320 Support

Document Element: MM18 (Main)

Respondent: Natural England (Ms Alison Collins) [191]

Summary:

Requested changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily, see attachment for further details.

Full text:

Thank you for your consultation on the above dated 10 September 2024.
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
Habitats Regulations Assessment Modifications Addendum
The Habitats Regulations Assessment Addendum (Place Services, 2004) provides a review of the Inspector's Schedule of Modifications. Following our response to the Regulation 19 consultation (our ref: 433247, dated 22 June 2023), we advised that changes were made to policy wording regarding green infrastructure provision, functionally-linked land and air quality. These changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily.
Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
Your appropriate assessment concludes that the Inspector's Schedule of Modifications for the Tendring Colchester Borders Garden Community: Development Plan Document will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects, with mitigation embedded into the DPD Policy text. Therefore, Tendring District Council and Colchester City Council can demonstrate that the DPD is legally and procedurally compliant and sound. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.
Sustainability Appraisal Report Addendum: Main Modifications
The SA Addendum report presents an assessment of the implications of the Tendring Colchester Borders Garden Community Development Plan Document (DPD) Main Modifications for the findings of the May 2023 Sustainability Appraisal (SA) that accompanied Regulation 19 Garden Community
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DPD.
We agree with the revised SA findings for Policy 2: Nature (Table 1.2) as the added requirement for development proposals to include an air quality assessment will help to limit the potential for air quality issues to arise in the Garden Community and wider area and, therefore, SA 13: Air Quality can be strengthened to a significant positive effect.
Modifications for Consultation
We have no further comment on the Modifications for Consultation.
DPD Policies Map Modifications Update
We have no further comment on the updated Policies Map.
We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk .

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3r

399 Object

Document Element: MM18 (Main)

Respondent: TCBGC Community Liaison Group [104]

Agent: Mrs Manda O'Connell [105]

Summary:

There are some missing words and an incorrect reference, it is believed, to Salary Brook Local Nature Reserve which should instead be referring to the eastern slopes of Salary Brook up to and including the ancient woodland at the top of those slopes proposed for inclusion in the new Country Park.

Full text:

There are some missing words and an incorrect reference, it is believed, to Salary Brook Local Nature Reserve which should instead be referring to the eastern slopes of Salary Brook up to and including the ancient woodland at the top of those slopes proposed for inclusion in the new Country Park.

Change suggested by respondent:

Proposals will be required to provide an appropriate amount of Suitable Alternative 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 [insert 'along the'] 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 [omit Salary Brook Local Nature Reserve and replace with 'eastern slopes of Salary Brook up to and incorporating the ancient woodland and including public rights of way proposed for inclusion in the new Country Park'] has sufficient capacity to accommodate any increased visitor usage proposed in order to count towards SANG provision. 10 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.

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Attachments:

MM18.PNG - https://tcbgardencommunity.oc2.uk/a/34

436 Support

Document Element: MM20 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM20 – support dual purpose street furniture addition.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

306 Object

Document Element: MM21 (Main)

Respondent: Wivenhoe Town Council (Mrs Joanne Beighton-Emms, Town Clerk) [96]

Summary:

This modification is inadequate as it stands.

Full text:

This modification is inadequate as it stands.

Change suggested by respondent:

The modification should include that no construction should take place until the wintering bird survey is complete. This should include the construction of any part of the link road.

Legally compliant: No

Sound: No

Comply with duty: Yes

Attachments: None

319 Support

Document Element: MM21 (Main)

Respondent: Mr Dave Wendon [190]

Summary:

MM21 Its a waste of valuable farmland to create the woodland buffer zone and is best left as arable land. The planting alongside A1133 Link Road should be sufficient to screen the road and housing development.

Full text:

Having followed the proposals for the Garden Community development and the RTS for years I have been confused and misled by the vast array of colour blocking out the existing road system that I have made inappropriate comments on consultations.

I'd seen one of the plans showing the RTS stop on off A133 Clingo Hill on Boundary Road and thought it a temporary arrangement until the P&R (or Park and Choose, as you like to call it on) is provided directly opposite Boundary Road. However it seems it was always going to be a bit further up the hill and now the proposal is for P &R to be either north or south of the A133/B1027 junction.

MM11 That being the case what plans are there for getting the RTS from either of these sites to the new A133 Clingo Hill bus lane because if the RTS is expected to join the normal traffic to the new bus lane that is being created its not going to be very rapid?

MM11 The policies map does not indicate he entrance and egress points of the park and chose sites. My view is that the P&C should be south of the A133 with car parking access and egress off the new roundabout at the end of the A1133 Link Road. I would make sense for RTS egress to be directly on to the westbound carriageway of A133 via a long slip road.

MM10 Floodlighting on the Sports fields adjacent to B1027 should be limited. The floodlights on the existing university sports field creates more light pollution than the football floodlights at the Colchester United Community Stadium.

MM21 Its a waste of valuable farmland to create the woodland buffer zone and is best left as arable land. The planting alongside A1133 Link Road should be sufficient to screen the road and housing development.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

321 Support

Document Element: MM21 (Main)

Respondent: Natural England (Ms Alison Collins) [191]

Summary:

Requested changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily, see attachment for further details.

Full text:

Thank you for your consultation on the above dated 10 September 2024.
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
Habitats Regulations Assessment Modifications Addendum
The Habitats Regulations Assessment Addendum (Place Services, 2004) provides a review of the Inspector's Schedule of Modifications. Following our response to the Regulation 19 consultation (our ref: 433247, dated 22 June 2023), we advised that changes were made to policy wording regarding green infrastructure provision, functionally-linked land and air quality. These changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily.
Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
Your appropriate assessment concludes that the Inspector's Schedule of Modifications for the Tendring Colchester Borders Garden Community: Development Plan Document will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects, with mitigation embedded into the DPD Policy text. Therefore, Tendring District Council and Colchester City Council can demonstrate that the DPD is legally and procedurally compliant and sound. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.
Sustainability Appraisal Report Addendum: Main Modifications
The SA Addendum report presents an assessment of the implications of the Tendring Colchester Borders Garden Community Development Plan Document (DPD) Main Modifications for the findings of the May 2023 Sustainability Appraisal (SA) that accompanied Regulation 19 Garden Community
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DPD.
We agree with the revised SA findings for Policy 2: Nature (Table 1.2) as the added requirement for development proposals to include an air quality assessment will help to limit the potential for air quality issues to arise in the Garden Community and wider area and, therefore, SA 13: Air Quality can be strengthened to a significant positive effect.
Modifications for Consultation
We have no further comment on the Modifications for Consultation.
DPD Policies Map Modifications Update
We have no further comment on the updated Policies Map.
We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk .

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3r

437 Object

Document Element: MM21 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM21 – we remain concerned that wintering bird surveys have not adequately assessed the site prior the DPDs submission, and query how this may constitute an evidence based approach. We welcome natural England's additional modification to reinforce the protections.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

352 Object

Document Element: MM21 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer object to a very specific part of modification MM21 because it is not clear whether the proposed MM21 text referring to 'offsite functional habitat' is requesting surveys offsite to the TCBGC development site or offsite but linked to the habitats sites at the Essex coast.

Full text:

Latimer object to a very specific part of modification MM21 because it is not clear whether the proposed MM21 text referring to 'offsite functional habitat' is requesting surveys offsite to the TCBGC development site or offsite but linked to the habitats sites at the Essex coast.

The MM21 text could be more consistent, as it requires surveys to confirm the presence of "functional habitat" but that mitigation is needed if "significant numbers" are recorded. It is understood that the latter refers to the numbers of individual birds recorded within the TCBGC development site, which are utilising habitats functionally linked to the nearby Essex Coast designated sites. It would therefore be more justified and suitable to require wintering bird surveys to record bird species presence/abundance and the data to be assessed in relation to functionally linked habitat.

It is proposed that this additional text is amended to:

"Before granting planning consent, wintering bird surveys will be undertaken within habitat likely to be impacted by the proposed development. These surveys will be undertaken at the appropriate time of year to confirm whether significant numbers of SPA birds are regularly present and assess potential functional links with the protected habitats sites at the Essex coast. identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, 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 provided and fully functional before any development takes place which would affect significant numbers of SPA birds."

Latimer are in pre-application discussions with Natural England as part of the hybrid planning application being submitted in 2025. This should mean agreement is reached with Natural England as part of the application determination process.

Change suggested by respondent:

It is proposed that this additional text is amended to:

"Before granting planning consent, wintering bird surveys will be undertaken within habitat likely to be impacted by the proposed development. These surveys will be undertaken at the appropriate time of year to confirm whether significant numbers of SPA birds are regularly present and assess potential functional links with the protected habitats sites at the Essex coast. identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, 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 provided and fully functional before any development takes place which would affect significant numbers of SPA birds."

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Attachments: None

305 Object

Document Element: MM90 (Main)

Respondent: Wivenhoe Town Council (Mrs Joanne Beighton-Emms, Town Clerk) [96]

Summary:

We object to the watering down of this policy which was one of the few strengths of the DPD.

Full text:

We object to the watering down of this policy which was one of the few strengths of the DPD.

Change suggested by respondent:

The original ambition should remain, and a proviso that future legislation will be applicable should these percentages increase.

Legally compliant: No

Sound: No

Comply with duty: Yes

Attachments: None

353 Support

Document Element: MM90 (Main)
Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]
Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM90, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024.

Full text:

Latimer support modification MM90, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024.

Latimer support the GC Policy 2 requirement for the Garden Community to deliver a minimum of 10% measurable BNG across the site. The amendment brings the DPD in line with the Environment Act and paragraph 179 of the NPPF which seeks that plans should "identify and pursue opportunities for securing measurable net gains for biodiversity". Importantly, removing the reference to the 15% ambition under MM90 would not preclude delivery of a greater than 10% BNG, if achievable, as part of the planning application, given the policy refers to a minimum.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Attachments: None

438 Object

Document Element: MM90 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM90 – we are disappointed at this last minute modification that we believe constitutes a substantial alteration to the DPD. The prerogative of the garden community to meet an exemplary standard cannot be maintained when such important metrics of sustainability are watered down with minimal consultation such that they meet only the minimum standards.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

396 Support

Document Element: MM22 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM22, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. This modification assists both the developer and the Councils when determining future planning applications, and developing the masterplan.

Full text:

Latimer support modification MM22, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024. This modification assists both the developer and the Councils when determining future planning applications, and developing the masterplan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

439 Support

Document Element: MM23 (Main)
Respondent: Elmstead Parish Council [144]
Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM23 – we welcome the strengthened language for this policy.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

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Legally compliant: Not specified
Sound: No
Comply with duty: Not specified
Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

354 Support

Document Element: MM24 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support MM24, the amendment will provide additional information on the requirements of an air quality assessment. The air quality assessment methodology proposed as part of the EIA scoping for the proposed development is in line with the requirements set out in MM24.

Latimer's intention to embed healthy principles to support health and wellbeing into the masterplan and design codes, air quality will be considered through appropriate layout design within the masterplan (such as not locating sensitive residential/school uses immediately adjacent to the A133 or A120) so that sensitive users are not exposed to unacceptable air quality.

Full text:

Latimer support MM24, the amendment will provide additional information on the requirements of an air quality assessment. The air quality assessment methodology proposed as part of the EIA scoping for the proposed development is in line with the requirements set out in MM24.

Latimer's intention to embed healthy principles to support health and wellbeing into the masterplan and design codes, air quality will be considered through appropriate layout design within the masterplan (such as not locating sensitive residential/school uses immediately adjacent to the A133 or A120) so that sensitive users are not exposed to unacceptable air quality.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None

322 Support

Document Element: MM24 (Main)

Respondent: Natural England (Ms Alison Collins) [191]

Summary:

Requested changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily, see attachment for further details.

Full text:

Thank you for your consultation on the above dated 10 September 2024.
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
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Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
Your appropriate assessment concludes that the Inspector's Schedule of Modifications for the Tendring Colchester Borders Garden Community: Development Plan Document will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects, with mitigation embedded into the DPD Policy text. Therefore, Tendring District Council and Colchester City Council can demonstrate that the DPD is legally and procedurally compliant and sound. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.
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DPD.
We agree with the revised SA findings for Policy 2: Nature (Table 1.2) as the added requirement for development proposals to include an air quality assessment will help to limit the potential for air quality issues to arise in the Garden Community and wider area and, therefore, SA 13: Air Quality can be strengthened to a significant positive effect.
Modifications for Consultation
We have no further comment on the Modifications for Consultation.
DPD Policies Map Modifications Update
We have no further comment on the updated Policies Map.
We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk .

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3r

440 Support

Document Element: MM24 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM24 – support natural England's clarification.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

441 Support

Document Element: MM25 (Main)

Respondent: Elmstead Parish Council [144]

Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM25 – support strengthen and clarified wording.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

442 Support

Document Element: MM26 (Main)
Respondent: Elmstead Parish Council [144]
Agent: Elmstead Parish Council (Mrs Angela Baxter, Parish Clerk) [145]

Summary:

MM26 support natural England's addition to improve air quality.

Full text:

While we support a number of modifications suggested by statutory bodies such as natural England and sport England, we have listed numerous concerns where policy wording is being unnecessarily weakened to the extent it is no longer effective.

As noted there a small number of modifications we believe contradict one another with regards to effective transport planning, and require significant changes, or the omission of illustrative mapping with no planning purpose that obfuscate the policies they're intended to support.

We remain concerned that an evidence based approach has not been taken with regards to effective transport and movement, especially given the reasoning for main matter 63 which itself concludes the existing traffic modelling is fundamentally flawed. This, and other modifications require substantial changes that need additional evidence, and further consultation to constitute a proper plan making process.

We can only reiterate representations made at the examination in public that we believe too much detail has been pushed to later stages of the planning process, which is supported by the numerous reasonings suggesting policy must be loosened to allow for a wider flexibility.

Change suggested by respondent:

Strengthened policy wording to ensure policies are effective and not merely suggestive.

Updated traffic modelling and re-examination of transport and movement policies to form an effective, evidence based approach.

Completion of the full link road, to be operational before domestic development commences. (as promised in previous rounds of consultation, and removed without adequate opportunity for additional input)

Integrated phasing plan overview enshrined in policy. Updated viability study to confirm potential proposal is above viability threshold as currently queried in evidence base: financial viability study confirms a 15% profit on cost was approved during section 1, appropriate range reduced to 10-14% but the same document establishes liability at 9.65% - below acceptable thresholds and which we believe will only have fallen further due to changing economic circumstance. By the DPDs own evidence base's assertion – it does not meet the threshold to be viable.

Legally compliant: Not specified
Sound: No
Comply with duty: Not specified
Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3w

323 Support

Document Element: MM26 (Main)

Respondent: Natural England (Ms Alison Collins) [191]

Summary:

Requested changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily, see attachment for further details.

Full text:

Thank you for your consultation on the above dated 10 September 2024.
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
Habitats Regulations Assessment Modifications Addendum
The Habitats Regulations Assessment Addendum (Place Services, 2004) provides a review of the Inspector's Schedule of Modifications. Following our response to the Regulation 19 consultation (our ref: 433247, dated 22 June 2023), we advised that changes were made to policy wording regarding green infrastructure provision, functionally-linked land and air quality. These changes have been incorporated into policy wording and we consider that our representations have been taken account of satisfactorily.
Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
Your appropriate assessment concludes that the Inspector's Schedule of Modifications for the Tendring Colchester Borders Garden Community: Development Plan Document will not have any Adverse Effect On Integrity (AEOI) on any Habitats sites, either alone or in combination with other plans and projects, with mitigation embedded into the DPD Policy text. Therefore, Tendring District Council and Colchester City Council can demonstrate that the DPD is legally and procedurally compliant and sound. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.
Sustainability Appraisal Report Addendum: Main Modifications
The SA Addendum report presents an assessment of the implications of the Tendring Colchester Borders Garden Community Development Plan Document (DPD) Main Modifications for the findings of the May 2023 Sustainability Appraisal (SA) that accompanied Regulation 19 Garden Community
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DPD.
We agree with the revised SA findings for Policy 2: Nature (Table 1.2) as the added requirement for development proposals to include an air quality assessment will help to limit the potential for air quality issues to arise in the Garden Community and wider area and, therefore, SA 13: Air Quality can be strengthened to a significant positive effect.
Modifications for Consultation
We have no further comment on the Modifications for Consultation.
DPD Policies Map Modifications Update
We have no further comment on the updated Policies Map.
We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk .

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments:

scanned representation - https://tcbgardencommunity.oc2.uk/a/3r

355 Support

Document Element: MM27 (Main)

Respondent: Latimer (Tendring Colchester Borders Garden Community) Developments Limited [127]

Agent: Lichfields (Miss Charlotte Walker, Planner) [124]

Summary:

Latimer support modification MM27, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024.The amendment will avoid any ambiguity in the DPD and allow the detailed and tailored HRA process to inform appropriate and proportionate mitigation requirements.

Full text:

Latimer support modification MM27, this being an amendment agreed between Latimer and the Councils in the joint Statement of Common Ground, dated 18 April 2024.The amendment will avoid any ambiguity in the DPD and allow the detailed and tailored HRA process to inform appropriate and proportionate mitigation requirements.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Attachments: None