master-Developer' approach to this scheme reflective of Latimer's role.

3.26 Whilst there have been discussions regarding individual appraisal inputs, the overarching conclusions of the Gerald Eve analysis are agreed, with the development considered to be viable, showing acceptable Master Developer returns.

3.27 It is also agreed that the primary source for funding infrastructure will be from the developers and landowners of the Garden Community through legal agreements accompanying the grant of planning permission. Such developer contributions are to be secured through the use of Section 106 Agreements (and s38 or s278 agreements for highways works) to provide infrastructure related to specific proposals.

3.28 The approach of one overarching and comprehensive outline planning application with a related, comprehensive S106 agreement to cover an appropriate land area to be delivered by the developers (acting as Master-Developer) is agreed. It is agreed that the Councils will seek appropriate and proportional planning obligations from any other planning applications within the Garden Community area that are not included in planning applications submitted by Latimer.

3.29 It is agreed that the Benchmark Land Value adopted by Gerald Eve is at an acceptable level per gross acre as considered by the Section 1 Inspector, and accords with national policy and the PPG viability guidance.

3.30 The dwellings completion estimates are agreed in accordance with the current LPA housing trajectory - although it should also be recognised that this will be subject to market conditions.

3.31 It is agreed between the parties that landowner payments will be phased but specific phasing of land payments will need further review as part of Latimer's forthcoming planning application.

4.0 Joint Working

4.1 The parties agree and are committed to constructive joint working to bring forward and deliver site specific proposals where there is a focus on creating a sustainable 21st century Garden Community with a sense of place, where people aspire to live, work and visit.

4.2 Latimer intend to submit a Hybrid planning application for the TCBGC which is subject to a Planning Performance Agreement ('PPA') agreed and signed in June 2023. The PPA will guide the planning process and includes timescales, actions and resources. The parties agree to continue to work together throughout the pre-application, submission and determination stages as set out by the PPA.

4.3 The parties are continuing to discuss 'Design Principles' that will underpin the developing masterplan and inform the planning application process.

4.4 The parties agree and are committed to continuing public consultation, community involvement and stakeholder liaison in respect of the development of the TCBGC. All parties are aware of local concerns about the development of the TCBGC and, whilst it is a shared position between the parties that none of these concerns fundamentally make the site unsuitable for development, the parties will seek to work with those interests in designing and delivering the TCBGC.

4.5 There will be continued joint working with statutory consultees, building on the constructive discussions undertaken to date.

4.6 For avoidance of doubt, discussions on outstanding matters do not affect the agreement and commitment to constructive joint working with the Councils.

5.0 Areas of Disagreement

5.1 There is disagreement between the parties in relation to the following matters:

1 **Land south of the A133:** There is disagreement between the parties on the land use designation on land south of the A133. Latimer's view is that the DPD is being overly restrictive in allocating land south of the A133 for a Sports and Leisure Park (and Park and Choose), when there is a clear need for student accommodation (as set out in the Wisher Consulting report). Latimer consider that there is an opportunity for land south of the A133 to forge a stronger relationship with the Garden Community if it were to accommodate a range of uses including, a Sports Hub, student accommodation and University campus expansion (alongside the Park and Choose). Latimer consider that a more flexible allocation of uses within the DPD would allow this to be explored through pre-application discussions, in conjunction with the University.

Therefore, rewording of GC Policy 1 (Parts B and F) and GC Policy 4 (Part H) are requested at Appendix 2 of this SoCUG (references 1C, 1D and 4A). Related amendments are also requested by Latimer at Appendix 3 of this SoCUG to the Policies Map and Strategic Illustrative Framework Masterplan.

2 **Community Infrastructure Levy:** Latimer accept the requirement that Garden Community makes appropriate, proportional contributions to mitigate the impact of development. However, it is suggested that the Garden Community be 'zero listed' for Community Infrastructure Levy (CIL), with all planning gain contributions calculated and paid under s106. Strategic sites of this scale are quite commonly zero listed for CIL. Therefore, Latimer request an amendment to Part A of Policy 9, as per part 6A of the schedule at Appendix 2 of this SoCUG.

3 **Transport approach:** The position on Transport Matters at Appendix 4 sets out a number of outstanding matters between the parties. Many of these points are plainly because the DPD evidence base can only go so far in terms of detail (as it would be expected to do so) and Latimer's technical team are looking in much more detail for their planning application as to how the draft policies work in practice if applied mechanistically. Latimer's view is that the DPD requires more flexible policy wording to resolve the issues through detailed planning application discussions and considerations, with amendments proposed as per the schedule of proposed changes to the DPD at Table 1 of Appendix 4.

4 **Other wording changes:** As listed at Appendices 2 and 3 of this SoCUG there are a number of other wording changes to the DPD and figures requested by Latimer, not agreed to by the Council, relating to the broad area of search, design, green infrastructure and district heating network.

Appendix 1 Schedule of Requested and Agreed DPD Policy Modifications

The below table shows agreed matters by all parties in relation to the requested policy wording amendments submitted by Lichfields on behalf of Latimer to the Regulation 19 DPD consultation.

In column three, words requested to be deleted are shown in ~~strikethrough text~~. Requested additional words are shown in *italic underlined* text.

Agreed DPD Policy Modifications				
Reference	**Latimer Regulation 19 DPD representation reference**	**Requested modification**	**Latimer's Reason for requested modification**	**Councils' Position - AGREED**
1A	Latimer – Paragraph 3.10	GC Policy 1,Part B "Broad locations for two distinct but interlinked Neighbourhoods, referred to as the 'South and North Neighbourhoods' are shown on the Policies Map. The 'North and South Neighbourhoods' between them will accommodate around 6,000-6,500 new homes. Development within and across the two 'Neighbourhoods' will be phased to ensure housing development is	Phasing will be agreed via an illustrative phasing plan for the Garden Community, submitted with the hybrid planning application.	The Councils agree that the text was only providing ''an expectation'' therefore its removal would not be detrimental to the DPDs policy objective.

		aligned with infrastructure delivery~~, with an expectation that the early phases of development will begin in the 'South Neighbourhood'."~~		
2A	Latimer – Paragraph 4.2	GC Policy 2, Part D "Habitat enhancement and creation for delivering biodiversity net gain within the Strategic Green Gaps, Salary Brook Country Park, SANG, and SuDS *and other green infrastructure* will be supported, where true additionality through stacking of ecosystem services can be demonstrated. *Stacking of ecosystem services will be permitted where additionality can be demonstrated, taking account of emerging guidance on stacking from Natural England and Defra.*"	Latimer propose that this modification is required to assist both the developer and the Councils when determining future planning applications, and developing the masterplan and has been agreed through pre-application discussions. There is a need to take an adaptable approach to BNG, including an allowance for it to be provided offsite if needed, as is allowed for in the Government's methodology.	The Councils agree that these modifications could be made to the wording to provide additional clarity.
2B	New amendment/no previous reference	Glossary: Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. The Environment Act contains a new biodiversity net gain	It is proposed by Latimer that one BNG metric is used for all proposals for consistency and to ensure calculations are equivalent. All references to the Defra Metric in the DPD, and the	The Councils agree that this additional text would provide additional clarity on an appropriate metric.

		condition for planning permissions. To meet this requirement biodiversity gains will need to be measured using ~~a~~ *the* biodiversity metric *as specified in the Environment Act (or otherwise agreed)".*	Glossary, should be reworded as requested.	
2C	Latimer – Paragraph 4.5	Amend GC Policy 2, to add: Part *: Suitable Accessible Natural Greenspace (SANG) *Proposals will be required to provide an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance. This will reduce the amount of day-to-day recreational trips to the protected habitat sites Essex coast. Proposals to incorporate SANG within the new Country Park will be supported where they conform to the principles of the Strategic Masterplan and where evidence, including visitor surveys, is provided to demonstrate that the Salary Brook Local Nature Reserve has sufficient capacity to*	It is proposed by Latimer that an approach to meeting SANG requirements is in consultation with the Councils and Natural England and that this modification to the wording of Policy 2 is necessary.	The Councils agree that this modification is appropriate.

		accommodate any increased visitor usage proposed in order to count towards SANG provision. *The Council will work with Natural England, landowners and stakeholders to agree the extent of SANG provision for each phase of the Garden Community, which must link into a wider network of footpaths, green infrastructure and public open space.* *Proposals must demonstrate how SANG, and access to it, will be provided for each relevant phase of the development, including access to temporary SANG where required.*		
2D	Latimer – Paragraph 4.6	GC Policy 2 justification wording (page 46) Additional paragraph: *"Where the surveys show that mitigation is required, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be*	Latimer's requested wording would avoid any ambiguity and allow the detailed and tailored HRA process to inform appropriate and proportionate mitigation requirements.	The Councils agree with this modification.

		provided and fully functional before any development takes place which would affect significant numbers of SPA birds".		
3A	New amendment/no previous reference	GC Policy 3, Part H "In all cases there will be an expectation that any new development will *avoid or minimise any conflict between preserving the significance of a specific heritage asset and any aspect of the proposal. It should* enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available."	The text is in line with the wording of the NPPF.	The Councils agree with this additional wording which provides additional clarity.
4A	Latimer – Paragraph 6.5	GC Policy 5, Part A "How delivery of the first phase of business accommodation ~~in each employment area~~ is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of	Delivering a sustainable community will require a balance between employment and residential uses, however it may not be feasible for each employment area to come forward in line with housing growth. Policy 5 should be flexible in this	The Councils agree that it may not be feasible for each employment area to come forward in line with housing growth, and that this modification provides additional flexibility.

		employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land."	way through the requested modification.	
4B	Latimer – Paragraph 6.9	GC Policy 5 justification wording (page 74) "the study also recommends the provision of *appropriate* flexible *Commercial, Business and Service uses* ~~office space~~ concentrated in the North and South Neighbourhood Centres".	Latimer consider that the requested modification would allow evidence and masterplanning to appropriately account for employment land and other employment generating uses in the neighbourhood centres.	The Councils agree with the subsequent modifications which provide more clarity and flexibility.
5A	Latimer – Paragraph 7.3	GC Policy 6, Part C Include after bullet point list as discrete paragraph: *"The capacity and quantum of schools and early years provision will be subject to an appropriate assessment of the need at the time of submission of future planning application(s)".*	Latimer consider that the number of schools should be evidence led, based on need and demographic studies at the time.	The Councils agree with the additional wording which provides additional clarity.

6A	Latimer – Paragraph 10.2	GC Policy 9, Part A "Proposals will need to make financial contributions to the wider local transport infrastructure, including the A120-A133 Link Road and Rapid Transit System ~~in accordance with~~ *taking into account* the conditions of the Housing Infrastructure Fund".	Latimer consider that the requested modification affords flexibility in the Policy to support the masterplan process.	The Councils agree with the suggested modification which is considered similar in intent.
6B	Latimer - Paragraph 10. 5 – 10.6	Policy 9, justification wording "~~In negotiating~~ *Where* planning obligations *are not agreed for development viability reasons,* the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the *development, provided the additional obligations*	It is questioned whether a Viability Assessment should be required to be submitted as a part of the planning application, if the parties are in agreement, regarding the planning gain provisions.	The Councils would be minded to agree the modification, but only with an additional reference to the ability of proposals to achieve policy requirements, and where viability is a consideration in the ability of achieving such overall requirement. The wording would provide clarity that viability assessment would only be required if proposals were not achieving requirement due to viability matters.

		are required to mitigate the impact of the development."		

Appendix 2 Schedule of Requested and Not Agreed DPD Policy Modifications

The below table shows not agreed matters by all parties in relation to the requested policy wording amendments submitted by Lichfields on behalf of Latimer to the Regulation 19 DPD consultation. In column three, words requested to be deleted are shown in ~~strikethrough text~~. Additional words are shown in *italic underlined* text.

Not Agreed DPD Policy Modifications				
Reference	**Latimer Regulation 19 DPD representation reference**	**Requested modification**	**Latimer's reason for requested modification**	**Councils' Position – NOT AGREED**
1A	Latimer – Paragraph 3.6	GC Policy 1, Part A "Development will ~~be confined to~~ *be closely aligned to* land within the Garden Community location as identified in the Section 1 Local Plan and will ~~adhere to~~ *seek to accord with* the 'Land Use Parameters', as shown on the 'Policies Map'. Land within the identified Garden Community location is specifically allocated or protected for the following uses:.." ...	Latimer request that the wording of Policy 1 should be more flexible to allow site investigations, surveys and more detailed design work to inform the masterplan approach.	Not agreed. The Councils consider that the policies map and GC Policy 1 provide appropriate clarity on what should be located where, and includes sufficient flexibility for future stages to define further details.

		"Proposals for development ~~must comply with~~ *should seek to accord with* the 'Policies Map' and meet the specific requirements of policies elsewhere in this Plan and the adopted Section 1 Plan"		
1B	Latimer – Paragraph 3.9	Remove reference from Policy 1 referring to each neighbourhood having a 'neighbourhood centre'.	Latimer request that more flexibility is needed in the DPD to account for needs testing, market competition and the masterplan process to inform infrastructure requirements. Importantly, such flexibility will ensure the DPD is effective but also is consistent with the NPPF, para. 88 in defining the hierarchy of the Neighbourhood Centres. The scope for flexibility to allow details, layouts and the nature of the Neighbourhood Centres through the planning application process should be added to and made clear in the Policy.	Not agreed. The Councils consider that each neighbourhood should have their own centres to provide appropriate local services and facilities. The Councils consider the policy is sufficiently flexible to accommodate a range of uses and layouts.
1C	New amendment / no previous reference but as per Section 3 of Latimer's Regulation 19 Reps (3.11 – 3.15)	GC Policy 1 'Land Use and Spatial Approach' Part B: The Garden Community Neighbourhoods *"The provision of student accommodation will be encouraged on land south of the*	Latimer request that the policy is reworded to encourage student accommodation within the south neighbourhood and on land south of the A133 so that a mixed and balanced community can be achieved within the south neighbourhood, without an over-	The Councils do not agree with the additional wording to allow student accommodation south of the A133, as the DPD is proposing sports uses only on land south of the A133.

		A133 identified for University expansion and 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."	concentration of student accommodation.	
1D	New amendment / no previous reference but as per Section 3 of Latimer's Regulation 19 Reps (3.11 – 3.15)	GC Policy 1, Part F Sports and Leisure Park and University of Essex Expansion (page 25) "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 University Expansion, to include student accommodation and a* new a 'Sports and Leisure Park'. Th~~is e~~ *latter* 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.	Latimer request that the reworded sentence would add flexibility so that the university expansion land south of the A133 could also accommodate an element of purpose built student accommodation as part of creating a vibrant and viable campus environment in the future.	The Councils do not agree with this flexibility, as the DPD is proposing sports uses only on land south of the A133.

1E	New amendment/no previous reference	GC Policy 1, Part B Reword: "*Subject to evidence base work, the preference is for the* 'South and North Neighbourhoods' ~~will~~ *to* each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes."	It is proposed by Latimer that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work.	Not agreed. The Councils consider it an important principle for vehicular access via the Link Rd and not from the A133 and A120 directly (with the exception of access to the knowledge-based employment, RTS and park & chose from the A133).
2A	Latimer – Paragraph 4.8	DPD Appendix 1 Across the Area of Search, there will be ~~a minimum of~~ *around* 50% open space and multifunctional green infrastructure, that is seamlessly integrated with the built environment to connect people with nature.	It is proposed by Latimer that there is a need for detailed master planning undertaken by the developer to review green infrastructure and open space in the context of other land uses, the planning balance and wider site provision.	Not agreed. The reference is not a policy requirement and is referencing principles only in the appendix of the DPD. No change is necessary as it does not affect any policies or the soundness of the DPD.
2B	Latimer – Paragraph 4.3	GC Policy 2, Part D	It is proposed by Latimer that to be consistent with national	The Councils agree that the modification suggested refers to

		"Proposals must deliver a minimum of 10% measurable biodiversity net gain across the whole site with gains delivered either on-site or immediately adjacent to the site in accordance with the mitigation hierarchy, and must follow the latest Defra Metric, and its accompanying guidance, as well as local guidance where applicable. Initial high-level testing of BNG calculations of the strategic masterplan indicate that in excess of 10% can be achieved on average across the masterplan allocation. ~~As such the ambition is to achieve a BNG of 15% on average across the whole masterplan.~~"	regulations and national policy, that the DPD should refer to the ambition for a minimum of 10% biodiversity net gain.	an 'ambition' only and acknowledge that the policy requires a minimum 10% in accordance with legislation. Should the Inspector be minded to accept Latimer's suggested modification, the Councils view is that it would not undermine the policy requirement.
3A	Latimer – Paragraph 5.2	GC Policy 3 Part B – first paragraph, *"*must*"* should be replaced with *"<u>will seek to</u>"* Part C – first paragraph, "all new development (including changes of use) ~~must~~ *<u>will seek to</u>* achieve…to do this, detailed design proposals *<u>will aim to</u>* ~~must~~…*"* Part E – first paragraph, *"*development ~~must~~ *<u>will seek</u>* to achieve…*"*	It is proposed by Latimer that the requested wording would be consistent with the purpose of the DPD to provide an overarching strategy, to inform more detailed Masterplans, Design Codes and, ultimately, planning applications to follow.	Not agreed. The Councils consider the criteria to be sufficiently flexible whilst establishing fundamental principles.

3B	Latimer – Paragraph 5.3	GC Policy 3, Part D Delete list at part D and state: *"The development should be designed with regard to user safety and seek to achieve relevant local or national principles relating to safety in accordance with good placemaking and design principles"*	Whilst Latimer support the ambition to ensure the Garden Community is a safe place to live, work and visit, as worded, this policy is overly prescriptive, and these are ultimately matters of detail that will be addressed within a planning application. It is proposed by Latimer to remove the list of criteria to avoid the policy being overly prescriptive and to allow such matters to be addressed during the planning application process.	Not agreed. The Councils consider the criteria to be sufficiently flexible whilst establishing fundamental principles.
4A	New amendment / no previous reference but as per Section 3 of Latimer's Regulation 19 Reps (3.11 – 3.15)	GC Policy 4 'Meeting Housing Needs' 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 *on land South of the A133 identified for University expansion and* 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	Latimer propose that student accommodation should be encouraged within the south neighbourhood and on land south of the A133. The focus of student accommodation within the south neighbourhood would compromise the ability to deliver a mixed and balanced community within this neighbourhood.	The Councils do not agree with the additional wording to allow student accommodation south of the A133, as the DPD is proposing sports uses only on land south of the A133.

		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 I partnership with the University of Essex."		
5A	Latimer – Paragraph 9.3	GC Policy 8 Remove references to: "~~District Heating Network~~"	Latimer consider that District Heating Network (DHN) might not be the most appropriate strategy for this type of development and that other methods of renewable energy can by harnessed, with the view that the planning application will review these energy strategy options in detail.	Not agreed. The wording of Policy GC 8 only refers to the Councils encouraging the provision of a potential district heating network, should it be viable. The Councils do not consider a change to the policy text is necessary.
6A	Latimer – Paragraph 10.3	GC Policy 9, Part A "Enter into Section 106 agreements to make provisions to mitigate the impacts of the development where necessary or appropriate. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions ~~where a sum for the necessary infrastructure is not secured via CIL~~; and / or"… ….	Latimer accept the requirement that the subject scheme makes appropriate, proportional contributions to mitigate the impact of development. However, it is suggested that the subject scheme be 'zero rated' for CIL, with all planning gain contributions calculated and paid under s106. Strategic sites of this scale are quite commonly zero rated for CIL.	Not Agreed. This would be a matter for consideration should in the future the Councils propose to introduce the Community Infrastructure Levy, and in light of associated evidence gathering at that time.

		~~The Councils will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.~~ ~~...~~ GC Policy 9 (justification text): "The Councils will seek contributions from developers to fund improvements to existing infrastructure and the environment and new infrastructure. Contributions will be *made as s106 planning obligations* ~~through the Community Infrastructure Levy (if adopted), which applies a standard charge to developers~~ to fund supporting infrastructure such as transport, schools, community facilities and health facilities, and~~/or Section 106 agreements~~ which *will also* address the provision of affordable housing and ~~more~~ *other* site-specific infrastructure requirements. The necessary infrastructure requirements through the use of		

		planning condition and/or planning obligation and/or financial contributions ~~through Community Infrastructure Levy (CIL) charges~~ *will be made* in accordance with The Community Infrastructure Regulations 2019." "Some infrastructure providers will fund and deliver infrastructure themselves. Other infrastructure will be funded by developers and landowners, secured by planning obligations ~~or the CIL (if adopted)~~ or its successor as part of the planning permission. On-site infrastructure provision will usually be secured by planning conditions or legal agreements. Off-site provision will usually be secured by legal agreements and through other financial contributions."		

Appendix 3 Requested Policies Map and Strategic Illustrative Framework Masterplan Modifications

In column two, words requested to be deleted are shown in ~~strikethrough text~~. Additional words are shown in *italic underlined* text.

Figure 2. Policies Map and Appendix 2 pages 142 and 143 of DPD		**Position**
Requested amendments	Reference to Gypsy and Traveller Sites is plural and should be amended to be singular. The DPD on page 64, Part G of GC Policy 4 states that there will be a site containing a number of pitches. To avoid doubt, the policies map should reflect this.	**AGREED** The Councils agree that this change would make the policies map consistent with the policy text.
	Spelling error to correct "Potential Vehicular Link"	**AGREED** The Councils agree with this spelling correction.
	Reference to the '30m' woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. We suggest that this clarification is added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.	**AGREED** The Councils agree that whilst this is included on the policies map, there is no equivalent policy requirement in the DPD policies. A footnote could be added to clarify that this is presented "for information only'.
	Requested amendment to the key: ~~Sports & Leisure Park:~~ *University of Essex Expansion:* General location of *university expansion land and community facilities such as* sports pitches, parkland, potential site access and parking	**NOT AGREED** Not agreed. The Councils propose sports and leisure uses in this location.
	Requested amendment to the key: ~~Sports and Leisure Park:~~ *University of Essex Expansion: General location of university expansion land and community facilities including* buildings (potential Park & Choose, *Student Accommodation and University ancillary facilities*, Sports Facilities)	**NOT AGREED** Not agreed. The Councils propose sports and leisure uses in this location.

Figure 2. Policies Map and Appendix 2 pages 142 and 143 of DPD		**Position**
	Latimer request that a note is added to show that the Plan is not to scale. This is because the area for the 'Sports and Leisure Park' measures 22.35ha, rather than 25ha on the Policies Map which is different to the policy wording on page 25. In addition, the area for the A120 Business Park is identified on the Policies Map measuring 28ha, rather than 17ha. It should be clear that the Policies Map is not to scale for clarity.	**AGREED** The map is to scale, however it is acknowledged that there is a discrepancy. This is an error in the drafting of the Policy Map which should include the grey hatching denoting 'Sports and Leisure Park: General Location of Sports Pitches, Parkland….' Across the woodland area as part of the parkland approach. This would correctly illustrate the 25ha reference in Policy GC1.

Chapter 3: Land Uses and Spatial Approach, page 19: Strategic Illustrative Framework Masterplan		**Position**
Requested amendments	The masterplan refers to a 'Central' Neighbourhood however Figure 2 Policies Map refers to the 'North' Neighbourhood. We request that there is consistency throughout the DPD in naming the neighbourhoods and suggest the three neighbourhoods should be 'South', 'North' and 'Crockleford' Neighbourhood.	**AGREED** The Councils agree with modifications to ensure consistency of terminology.
	The Key colours should be amended to clearly distinguish between the Attenuation Ponds and Sports and Leisure Park, south of the A133.	**AGREED** The Councils agree that colouring could be changed if this would add clarity.
	Requested amendment to the key (page 19 of the DPD): ~~Sports and Leisure Park~~ *'University of Essex Expansion and community facilities'*	**NOT AGREED** Not agreed. The area in question is the location of the proposed Sports & leisure uses only.

Appendix 4 Latimer and the Councils' Position on Transport and Highways Matters

A4.1 This section of the statement identifies the areas of common ground between the parties and has been prepared in respect of transport and highway matters relating to the DPD.

A4.2 Latimer agree with the overarching transport principles established within the DPD, so where changes are being sought, these relate to specific policy wording on matters of detail. Latimer agree with the transport baseline work undertaken which sets out opportunities and challenges which the transport strategy at TCBGC will address through master planning and transport strategy.

A4.3 The purpose of these changes is to ensure the policy wording is not prescriptive too early, where the detail will be defined through the technical work supporting the planning application.

A4.4 The main changes being sought by Latimer, relate to the following:

a Acknowledging the scope of the overall package of on and off-site transport infrastructure, timing and costs will be intertwined with the phasing of the A120 / A133 Link Road. Also, to reflect that the Transport Assessment will define these.

b Adding policy wording on the "vision and validate" approach to developing the transport strategy at TCBGC and that a "monitor and manage" framework to the delivery of transport infrastructure is to be agreed, i.e. reviewing transport conditions and transport impacts at each reserved matters stage and key delivery milestones to allow the transport strategy to respond to changes over the multiple decades over which TCBGC will come forward. It is agreed that the Transport Assessment for the hybrid planning application will define these and these need to be agreed with the relevant authorities.

c It will be the role of the Transport Review Group (comprising Latimer, ECC and other key stakeholders) to ensure the monitoring is undertaken regularly and ahead of subsequent key phases of development being submitted, so that appropriate transport strategies for each key phase based on local monitoring can negate any severe transport impacts that would impact successful determination of future phases.

d Allowing flexibility in the policy wording around vehicular access for each neighbourhood. Until further detailed modelling has been completed with the Councils as part of the Transport Assessment on the quantum of development per neighbourhood and each vehicular access and highway, there should be greater flexibility in the policy basis to allow the modelling outcomes to suggest the best approaches. Taking a more binary and inflexible approach as per current DPD drafting provides an inflexible approach and could lead to issues of adherence to policy. Specifically, these matters include vehicular access onto the Link Road and across green corridors; the access strategy for employment uses onto the A133, and the capacity of Bromley Road.

A4.5 Matters of Agreement between the parties:

a The transport baseline analysis which considers the existing transport provision around the site, and which identifies the transport opportunities and challenges which the TCBGC transport strategy will address.

b The transport objectives and principles for the Garden Community. That it will be a community and a place where pedestrians and cyclists are given priority, car dominance is removed, where there is rapid, efficient, and cost-effective public transport and viable alternatives to private vehicle use, where active and sustainable travel is the natural choice.

c The creation of permeable neighbourhoods for walking, cycling and public transport, but with filtered permeability for general vehicular traffic. The aim of which is to create greater equity in design for all modes of transport. This will include amendments to use of existing adopted lanes within the site to help control and/or restrict vehicular movements and to enable them to become strategic travel corridors.

d Mode split targets should be ambitious and monitored throughout delivery.

e A Transport Review Group is setup with the Councils and Latimer to monitor the delivery of transport improvements and infrastructure once delivery commences. The terms of reference of this group will be developed jointly between the Councils and Latimer and agreed to help support the TCBGC in achieving its sustainable travel ambitions. It is agreed that this group provides a forum for transport matters to be raised and addressed throughout the development build out. The establishment of this group provides greater control for authorities post-consent on transport matters than would otherwise be the case through a typical travel plan monitoring approach.

f The scope of the overall package of on- and off-site transport infrastructure, including the timing of delivery of the Link Road will be defined through detailed assessment within the Transport Assessment. The evidence base within the DPD provides a guide for the likely scope but is not exhaustive.

g A vision-led approach will be adopted to develop the transport strategy and mitigation package supporting TCBGC.

h Consistent with the approach within the DPD evidence base, this involves setting the infrastructure package around the travel patterns and outcomes we want to achieve, then monitor at regular intervals to keep checking progress towards that vision and incorporate these findings into subsequent phases. It is agreed that regular monitoring and the ability to flex infrastructure provision timing is essential for a long-term project to ensure that as each phase comes forward, the infrastructure requirements can appropriately respond to the needs at that time.

i Progress towards this vision will be regularly monitored by the Transport Review Group using a monitoring framework to be agreed. The details of the monitoring framework and Transport Review Group will be specific to this site, and are to be discussed and agreed between Latimer and the Councils.

j It is agreed that predicting now what transport demand will be when development is complete in 2051 and not allowing for any mechanism for the transport measures and timings secured within the outline to flex over 30 years could mean the developer is less well placed to meet the transport needs of its new residents and employees over the course of the development.

A4.6 Whilst not referred to in the Policy wording within the DPD currently, both parties agree that:

k A "sustainable infrastructure first" approach should be adopted through the delivery of transport infrastructure at TCBGC, meaning infrastructure should be delivered at the right time when it is needed and not prematurely or late.

l The HIF bid evidence base provided initial technical modelling work, which suggested that whilst some development could be accommodated in capacity terms ahead of the completion of the Link Road, the full Link Road and RTS would be needed to unlock the full TCBGC. The trigger for Phase 2 of the Link Road will be subject to modelling and agreement through the planning application process.

m Further investigation will take place by the Councils to explore all potential routes for external funding support for Phase 2 of the Link Road.

A4.7 Suggested modifications are set out in **Table 1** below, including those agreed and those not agreed. The main changes of importance relate to GC Policy 7 Movement and Connections, although there are changes identified to GC Policies 1, 5 and 6 also.

Table 1: Schedule of Requested DPD Policy Modifications on Transport and Highways Matters

Ref	Points of Detail		
	Suggested Change in Wording	**Latimer Justification**	**Councils** **Agreed / Outstanding**
	GC Policy 1		
1a	*"Accessibility to services and facilities, utilities infrastructure, the Rapid Transit System and other public transport services will be key to determining the phasing of development in the 'Crockleford Neighbourhood".* *[Part B, pp.23]*	As the phasing will be agreed via an illustrative phasing plan submitted with the hybrid planning application, the policy wording should not link the delivery of homes at Crockleford to just the RTS being present. Otherwise, this pre-judges the phasing at Crockleford as either first or last because the RTS will need to be phased alongside the delivery of homes. Acknowledging existing, enhanced and other public transport can support homes as well as the RTS removes this pre-judging of phasing at Crockleford.	Agreed
1b	*"Subject to evidence-based work, the 'South and North Neighbourhoods' are to each be accessed independently from separate vehicular junctions on the new A120-A133 Link Road (as opposed to the A133 and A120 themselves) in order to give priority to the Rapid Transit System and active travel modes.* *[Part B, pp.22]*	Latimer propose that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work.	Agreed
1c	*"The 'Crockleford Neighbourhood' will be developed as an individual community that is*	Depending on the outcomes of local junction modelling along Bromley Road into Colchester, some parcels of development within the Crockleford Neighbourhood may need to access to the Link Road instead of Bromley Road. Suggested wording to reflect this flexibility.	Agreed.

	connected by walking, cycling and other sustainable transport modes to the 'South and North Neighbourhoods' and the City of Colchester. *[Part B, pp,23]*	Community being accessed from the Link Road instead of Bromley Road.	
1d	*"The location and size of the facility will be informed by the 'Strategic Masterplan' and subsequent Masterplans prepared by the developer, and shall be detailed as part of a relevant planning application.* *The 'Park and Choose Facility' will be brought forward alongside first residential phases of development with the Rapid Transport System. It will have the ability to be expanded over time in response to future demand.* *[Part J, pp.26]*	It is agreed that a sustainable infrastructure first approach should be adopted at TCBGC and that the RTS will be provided with a Park and Choose facility from the first development parcel phases. "first residential" is used rather than "first" as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of "first phase" but wouldn't have any homes associated with it to require an RTS. "With" proposed rather than "alongside" and "first operation" together because this creates physical geographical/spatial limitations on our routing and park and choose location which require to be flexible at the very start. Particularly as the construction compound for the link road blocks access to the southern neighbourhood. All the infrastructure and services will be subject to the Transport Assessment and set out in planning obligations – this is in Policy 7 part K. –additional text not needed – see comment	Agreed.
	GC Policy 5: Economic Activity and Employment		
5a	*"Creation of the Rapid Transit System to enable a fast commute for residents to and from all neighbourhoods within the Garden Community to key areas of employment, including the new A120 business park and centres as well as those outside of the Garden Community, such as the University of Essex, Colchester City Centre, Colchester General Hospital, and Colchester Sports Park."*	Consistency with Council policy wording in GC Policy 1. Colchester Business Park is not on the RTS Route, as it terminates at Colchester Park and Ride.	Agreed.

	[Part A, pp.72]		
	GC Policy 6: Community and Social Infrastructure		
6a	*Vehicle free 'school zones' must be provided around schools, with the area around the main pupil entrance entirely traffic free connected by safe and direct walking and cycling routes to the Neighbourhood the school serves.* *[Part C, pp.83]*	Access will still be required by emergency vehicles and for blue badge users. The wording requires the flexibility to respond to accessible needs and "streets" and "car parks" is ambiguous.	Agreed.
	GC Policy 7: Movement and Connections		
7a	*Movement and Connections Illustrative Framework Plan:* *Amend the vehicular access assumptions to add a further option for vehicular access into land south of the A133 via Colchester Road.* *Add a note to the drawing to reflect that whilst all parties agree that the RTS and active travel modes are the priority, this plan is illustrative only and work will be undertaken by the applicant to fully understand network and road capacities for each neighbourhood and how this will inform the masterplan work.* *[pp.93]* *Change footer from:* *The location of specific land uses and the movement and connection features are illustrative and subject to further masterplanning and Transport Assessment*	Latimer do not control the land on which the vehicular access route is shown into land south of the A133. Access for this parcel should be flexible, either via the A133 (as no residential) or via Colchester Road. Latimer's testing of the capacity of the A133 Roundabout indicates that the Southern Neighbourhood and Knowledge Gateway cannot be solely accessed from the A133 Roundabout as shown on the Illustrative plan and so will require access from the Tye Road Roundabout. Whilst illustrative only, this is the only plan that shows vehicular access locations in the DPD so others may add significant weight to its interpretation so options and clarification need to make this clear.	Changes to plan not agreed. Agreed to changing the footer as shown. The exact access point will be subject to Transport Assessment
7b	*"Achieve filtered permeability, restricting the movement of general vehicular traffic between neighbourhoods.*	All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand	Agreed.

	This includes amendments to the existing adopted lanes within the site to control and/or restrict vehicular access so the routes can become strategic active travel corridors". *[Part A, pp.95]*	network and road capacities and how this will inform the masterplan work and vehicle access locations.	
7c	*"Demonstrate how modal share targets (the number of trips by walking, cycling, public transport and private vehicle) will be achieved, maximised and monitored in a phased approach and how the targets reflect the ambitions for reducing car use over time as outlined in the Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023, and as reflected in the table below".* *[Part A, pp.95]*	The mode split targets reflect the land-use quanta tested in the DPD and the Transport Assessment will establish the targets based on detailed forecasting and will be agreed with the highway and planning authority based on the transport strategy proposed and linked to the phasing strategy for both the development, Park and Choose and Link Road. Review mechanisms for the DPD will allow updates to respond to the developing evidence base.	Agreed.
7d	*"Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to enable and encourage sustainable travel patterns from first occupation".* *[Part A, pp.96]*	The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel but not ensure it.	Agreed.
7e	*"All proposals will need to integrate with the RTS and demonstrate how the RTS can provide to serve each Neighbourhood Centre".*	How the RTS will serve each neighbourhood centre will be the subject of plot testing within detailed masterplanning. "Accessibility" rather than "a direct link" avoids introducing a potential conflict with other policies	Agreed.

	[Part D, pp.99]	by being prescriptive about the alignment of RTS, for example around school entrance access being vehicle free.	
7f	*"It should be ready for operation during the first residential parcels to influence sustainable travel behaviour and embed the use of the system and align with the Essex RTS operational model, including the phased delivery plan for services".* *[Part D, pp.99]*	It is agreed that a quality public transport service must be available during the first phase that generates residential trips and where possible the RTS segregated route be available early. However, flexibility is required in the wording to avoid the wording pre-judging the location of the first phase, i.e. that it must be adjacent the safeguarded RTS corridor. The RTS operating route and frequency will be related to the scale and location of a first residential phase but it is agreed they must come together. "First residential" was used rather than "first" as there may be a requirement for infrastructure enabling works relating to energy etc which would fall under the definition of "first phase" but wouldn't have any homes associated with it to require an RTS. Alternative wording refers to residential parcels.	Agreed
7g	*"Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters) whilst providing for a fast service".* *[Part D, pp.99]*	Added wording aligns with other policy references to RTS being a fast service.	Agreed.

7h	*"How the design, location and amount of parking seeks to avoid overspill and inappropriate on-street parking which negatively impacts on…"* *[Part G, pp.101]*	Design can seek to avoid these issues, it cannot ensure. The monitoring strategy for TCBGC will ensure that unforeseen issues with parking are picked up and addressed in subsequent design phases.	Agreed.
7i	*"In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the supporting Transport Assessment and processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, and reflect the ambitions set out in the supporting Strategic Masterplan and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance".* *[Part H2, pp.103]*	It is agreed that the Transport Assessment will define what is to be agreed for TCBGC and that this should align with the ambitions established in the evidence base. All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets.	Agreed.
7j	*"Subject to detailed modelling, the Garden Community must aim to restrict vehicular connectivity between individual junctions of the 'Link Road', except for public transport and emergency vehicles, apart from the 'Link Road' itself".* *[Part I, bullet 2, pp.104]*	Latimer's testing of the capacity of the A133 junction indicates that the Southern Community will require two points of vehicular access to the Link Road. This will be confirmed through detailed modelling in the Transport Assessment, but the policy wording must protect the ability for the Southern Community to have access from the A133 and Tye Lane Roundabouts on the Link Road.	Agreed.
7k	*"The modal share targets will be actively monitored throughout the phasing of the development and upon full occupation via the Garden Community Travel Plan. The monitoring approach will be agreed through the planning application. This Travel Plan document/s will be*	Monitoring progress towards the targets will be essential over the long build out of the development and flexibility must be built into infrastructure triggers to ensure that the transport infrastructure proposed within each development phase addresses the transport conditions at the time.	Agreed

	developed to reflect the latest best practice guidance and support the mode share ambitions set out in this Plan and the supporting transport evidence". *[Part J, pp.105]*	"In accordance with" can be interpreted to mean with the modal split targets and strategy in the evidence base. All parties agree that the RTS and active travel modes are the priority however some flexibility is required in the DPD to fully understand network and road capacities and how this will inform the masterplan work and ultimate transport strategy, and mitigation packages which the Transport Assessment will address.	
7l	*"Both internal Garden Community neighbourhood and external modal splits will be measured and monitored, and robust management and oversight will be activated to see that the targets are met".* *[Part J, pp.105]*	All parties agree that the RTS and active travel modes are the priority and ambitious mode split targets are important to this and external modal split targets need to be measured and monitored. Monitoring travel patterns of internal trips is more problematic than external trip monitoring regardless of technology. Internal modal split data will be gathered, but this will rely on self-reporting as part of the Travel Plans for the on-site employment, retail, and school travel plans and self-reported travel diaries from residents so will be sample based only. Whilst technology (such as cameras) can count numbers of pedestrians and cyclists on key routes within the site, it cannot determine whether these are internal trips or external trips. This would require facial recognition which presents significant GDPR and data protection issues. The method for obtaining internal and external modal split data will be agreed with Essex and the Councils.	Agreed

7m	*Permission for latter phases of development may not be given if modal split targets for early phases are not being met* ***and the development trips associated with that phase would result in residual impacts that are considered severe with reference to NPPF".*** *[Part J, pp.105]*	It is agreed that modal split targets will be set and monitored throughout the development build out. Also that the planning application will secure an appropriate infrastructure and mitigation package for the TCBGC to achieve the modal split targets set. Also as part of the Transport Management Group to be established as part of the monitoring strategy (contain planning and highway authorities and the developer), the mitigation package will be drawn upon throughout the development build out and it will agree which measures are necessary to be implemented at which time, based on the transport impacts anticipated associated with that phase and in line with policy at that time. The Transport Assessment and planning permission will set out anticipated triggers, but these can be varied with agreement with the Transport Management Group. One of the aims of the monitoring strategy and Transport Management Group is to provide surety of housing delivery for planning authorities for long build-out developments where transport is changing. So when modal split targets are not being met, the alternatives can be discussed in line with the package secured and a strategy implemented to respond to this as part of the Transport Management Group. The Councils have the power to refuse an RMA if impacts are not acceptable, so a suggested change to the wording to ensure that reference to transport policy in decision making is covered if this sentence is to be retained. Mode share may be material, but severity is the planning policy test for transport.	Not Agreed. The Councils do not agree with the insertion – the policy as worded does say "may". The NPPF set the context for planning and decision making. We believe that there is not the need to reference NPPF – para 111 would still apply and this would be resolved through the setting up of the TRG and the Monitor and Manage approach.
7n	*"Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed above and will be redefined based on the findings of the Transport Assessment".*	All parties agree that the phased delivery of infrastructure is important. However some flexibility is required in the DPD to fully understand network and road capacities within the TA and how this will inform the masterplan work and ultimate transport strategy, mitigation packages and mode split targets.	Agreed.

	[Part K, pp.105]	The wording is to be clear that requirements will be defined by the TA in agreement with the authorities.	
7o	*"Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to enable and encourage sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants".* *[Part K, pp.105]*	The policy wording change reflects that infrastructure can (alongside promotional measures) enable and encourage sustainable travel, but not ensure it.	Agreed.
7p	*"The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and the principles of the Healthy Streets for Life Assessment. A copy of the results of the Healthy Streets for Life Assessment should be provided at the appropriate stage of planning".* *[Part K, point 1, pp.105]*	To reflect that the completion of a Healthy Streets for Life Assessment may only be possible at particular stages of the planning process. New wording to be clear principles are incorporated early but the assessment will follow.	Agreed.
7q	*"Targets which are monitored and submitted for approval from the outset at a frequency as agreed with the Councils and review by the Councils; and of the operation of a Transport Review Group (TRG) including terms of reference".* *[Part K, point 5g pp.107]*	For a development this scale, annual monitoring does not give time for the full cycle of monitoring, review, agreement of measures, implementation of measures and evaluation of impacts of the interventions. Agreed wording change to reflect the frequency will be agreed at a later date.	Agreed
	GC Policy 9: Infrastructure Delivery and Impact Mitigation		

9a	*"Proposals will need to make financial contributions to the wider local transport infrastructure, including the A120-A133 Link Road and Rapid Transit System taking in to account the conditions of the Housing Infrastructure Fund".* *[Part A pp.129]*	Provides for flexibility should the conditions of the HIF be prohibitive or alternatives possible that could significantly benefit to journey to net zero carbon.	Agreed.