Tendring Colchester Borders Garden Community Development Plan Document (DPD)

MAIN MATTERS, ISSUES AND QUESTIONS WITH DRAFT HEARINGS PROGRAMME

Inspector

Graham Wyatt BA (Hons) MRTPI

Hearings commence at 1300 on 7 May 2024

Venue: Colchester Football Ground, JobServe Community Stadium, United Way, Colchester, Essex CO4 5UP

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Web: https://talk.tcbgardencommunity.co.uk/examination-library

The Examination Library is managed by the Programme Officer and contains all submission documents, representations and information relating to the examination. It will be updated as further documents are submitted. Documents can be downloaded from the examination website. In the run up to the examination paper copies can be provided, if necessary, by contacting the Examination Office on 07842 643988

Important Notes

- Participants should only respond to the questions which directly relate to their previously submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.

- Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per Matter.

- The plan is being examined as submitted by the Council. The principle of the garden community has been established through the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1, the Tendring District Local Plan 2013-2033 and Beyond: Section 2, the Colchester City Council Local Plan 2013-2033: North Essex Authorities Share Strategic Section 1 and the Colchester City Local Plan 2017-2033 Section 2. Therefore, it is not necessary to consider the merits of the proposed garden community in principle.

- The questions concerning soundness are primarily focussed on the plan's policies. Insofar as they relate to the plan's soundness other elements of the plan, including the supporting text, will be considered as part of the discussion of the relevant policies.

TIMETABLE

The Main Matters are set out in detail below.

Day 1 – 1300 - Tuesday 7 May 2024

Participants [Day 1]

Tendring District Council and Colchester City Council and TBC
Wivenhoe Society (M1)
Wivenhoe Town Council (M1, 8 & 3)
Sir Bob Russell (3)
Elmstead Parish Council (M1, M8 & M3)
Mr W Sunnucks (M1 & M3)
Latimer (M1, M8 & M3)

- Inspector's Opening Statement
- Council's Opening Statement
- Main Matter 1 – Legal Requirements and Overarching Issues
- Main Matter 8 – Sustainable Infrastructure (GC Policy 8: Sustainable Infrastructure)
- Main Matter 3 – Nature (GC Policy 2: Nature)

Day 2 – 1000 - Wednesday 8 May 2024

Participants [Day 2]

Tendring District Council and Colchester City Council and TBC

Mr A Vickers (M2)
Sir Bob Russell (M2)
Wivenhoe society (2) (5)
Wivenhoe Town Council (M2, M4, M5)
Elmstead Parish Council (M2, M4 & M5)
University of Essex (M2, M4 & M5)
Latimer (M2, M4 & M5)

- Main Matter 2 – Land Uses and Spatial Approach (GC Policy 1: Land Uses and Spatial Approach)
- Main Matter 4 – Buildings, Place and Character (GC Policy 3: Place Making Principles and GC Policy 4: Meeting Housing Needs)
- Main Matter 5 – Economic Activity and Employment (GC Policy 5: Economic Activity and Employment)

Day 3 – 1000 - Thursday 9 May 2024

Participants [Day 3]

Tendring District Council and Colchester City Council and TBC
Mr J Biltcliffe (M7)
Mr Yexley (M7)
Wivenhoe society (7)
Ms M O'Connell (CLG) (M7 & M9)
Mr P Robinson (M9)
Wivenhoe Town Council (M6, M7, M9)
National Highways (M7 & M9)
Elmstead Parish Council (M6, M7 & M9)
Mr W Sunnocks (M7 & M9)
Latimer (M6, M7 & M9)

- Main Matter 6 – Community and Social Infrastructure (GC Policy 6: Community and Social Infrastructure)
- Main Matter 7 – Movement and Connections (GC Policy 7: Movement and Connections)
- Main Matter 9 – Infrastructure Delivery, Impact Mitigation and Monitoring (GC Policy 9: Infrastructure Delivery, Impact Mitigation and Monitoring)

Day 4 – Friday 10 May Reserve

Participants Day 4

Tendring District Council and Colchester City Council and TBC

Reserve Morning if Required (MM1 to MM9)

Please note

Timings - whilst the start time for each day is fixed, the morning, afternoon, and lunch breaks and close of sessions are dependent on the discussions during the hearing and therefore maybe subject to change.

The Inspector has set out his Main Matters and Issues below. These are based on the main headings and chapters of the DPD. This will allow everyone who wishes to make representations at the Hearing to participate at the appropriate time.

The hearings programme is draft and maybe subject to minor changes please ensure that you keep updated at the examination website.

MAIN MATTERS, ISSUES AND QUESTIONS (MIQs)

Abbreviations

DPD – Tendring Colchester Borders Garden Community Development Plan Document
NPPF – National Planning Policy Framework

Main Matter 1 – Legal Requirements and Overarching Issues

Does the DPD meet all its legal requirements, specifically:

- Does the content and timescale for preparation of the DPD accord with the latest version of the Local Development Scheme?

- Has the DPD consultation complied with the Statement of Community Involvement and public consultation requirements in the Town and Country Planning (Local Plan) (England) Regulations 2012?

- Has the DPD been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?

- Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the DPD?

- Has the preparation of the DPD complied with the Town and Country Planning (Local Plan) (England) Regulations 2012?

- Does the 'policies map' correctly illustrate geographically the application of policies of the DPD?

Consistent with National Policy

Does the DPD accord with national policy for plan making in the NPPF, specifically:

- Does the DPD contribute to the achievement of the three dimensions of sustainable development – economic, social, and environmental?

- Has it been positively prepared 'in a way that is aspirational but deliverable? (paragraph 16 of the NPPF)

- Is the DPD consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?

- Are there any policies within the DPD which are Strategic Policies, and should they be identified as such?

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

LAND USES AND SPATIAL APPROACH

Main Matter 8 – Sustainable Infrastructure (GC Policy 8: Sustainable Infrastructure)

- Are the requirements of the Policy justified by appropriate available evidence, having regard to national guidance, and local context?
- Does the Policy provide clear direction as to how a decision maker should react to a development proposal?

Main Matter 3 – Nature (GC Policy 2: Nature)

- Is the Policy justified by appropriate available evidence, having regard to national guidance and local context?
- Does the Policy provide a clear direction as to how a decision maker should react to a development proposal?

Main Matter 2 – Land Uses and Spatial Approach (GC Policy 1: Land Uses and Spatial Approach)

Is the DPD justified by appropriate available evidence, having regard to national guidance, and local context?

Is the DPDs spatial strategy and the distribution of development as set out in GC Policy 1: Land Uses and Spatial Approach supported by robust and up to date evidence and otherwise soundly based?

- Does the DPD deliver the quantum of housing consistent with the Section 1 and Section 2 plans regarding the quantum of homes i.e. setting a requirement of 7,500 new homes. Does GC Policy 1 make adequate provision to meet Tendring and Colchester's housing needs and does the plan clearly set out a delivery trajectory that is achievable?
- Does the DPD adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraph 62 of NPPF[1])?
- Does the DPD make adequate provision to contributing towards meeting Tendring and Colchester's economic growth requirements for the plan period and its timescale for delivery?

[1] See Paragraph 230 of the NPPF, December 2023 for transitional arrangements

Main Matter 4 – Buildings, Place and Character (GC Policy 3: Place Making Principles and GC Policy 4: Meeting Housing Needs)

- Are the requirements of the policies justified by appropriate available evidence, having regard to national guidance, and local context?
- Are the policies relating to Affordable Housing, Development Density, and Housing justified by appropriate available evidence, having regard to national guidance, and local context?
- Policy GC Policy 1 and GC Policy 3 - Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, is a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. In light of this Judgement does the Council consider if it is necessary to review their assessment of Traveller site needs?
- Is the Gypsies and Travellers Accommodation Assessment up to date and robust in its identification of needs for plots and pitches?
- Does the Council's approach in relation to traveller sites generally conform with the expectations of Planning Policy for Traveller Sites (August 2015)?
- Does GC Policy 1 and GC Policy 3 provide an adequate criterion-based policy for the assessment of Gypsy and Traveller site proposals.
- Does GC Policy 3 provide clear direction as to how a decision maker should react to works to designated heritage assets?
- Does GC Policy 3 and GC Policy 4 provide clear direction as to how a decision maker should react to a development proposal?

Main Matter 5 – Economic Activity and Employment (GC Policy 5: Economic Activity and Employment)

- Are the requirements of the Policy justified by appropriate available evidence, having regard to national guidance, and local context?
- Does the Policy provide clear direction as to how a decision maker should react to a development proposal?

Main Matter 6 – Community and Social Infrastructure (GC Policy 6: Community and Social Infrastructure)

- Are the requirements of the Policy justified by appropriate available evidence, having regard to national guidance, and local context?
- Does the Policy provide clear direction as to how a decision maker should react to a development proposal?

Main Matter 7 – Movement and Connections (GC Policy 7: Movement and Connections)

- Are the requirements of the Policy justified by appropriate available evidence, having regard to national guidance, and local context?

- Does the Policy provide clear direction as to how a decision maker should react to a development proposal?

Main Matter 9 – Infrastructure Delivery, Impact Mitigation and Monitoring (GC Policy 9: Infrastructure Delivery, Impact Mitigation and Monitoring)

- Are the requirements of the Policy justified by appropriate available evidence, having regard to national guidance, and local context?
- Does the Policy provide clear direction as to how a decision maker should react to a development proposal?
- Will the Council's monitoring and review processes for the DPD be effective in assessing the success or failure of delivery and what alternatives might reasonably be provided if necessary?

End.