



# **TENDRING/COLCHESTER BORDER GARDEN COMMUNITY JOINT COMMITTEE**

<b>DATE:</b>	<b>Tuesday, 13 December 2022</b>
<b>TIME:</b>	<b>6.00 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

## **MEMBERSHIP:**

<b>Councillor N Turner (TDC)(Chairman)</b>	<b>Councillor C Guglielmi (TDC)</b>
<b>Councillor D King (CCC)(Vice-Chairman)</b>	<b>Councillor A Luxford-Vaughan (CCC)</b>
<b>Councillor M Bush (TDC)</b>	<b>Councillor L Wagland (ECC)</b>
<b>Councillor T Cunningham (ECC)</b>	<b>Councillor J Young (CCC)</b>

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DATE OF PUBLICATION: Thursday 1<sup>st</sup> December 2022

## AGENDA

### 1 **Apologies for Absence and Substitutions**

The Joint Committee is asked to note any apologies for absence and substitutions received from Members.

### 2 **Minutes of the Previous Meeting of the Joint Committee (Pages 1 - 16)**

To confirm and sign as a correct record, the Minutes of the previous meeting of the Joint Committee, held on Monday 18 July 2022.

### 3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest and the nature of it, in relation to any item on the Agenda.

### 4 **Public Speaking (Pages 17 - 18)**

The Public Speaking Scheme for the Joint Committee gives the opportunity for members of the public and other interested parties/stakeholders to speak to the Joint Committee on any specific agenda item to be considered at this meeting.

The Chairman will invite public speakers to speak following the Officer's introduction to the report on the item. The Chairman will ask public speakers to come to the table in turn at the beginning of the discussion of the report of the relevant item.

Members of the public, who want to speak about an item which will be considered at this meeting of the Joint Committee can do so if they have notified the Officer listed below by **Noon on Monday 12 December 2022.**

Contact: Ian Ford Email: [iford@tendringdc.gov.uk](mailto:iford@tendringdc.gov.uk) or Telephone: (01255) 686 584.

### 5 **Report A.1 - Regulation 19 Consultation and Supporting Promotional Activity and Programme Update (Pages 19 - 26)**

To provide the Joint Committee with:

- an update to the programme timetable for progressing the DPD through the plan-making process which will need to be reflected in updates to both Tendring District Council (TDC) and Colchester City Council's (CCC) Local Development Schemes (LDS); and
- an overview of the planned activity to support the next round of consultation on the Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD) - Regulation 19 'Submission Version Plan' in 2023.

### 6 **Report A.2 - Development Plan Document: Progress Report on Updating the Evidence Base (Pages 27 - 36)**

To update the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee on the latest updates to the evidence base to inform the Development Plan Document (DPD) i.e. 'the Plan' for the Garden Community. This includes updates on specific studies that were commissioned in response to issues raised through consultation responses to the Regulation 18 version of the Plan received earlier this year.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Tendring/Colchester Border Garden Community Joint Committee is to be held in the Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Monday, 27 February 2023.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

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# Public Document Pack Agenda Item 2

Tendring/Colchester Border Garden  
Community Joint Committee

18 July 2022

**MINUTES OF THE MEETING OF THE TENDRING/COLCHESTER BORDER  
GARDEN COMMUNITY JOINT COMMITTEE,  
HELD ON MONDAY, 18TH JULY, 2022 AT 6.00 PM  
IN THE LAYER SUITE, COMMUNITY STADIUM, UNITED WAY, COLCHESTER CO4  
5UP**

<b>Present:</b>	Councillors Nick Turner (Chairman)(TDC), Tom Cunningham (ECC), Carlo Guglielmi (TDC), David King (CBC), Andrea Luxford-Vaughan (CBC), Lesley Wagland (ECC) and Julie Young (CBC)
<b>Also Present:</b>	Councillors Mark Cory (ECC), Simon Crow (ECC), Gary Scott (TDC) and Ann Wiggins (TDC)
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer - TDC), Gary Guiver (Acting Director (Planning) - TDC), Andrew Weavers (Strategic Governance Manager & Monitoring Officer - CBC), Karen Syrett (Lead Officer (Planning, Housing & Economic Growth) - CBC), Ashley Heller (Head of Transport for Future Communities - ECC), Matthew Jericho (Spatial Planning Manager - ECC), Ian Turner (Principal Transportation & Infrastructure Planner - ECC), Christopher Downes (Garden Communities Manager - ECC), Ian Ford (Committee Services Manager - TDC), Lindsay Barker (Strategic Director (Policy & Place) - CBC), Keith Durran (Committee Services Officer - TDC), Sharon Carter (Communications Manager - TCBGC), Catherine Gardner (Programme Support Officer - TCBGC), Rob Smith (Director - Hyas) and Martin Whittles (Associate - Ringway Jacobs)

**1. ELECTION OF THE DEPUTY CHAIRMAN OF THE JOINT COMMITTEE**

It was moved by Councillor Carlo Guglielmi, seconded by Councillor Julie Young and:-

**RESOLVED** that Councillor David King be elected Deputy Chairman of the Joint Committee for the remainder of the 2022/2023 Municipal Year.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Joint Committee Member Councillor Mike Bush (TDC), TDC's Designated Substitute Member (Councillor Jeff Bray) and CBC's Designated Substitute Member (Councillor William Sunnucks).

Councillor Julie Young submitted apologies on behalf of Councillors Molly Bloomfield and Tim Young, her fellow Ward Members for Greenstead (Borough of Colchester).

**3. MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE**

It was moved by Councillor Tom Cunningham, seconded by Councillor Carlo Guglielmi and:-

**RESOLVED** that the Minutes of the inaugural meeting of the Joint Committee held on Monday 28 February 2022 be approved as a correct record and be signed by the Chairman.

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4. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest made by Members of the Joint Committee on this occasion.

5. **REPORT A.1 - DEVELOPMENT PLAN DOCUMENT: REPRESENTATIONS RECEIVED IN RESPONSE TO THE REGULATION 18 CONSULTATION AND NEXT STEPS**

The Joint Committee had before it a comprehensive report (A.1) which reported some of the notable issues raised in the representations received from the public and other interested parties to the consultation on the first draft Development Plan Document (DPD) ('the Plan') for the Garden Community under Regulation 18 of the statutory plan making process.

The report also highlighted, for Members' information, particular issues raised in the representations that might require changes to the Plan to be considered, or the undertaking or commissioning further work or analysis to inform possible changes for the Committee's consideration.

The report was introduced by Mr Gary Guiver, Acting Director (Planning), Tendring District Council.

It was reported that public consultation on the first draft of a Plan for the Garden Community had commenced on 14 March 2022 and had closed on 25 April 2022 during which Officers had held a number of face-to-face engagement events, which had been attended by around 180 visitors.

The Councils had received responses from 193 individuals or organisations, raising approximately 620 comments on different elements of the Draft Plan. All of those representations had been published on the Garden Community engagement website in June 2022 for public view thereby allowing interested parties to see what others had said in full.

Members were aware that, as part of the statutory plan-making process, the Councils were required to take the representations received at the Regulation 18 stage into account when preparing the final version of the Plan for the Regulation 19 stage, when the Plan would be published for a further round of consultation and thence submitted to the Secretary of State in order to begin the independent examination process.

The Joint Committee was informed that the issue of the 'green' buffers between the proposed new development as part of the Garden Community and the neighbouring settlements had been raised as a concern. Almost half of all the responses received, mostly from local residents from the Wivenhoe area, had written in objection to the prospect of development taking place on land south of the A133 as indicated for the expansion of the University of Essex in 'Approach B' in the Draft Plan. However, the representations from both the lead developer, Latimer, and the University had argued that neither Approach A nor Approach B was appropriate and that more land was going to be needed for development, potentially south of the A133. The Community Liaison Group had put forward an alternative approach, and other community related organisations, such as Town and Parish Councils, had also expressed strong views.

Officers would review and consider the planning issues involved and were not in a position at this stage to recommend any specific changes to the Plan, but would undertake and commission further work in order to ensure that any future decision on this matter was informed by supporting evidence.

Members were also made aware that a notable number of respondents had also objected to Approach B in respect of a potential Knowledge Gateway expansion north of the A133 extending onto the sensitive slopes around Salary Brook. There was, however, a general acceptance from most parties, including the University, the developers and Officers, that the slopes of Salary Brook should be protected from development in any Plan going forward.

It was further reported that a number of residents had called for more protection for Crockleford Heath and the land around Bromley Road. Some had suggested that a 'buffer' zone was required between existing properties and any new development, whilst others had indicated that the boundary of the designated 'Area of Special Character' did not properly reflect the extent of the community that required protection, or that the policy was unclear as to how the area would be protected. Some property and land owners in the Crockleford Heath area had however indicated that they would rather be part of the development than be surrounded by it. Essex Place Services had been commissioned to undertake a character appraisal of Crockleford Heath which would help inform any formal decisions going forward.

The Joint Committee was advised that the proposed Rapid Transit System (RTS) had attracted a fair amount of interest with people keen to understand more detail around how it would operate, what route(s) it would take and how the 'modal shift' would be achieved. The separate report A.3 considered later on in the meeting provided an update to the Joint Committee on progress with the RTS and further work would be needed to fully understand the integration of this important piece of infrastructure into the final proposals.

Members heard that some respondents had argued that the Draft Plan should have been accompanied by an updated Infrastructure Delivery Plan (IDP), viability assessment and other evidence for the consultation to have been meaningful. This evidence-base would continue to be developed to inform decisions going forward as set out in the separate report A.2 considered later on in the meeting.

The Joint Committee was told that other respondents had raised concern about the level of detail contained within the Draft Plan, either that it was too aspirational and lacked key detail; or that it was too detailed and complex for the public to understand. Some had also criticised the general approach to the consultation and, in particular, the quality and limited number of maps and diagrams that had been included. Officers were now considering alternative ways to present and enable effective consultation on the material at the next stage in the process.

There remained a number of respondents who challenged the need for the Garden Community altogether and who argued that the development should not go ahead at all though the majority of comments had been constructive, with people keen to ensure the development was successful and genuinely met Garden Community principles.

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It was reported that people were particularly keen that the development was infrastructure led and did not result in existing infrastructure, services and facilities being overwhelmed; that it achieved a high level of energy efficiency; that it delivered high quality architectural and urban design; and that it protected existing historic and natural assets and incorporated high quality open spaces.

Officers were working on responses to each of the representations, to be published as part of the evidence base when the Joint Committee was presented with a new version of the Plan for its approval prior to a final round of consultation and submission to the Secretary of State to begin the process of independent examination.

At this stage, the Joint Committee was requested to note the matters raised through the consultation exercise and to acknowledge that, given the nature of the comments, difficult decisions were likely to be required when it came time to agreeing a final version of the Plan for consultation and submission to the Secretary of State.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following persons addressed the Joint Committee on the subject matter of this item:-

Russ Edwards (Latimer by Clarion Housing Group);  
Bill Marshall;  
Sir Bob Russell;  
Professor Anthony Vickers (Crockleford & Elmstead Action Group);  
Chris Oldham (University of Essex);  
Manda O'Connell (Chair of the Community Liaison Group);  
Parish Councillor Adam Gladwin (Elmstead Parish Council);  
Councillor Gary Scott (Tendring District Council); and  
Councillor Mark Cory (Essex County Council).

Gary Guiver, the Acting Director (Planning) (Tendring District Council) responded to the points made by the speakers.

The Joint Committee also took into account a written representation, as circulated to Members prior to the meeting, and which had been submitted by Councillor William Sunnucks, Colchester Borough Council's Designated Substitute Member for the Joint Committee. For the benefit of the public present at the meeting and those watching the live stream the Chairman (Councillor Turner) read out Councillor Sunnucks' statement.

Councillor Andrea Luxford-Vaughan requested that her comments on this report be recorded within the Minutes of this meeting. Those comments were summarised as follows:-

- (i) *Delighted to hear that a decision has been made not to build in Salary Brook but for the same reasons wondered why similar decisions can not be made now for Crockleford Heath and for buffer zones for Elmstead and Wivenhoe. Those could be justified on garden community principles e.g. the avoidance of coalescence;*
- (ii) *The Community Liaison Group's 'approach C' would not be, despite any claims to the contrary, an acceptable approach for the residents of Wivenhoe. Their 'red line' remains no development south of the A133;*
- (iii) *Puzzled at the sudden, huge increase in the amount of land being requested by the University of Essex and would like to see the evidence within the University's*



- business model as to how the University would finance the necessary land purchases;*
- (iv) Felt that Latimer Homes' suggestion that University expansion should be south of the A133 would not necessarily work for the University as there would be no real connection to the campus or the Knowledge Gateway;*
  - (v) Felt that there was no justification for increasing employment land;*
  - (vi) Felt that Latimer Homes' concerns about potential high housing density would be ameliorated by the fact that extra student accommodation would be high rise though the location of this would be an issue to be resolved; and*
  - (vii) Drew attention to Highways' bodies concerns that there would be tailbacks created on the A120 due to the proposed new junction, impinging on the safety of road users and also leading to a deterioration in air quality. She felt that the strategic evidence to support the new road junction should be revisited.*

Following a discussion and debate on matters pertaining to the DPD and questions by Members that were answered, as appropriate by the Acting Director (Planning) (Gary Guiver) and the County Council's Spatial Planning Manager (Matthew Jericho):-

It was moved by Councillor Carlo Guglielmi, seconded by Councillor Tom Cunningham and:-

**RESOLVED** that the Tendring Colchester Borders Garden Community Joint Committee notes -

- (a) the contents of this report (A.1);
- (b) the issues raised in response to the Regulation 18 consultation on the Draft Plan; and
- (c) the various matters that Officers will be seeking to address in working towards a revised version of the Plan for consideration by the Joint Committee at future meetings.

The Chairman adjourned the meeting at this point for ten minutes in order to allow those persons present to have a comfort break and take refreshment. Following that adjournment the meeting resumed as follows:-

**6. REPORT A.2 - THE DRAFT PLAN FOR THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY EVIDENCE BASE UPDATE**

Members had before them a report (A.2) which provided the Joint Committee with an update on the Evidence Base required for the Tendring Colchester Borders Development Plan Document (DPD) including evidence already gathered and further work that was underway.

The report was introduced by Colchester Borough Council's Lead Officer for Planning, Housing & Economic Growth (Karen Syrett), who informed the Joint Committee that this report related to report A.1 considered earlier on in the meeting report which had highlighted a number of issues where decision-making would need to be informed by more robust information and evidence. The following additional studies were being compiled and would be made available to Members and Officers during the evolution

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and finalisation of the Plan. This additional work would consider all relevant issues and provide appropriate justification for the final approach.

#### Approach to Land Use & Type of Place

Various issues and concerns had been raised about the proposed boundary of the Garden Community, the scale and locations of certain land uses, and the nature of place that was being proposed. The following work was being taken forward which would provide additional evidence to enable robust decisions to be taken:

- Strategic Framework/Masterplan & Strategic Design Guide/Code

The approach to the Garden Community would continue to evolve and become more detailed through an on-going master planning process. To date, work on master planning had considered the baseline position (including constraints and opportunities analysis), the overall spatial vision and some initial land use and masterplan options. Going forward additional strategic master planning work would be undertaken by the Councils to illustrate, justify and set the basis for land use proposals to be set out in the Final Plan to be submitted.

It was acknowledged that at this stage of planning for the Garden Community, it was not possible (primarily due to the extent, cost and time required to undertake all of the detailed technical site survey and design work that would be required - which was the responsibility of site developers to inform their planning applications), for further master planning and related policies in the DPD to contain precise details of design, layout and appearance of the new buildings and spaces that would be delivered. Instead, the additional strategic master planning work illustrated how development could be brought forward and provided further direction to developers to enable them to prepare appropriate and more detailed proposals.

The Draft Plan (Policy 1) had included specific wording to require a comprehensive approach to development that met the Councils' high expectations for design and quality and the key principles that underpinned the development of Garden Communities. It set out the requirement for proposals seeking planning permission to adhere to a 'Strategic Masterplan' and 'Strategic Design Code' for the whole site and more specific and detailed 'Neighbourhood Masterplans' and 'Neighbourhood Design Codes' for the relevant neighbourhoods. The draft Plan set out that those Masterplans and Design Codes would need to ultimately be approved by the Councils before planning applications could be approved.

The Councils had commissioned additional work to start to develop additional master planning and design coding/guidance. This was being produced to illustrate more widely how it was envisaged that the Garden Community would be developed and to ensure that there was a robust and sound evidence in support of the DPD. It would need to remain separate to the DPD and be illustrative in nature until such time as conclusions could be drawn from the examination of the DPD as this might result in modifications to policies, land uses or areas. The work could then be reviewed, updated and taken forward for additional consideration, potentially to be adopted as some form of supplementary planning policy to guide the determination of future planning applications.

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- Crockleford Heath Area of Special Character Appraisal

The Draft Plan had identified an 'Area of Special Character' at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character. The Councils had commissioned additional work to consider this area in more detail and provide the appropriate level of guidance and base line analysis to develop a character appraisal, including landscape, historic and built environment appraisals and a design strategy for Crockleford Heath.

- Land south of A133 assessment

Some focussed work would be undertaken to consider the sensitivity and visual impact of development options south of the A133 both within, and directly adjacent to, the Area of Search, including consideration of the capacity of growth within the existing University of Essex campus.

- Economic Study Update

Further work would be undertaken related to the Economic and Employment Study to update and evolve the advice the Authorities on the potential means of maximising the positive economic and employment generation opportunities at TCBGC and provide an analysis and options for location, format and potential end-users of the employment allocations proposed for the site. Additional related and specialist work would be undertaken to consider the growth potential of the University of Essex, both in terms of student numbers, research potential and wider economic relationships.

#### Approach to Nature & Open Space

Additional work was required to consider elements related to nature and the type/scale of open space. The following work was being taken forward which would provide additional evidence to enable robust decisions to be taken:

- Environmental Audit & Biodiversity Net Gain Assessment

An assessment was being undertaken to consider the potential to secure Biodiversity Net Gain, through a comparison of the habitats within the site prior to development activities (the 'baseline') with those proposed through the proposed spatial approach and land use proposals. The calculation would be undertaken using the 'Defra Metric' Biodiversity Net Gain calculator.

- Tendring and Colchester Councils, Indoor Sport, Playing Pitch and Open Space Strategies

These had been commissioned and would set out an over-arching strategy for the two Council areas individually and collectively, with a particular focus on the sport and open space needs and issues related to the Garden Community. The work would include a review of all facilities in the Councils' areas, including council-owned facilities and privately-owned facilities, where appropriate. In particular, the audit, assessment and recommendations would have regard to the facilities currently available at University of Essex Campus which adjoined the area of

search for the Garden Community, and the potential to create or cooperate on new facilities that could serve both the needs of the university itself and the future residents and other users from the Garden Community itself.

In addition, work on the strategic masterplan and design guidance would consider the overall approach to land uses including suitable protection and enhancement of natural features & assets across the site.

#### Approach to community related matters

Other issues and concerns had been raised about key social and community infrastructure, and the ability to deliver on Garden City principles. The following work was being taken forward which would provide additional evidence to enable robust decisions to be taken on the following topics:

- Health Impact Assessment / Topic Paper

Further work was underway to ensure the TCB Garden Community was designed and delivered in ways that would enhance the quality of people's lives both from the outset and in the long term by positively addressing and innovatively responding to the fundamental elements that influenced the social determinants of health and well-being.

- Stewardship Topic Paper (Update)

Officers would prepare an update to this topic paper, which had been prepared in relation to the examination of Section 1 of the Joint Local Plan. This would provide additional up-to-date information relating to the options for stewardship for the Garden Community, including an overview of the importance of long-term stewardship to the project; a summary of options for long-term stewardship that could be considered; their implications and potential approaches to decision making on any final preferred model/approach.

#### Approach to infrastructure, phasing and viability

A number of issues and concerns had been raised about the overall approach to infrastructure, its phasing and the viability/deliverability of the proposals. Whilst the Draft Plan included a number of specific infrastructure requirements within the separate policies, this work would now need to be updated and drawn together to enable all policy expectations and requirements to be clearly set out and justified. The following work was being taken forward which would provide additional evidence to enable robust decisions to be taken on the following topics:

- Transport Planning

Further work would be required to provide an update on strategic infrastructure works coming forward via the Housing Infrastructure Fund (A120-A133 Link Rd and Rapid Transit System). Additional work was also required to frame the approach to mode share, confirming transport related infrastructure requirements alongside supporting transport measures (on and off site), and identifying wider opportunities and dependencies.

- Integrated Water Management Strategy Stage 2

A Stage 1 Integrated Water Management Strategy (IWMS) had been carried out to support the Section 1 Local Plan. A Stage 2 IWMS had been commissioned which would specifically identify integrated water management options and strategies for the Garden Community. It would feed into the developing master planning and identify a range of options for how water and flood risk could be managed in an integrated and sustainable way.

- Infrastructure Delivery Plan (& Phasing)

Officers were in the process of drawing together all information on infrastructure requirements and would prepare an Infrastructure Delivery Plan which would show what infrastructure was required and how it would be provided (e.g. co-location, etc); who was to provide the infrastructure; how would the infrastructure be funded and when it would need to be provided to align with the phasing of the Garden Community. The IDP would draw from responses from infrastructure providers in response to the Regulation 18 consultation and would be produced in collaboration with a wide range of stakeholders and strategic infrastructure providers including Essex County Council.

- Viability Study

The site had been subject to detailed consideration of viability via Section 1, and Officers continued to be supported by experts during the preparation of the DPD. The Councils were in the process of commissioning additional expert property consultants to provide an update to the viability work in accordance with the latest information, assumptions national policy and guidance. It was intended that such expertise would be available to support more broadly viability discussions with site developers in due course.

Other evidence studies and background work would also come forward and be updated as the DPD progressed, such as ongoing work on analysing engagement feedback and the evolution of work on the Sustainability Appraisal, Heritage Impact Assessment and others.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, Bill Marshall and Professor Anthony Vickers (Crockleford & Elmstead Action Group) addressed the Joint Committee on the subject matter of this item.

The Lead Officer for Planning, Housing & Economic Growth (Karen Syrett) then responded to points made by the speakers.

Councillor Andrea Luxford-Vaughan requested that her comments on this report be included within the Minutes of the meeting. Those comments were summarised as follows:-

- (i) *Welcomed the report which had picked up most of the points in the feedback from the public consultation and which noted that there was evidence that needed to be updated;*

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- (ii) Asked whether a new Sustainability Appraisal was going to be commissioned with the same objectives as Section 1 of the Local Plan;*
  - (iii) Will the evidence base include details of the classification of any nature reserves and country parks; the ownership of those; the management of them and their funding; and also the status of any green buffer when it is removed from the 'field of search';*
  - (iv) Requested that information on the 'stewardship model' be shared with Members;*
  - (v) In relation to the Gypsy & Travellers Needs Assessment, requested clarification why a site had been proposed within the garden community area given that Tendring District Council's Section 2 Local Plan had stated that there was no present need for extra sites;*
  - (vi) Requested confirmation that residents of the new garden community would be able to use the medical centre at the University given that one would not be provided within the garden community site;*
  - (vii) Requested an investigation into the alleged clearance of trees within the garden community site and whether they were 'protected' trees;*
  - (viii) Requested clarification of what would need to happen if the requested increase in HIF money was not forthcoming; and*
  - (ix) Requested clarification of what would need to happen if the Government funding for the dualling of the A120 was not forthcoming.*

Following a discussion and debate on matters pertaining to this report and questions by Members which were answered, as appropriate, by the Acting Director (Planning) (Gary Guiver), the Spatial Planning Manager (Matthew Jericho) and the Lead Officer for Planning, Housing & Economic Growth (Karen Syrett):-

It was moved by Councillor Carlo Guglielmi, seconded by Councillor Tom Cunningham and:-

**RESOLVED** that the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee notes the update on gathering additional evidence to support the preparation of the Development Planning Document.

## **7. REPORT A.3 - RAPID TRANSIT SYSTEM UPDATE**

The Joint Committee had before it a report (A.3) which updated it on the progress toward delivering a Rapid Transit System (RTS) serving the Tendring Colchester Borders Garden Community and wider Colchester area. Though the Joint Committee's Terms of Reference precluded decision making on the RTS (which was being brought forward by Essex County Council working closely with its partners) it was recognised as an important component of the overall transport infrastructure requirements related to the Garden Community.

The report was introduced by Ashley Heller, Head of Transport for Future Communities, Essex County Council, who was assisted by Ian Turner, Principal Transportation & Infrastructure Planner (ECC) and Martin Whittles, an Associate at Ringway Jacobs.

The Joint Committee was aware that the successful Housing Infrastructure Fund (HIF) bid in 2019 had secured funding for infrastructure works related to the provision of a new RTS for Colchester. A RTS would be in place to connect the Garden Community with the University of Essex, Colchester Town Centre, Colchester Railway Stations,

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Colchester Hospital, Community Stadium, Northern Gateway Sport Park and the existing Park and Ride site in north Colchester. This would provide a high frequency, efficient public transport system with priority over general traffic within the Garden Community. The final route within the Garden Community would be confirmed and agreed with the Councils through the strategic masterplan process.

Members were informed that a key feature of the RTS was the incorporation of Park and Choose facilities (P&C), provision of which had been included in the Draft Plan. The concept for P&C was to be developed as part of, and support for, the RTS being delivered. P&C extended the concept of park and ride (P&R) to include choice and work as a central hub for other modes. Principally this would be cycle or electric cycle hire but in time could be extended to electric scooters, e-cargo, etc. It could also provide space for users to store their own bicycles. Providing choice could appeal particularly to nearby potential users travelling to the University of Essex, but also to those travelling to destinations in Colchester further away from RTS halts and interchanges.

The ultimate aim was to introduce a system akin to a trackless tram. This combined the advantages of light rail with the practicality and flexibility of bus rapid transit. The system could also be built up incrementally, growing alongside future housing and economic growth. It adapted readily to early adoption of autonomous vehicle technology, and, in time, the main trackless trams would co-ordinate with automated pods to take passengers to final destinations.

It was understood that the public transport provision would need to be of a high quality from the outset. Achieving high shares for trips being undertaken by sustainable modes would be crucial in ensuring that growth in the housing supply occurred sustainably. The RTS should offer easy interchange with existing modes of public transport across the town, along with being well-designed to facilitate walking and cycling.

It was noted that electric vehicles were already significantly gaining ground, and electric buses were in service or planned to be so across the UK. The aspiration was that the RTS would be operable with electric vehicles, thereby delivering even greater reductions in emissions of both greenhouse gases and chemicals harmful to health.

For the purpose of delivery, the RTS proposals had been split into four sections as follows:-

#### Section A

This section covered from the existing A12 Park & Ride Site to the Albert Roundabout and included the existing planning permission for a 'segregated busway' adjacent to the Northern Approach Road. The timetable for this included:-

- Planning Consent – Discharge of Conditions to Colchester Council, achieved January 2022;
- Tender Publication – Summer 2022;
- Construction on site start – Spring 2023; and
- Construction Completion – Spring 2024.

#### Section B

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This section covered from the Albert Roundabout to the Greenstead Roundabout through the town centre. Within the centre of Colchester, limitations of space would see a focus of hurry-call (GPS based) priorities on traffic signals, utilisation of existing bus lanes, and measures to reduce traffic within the heart of the town centre. The timetable for this included:-

- Design – Ongoing;
- Tender Publication – Summer 2022;
- Construction Start – Spring 2023; and
- Construction Complete – Summer 2024.

### Section C

This section covered from the Greenstead Roundabout to the future Garden Community connection (location along A133 to be determined). This would see the construction of a new segregated busway between the Knowledge Gateway and the Greenstead roundabout to provide dedicated capacity for the RTS/buses. Additional improvements would be made to the existing cycle network to support improved active travel provisions from the Garden Community, but also from existing suburb areas and the University as well. The timetable for this included:-

- Design – Ongoing;
- Tender Publication – Spring 2023;
- Construction Start – Autumn 2023; and
- Construction Completion – Winter 2024.

### Section D

This section covered the routing within the Garden Community itself and would evolve as the Masterplan developed.

### Operational Model Development

It was reported that detailed work had commenced on establishing the service type to run on the RTS. The fundamental basis of the RTS would be a passenger focused concept of High Quality Public Transport which in effect would provide the basis for future decisions on the operation of the service – recognising that if the RTS was to attract large numbers of passengers and to achieve ‘modal shift’ from cars to public transport, it would need to provide an ‘offer’ which was convenient, reliable, fast, affordable and which was focused on providing the best possible passenger experience. Key activities would be:-

- defining the target service standard (vehicles, frequencies, fares, branding, routes et cetera);
- setting out a business case for achieving the target service standard in phases linked to the anticipated growth of demand for the RTS;
- establishing the role and phasing of Park & Choose linked to the Garden Community; and
- setting out the implementation plan for the RTS service including both the target operating standard and the initial operating standard reflecting a phased roll out of the service.



Key dates included:-

Outline Business Case – estimated completion by early 2023 for approval; and

Procurement of the RTS service – start by end of 2023 with a view to commence the initial phase of the RTS operations during 2025/26.

#### Mobility Hubs and Halts

The Joint Committee was made aware that the RTS would need a number of ‘access points’ for passengers which would in effect be a hierarchy of stops (or “halts”) which in certain locations would be more substantial ‘mobility hubs’ which could offer a range of transport and other services intended to support overall patronage of the RTS. The County Council was developing a consistent and programmatic approach to optimise benefits and support ongoing management and maintenance and had secured Government funding to:-

- review approaches and evidence elsewhere and decide on objectives;
- develop typologies of Mobility Hubs appropriate to Essex and identify essential and desirable features;
- identify locations with potential for Mobility Hubs to be successful;
- develop high level concepts for Mobility Hubs based on a scalable and modular kit of parts which could be incrementally extended;
- identify implementation, operation, and management options along with cost implications and revenue generation opportunities;
- develop options for a programme of Mobility Hubs;
- define the location, number, and design of halts for the RTS, again reflecting the objectives of the service to promote a high-quality public transport alternative to the car.

It was noted that this work had a significant overlap with the ‘operational study’ in terms of understanding where and how mobility hubs could contribute to achieving a successfully commercially viable RTS. All of those considerations, related work streams and overall progress would inform additional evidence base work related to transport as part of the overall evidence base to be prepared to accompany the final Plan.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, Bill Marshall, Sir Bob Russell and Councillor Gary Scott addressed the Joint Committee on the subject matter of this item.

Ashley Heller, Head of Transport for Future Communities, and Ian Turner, Principal Transportation & Infrastructure Planner then responded to points made by the speakers.

Councillor Andrea Luxford-Vaughan requested that her comments on this report be included within the Minutes of the meeting. Those comments were summarised as follows:-

- (i) *Felt that this report was underwhelming and added no further details to those already previously revealed for example there was no confirmation as to the frequency of services or whether the route would be via Clingoe Hill or Boundary*

- 
- Road. The latter had complications and would probably result in a slower journey time;*
- (ii) Doubted that the proposed prioritisation measures at Clingoe Hill could be made to work; and*
  - (iii) Felt that for an individual using a car with free workplace funding would be cheaper than using the RTS unless the RTs was massively subsidised and supported by measures such as congestion charges, the removal of on-street parking and the removal of free workplace parking.*

Following a discussion and debate on matters pertaining to this report and questions by Members which were answered, as appropriate, by the Principal Transportation & Infrastructure Planner (Ian Turner):-

It was moved by Councillor Lesley Wagland, seconded by Councillor Carlo Guglielmi and:-

**RESOLVED** that the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee notes the update on the delivery of the Rapid Transit System infrastructure and operational model.

#### **8. REPORT A.4 - JOINT COMMITTEE PLANNING PROBITY PROTOCOL**

Members considered a report (A.4) which presented to it the proposed Planning Probity Protocol (Appendix A) related to the functions of the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee. The Protocol applied and focused on the functions and responsibilities of the Joint Committee for determining planning applications within the TCBGC area. Executive functions, not connected with the DPD process or otherwise delegated to the Joint Committee, but nonetheless related to the TCBGC would remain with each Council to exercise.

The report was introduced by Lisa Hastings, Deputy Chief Executive & Monitoring Officer (Tendring District Council).

Members of the Joint Committee were expected to observe the requirements and principles as set out in the Protocol at all times when involving themselves in the planning process. The planning system relied on Councillors and Officers acting in a way which was fair and was clearly seen to be fair. This included acting in accordance with planning law in all instances, and paying due regard to national and local policies, in addition to all other "material planning considerations".

It was acknowledged that each of the Councils forming the Joint Committee had their own locally adopted Members' Code of Conduct, which must always be complied with first by the Members from those respective authorities, particularly in respect of declarations of interest.. Those Codes were, however, very similar and based upon the national Nolan Principles.

It was recognised that decision-makers must not fetter their discretion by approaching the decision to determine a planning application with a closed mind. It was a legal requirement to approach the determination of a planning application with an open mind in order to prevent a legal challenge for pre-determination or bias. Decisions needed to be taken in accordance with the Section 1 of the Local Plan and the Development Plan

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Document unless material considerations indicated otherwise. Members should come to a decision only after due consideration of all of the information reasonably required upon which to base a decision.

The Joint Committee was aware that Officers were responsible for carrying out their duties in compliance with the Royal Town Planning Institute Code of Conduct, in particular, that Officers must not make or subscribe to any statements which went against their own professional standards.

Members were advised that care would be needed when there was contact with applicants, developers and objectors. Certain structured meetings could occur where there was transparency, consistency and fairness to all. Members could express any view on the merits or otherwise of the proposal presented, though they should never state how they or other Members intended to vote at a joint committee meeting.

Councillors were further advised that they should explain to those lobbying or attempting to lobby them that, whilst they could listen to what was said, it might subsequently prejudice their impartiality, and therefore their ability to participate in the Joint Committee's decision making, if they made any sort of promise to vote one way or another or expressed such a firm point of view that it amounted to the same thing.

The Joint Committee was reminded that its overriding duty was to the whole of the Garden Community area and not just to the people a specific Ward/Division and that, taking account of the need to make decisions impartially, Members should not improperly favour, or appear to improperly favour, any person, company, group or locality.

It was reported that all Councillors attending pre-application discussions must have first attended a training session on conduct at pre-application discussions. Those training sessions would be organised by the respective Councils' Planning Service on a regular basis in order to ensure that the integrity of the individual Councillor's decision-making role was maintained.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, Bill Marshall addressed the Joint Committee on the subject matter of this item.

Councillor Andrea Luxford-Vaughan requested that her comments on this report be recorded in the minutes of the meeting. Those comments were summarised as follows:-

- (i) The report and the Probity Protocol advocated common sense and was not contentious; and*
- (ii) Sought clarification as to whether a Joint Committee member could represent themselves or another organisation (such as a parish council) as a Ward Councillor at Regulation 19 hearings.*

Following a discussion and debate on matters pertaining to this report and questions by Members which were answered, as appropriate, by the Deputy Chief Executive & Monitoring Officer (Lisa Hastings):-

It was moved by Councillor Tom Cunningham, seconded by Councillor Carlo Guglielmi and:-

**RESOLVED** that the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee Planning Probity Protocol, as attached at Appendix A to report A.4, be agreed and applied by Members and Officers.

The meeting was declared closed at 9.30 pm

**Chairman**

<b>Tendring Colchester Borders Garden Community Joint Committee</b>
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## **Public Speaking Arrangements- General**

1. Members of the public, who want to speak about an item which is to be considered at a meeting of the Committee can do so if they have notified the Committee Service by 12.00 noon on the working day before the meeting. Contact Ian Ford Email: [iford@tendringdc.gov.uk](mailto:iford@tendringdc.gov.uk) or Telephone: on (01255) 686584

## **At the Committee Meeting**

2. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.
3. The Chair will invite public speakers to speak following the Officer's introduction to the report on the item. The Chair will ask public speakers to come to the table in turn at the beginning of the discussion of the report of the relevant item.
4. Each public speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.
5. Following the public speakers, the Chair will invite any Ward and Division Councillors present to each speak for up to five minutes. The Chair will tell the Councillor when the five minutes has elapsed and the Councillor must stop when requested by the Chair. The Chair has discretion to extend this time limit.
6. A representative of the TCB Community Liaison Group and a representative from Parish and Town Councils located within the Tendring Colchester Garden Community area will each be allowed five minutes in which to make their representation. The Chair will tell the representative when the five minutes has elapsed and the representative must stop when requested by the Chair. The Chair has discretion to extend this time limit.
7. All speakers should address the Chair of the Committee, which is the normal convention for Committees.
8. Public speakers should remember to:
  - Keep to 3 minutes or whatever other period has been agreed.
  - Highlight the main points they wish to raise and be as brief and concise as possible.
  - Be courteous.

At the conclusion of the public speaking, the Committee will discuss and determine the item.

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## TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

13 DECEMBER 2022

### A.1 **REGULATION 19 CONSULTATION AND SUPPORTING PROMOTIONAL ACTIVITY, AND PROGRAMME TIMETABLE UPDATE**

(Report prepared by Sharon Carter (Communications Manager) and Amy Lester (Garden Community Planning Manager))

#### **PURPOSE OF THE REPORT**

To provide the Joint Committee with:

- an update to the programme timetable for progressing the DPD through the plan-making process which will need to be reflected in updates to both Tendring District Council (TDC) and Colchester City Council's (CCC) Local Development Schemes (LDS); and
- an overview of the planned activity to support the next round of consultation on the Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD) - Regulation 19 'Submission Version Plan' in 2023.

#### **EXECUTIVE SUMMARY**

##### **Key Points – Programme Timetable Update**

- The TDC and CCC LDS's (June 2021) each contain a timetable for the production of planning documents, including the DPD, as required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- The LDS must specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. LDSs must be made available publicly and kept up to date. It is important that local communities and interested parties can keep track of progress.
- Following the Regulation 18 stage consultation on the DPD earlier this year, the Councils have been carefully considering the representations received and have been preparing and commissioning additional evidence that will inform decisions on the content of the DPD going forward.
- This further work has required the Councils to review the timetable for carrying out the next stages of the plan-making process for the DPD and this report sets out a revised timetable that proposes the following key stages:
  - February 2023 – Draft 'Submission Version Plan' considered by Joint Committee
  - March 2023 – Upon recommendation from the Joint Committee, the Submission Version Plan will be considered by TDC and CCC Full Councils before submission to the Secretary of State
  - May/June 2023 – 6 week Regulation 19 consultation commences and Submission Version Plan submitted to the Secretary of State

- Subject to timetabling by the Planning Inspectorate, an Examination in Public would be expected around Autumn 2023, and subject to the document being found sound, adoption in late 2023/early 2024.

- The Committee is invited to endorse this revised timetable and recommend that the LDS for each Council is amended to reflect it.

### **Key Points – Regulation 19 Consultation**

- TDC and CCC as Local Planning Authorities (LPAs) have statutory requirements to carry out public consultation, as part of the plan making process, as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. These requirements apply to the Plan for the Garden Community (the DPD).
- Both Councils have Statements of Community Involvement that set out their approach to consultation on planning documents and planning applications in their area.
- The partner Councils on the Garden Community project (including Essex County Council (ECC)) published a shared 'Engagement and Consultation Strategy' in December 2020 outlining a committed approach to engagement in support of preparing the DPD, which goes above and beyond the minimum statutory consultation requirements.
- This report sets out the intended approach to consultation for the Regulation 19 (Submission Version Plan) consultation expected to take place in 2023, as well as the supporting activity to help promote the consultation widely to stakeholders, residents, and communities. These include:
  - 1) Continued use of the engagement website for supporting information such as explainers, jargon busters and downloadable versions of key documents.
  - 2) Use of non-digital marketing methods to widely promote the consultation such as posters, newspaper and magazine adverts, and press coverage.
  - 3) Use of digital marketing methods to widely promote the consultation such as e-newsletters, online advertising and social media.
  - 4) Drop-in events to enable members of the public and stakeholders to speak to planners.

The proposed activity considers the Climate Emergencies declared by both Councils, by making best use of digital resources and keeping printed activity as efficient and economic as possible, whilst still achieving a good level of measurable exposure and engagement.

### **RECOMMENDATION**

**That the TCBGC Joint Committee:**

- i) notes the updated programme timetables for progressing the Development Plan Document and recommends to the relevant Committee in both TDC and CCC that this is reflected in any update to each Council's Local Development Scheme; and**
- ii) notes the planned activity for the Regulation 19 'Submission Version Plan' consultation.**



## SUPPORTING INFORMATION: LDS PROGRAMME TIMETABLE UPDATE

The following updated programme timetable has been prepared in light of the progress of the project and the ongoing anticipated timeframe to adoption of the TCBGC DPD. This will be reviewed and updated as necessary, with all updates reports to the Joint Committee as required. Extracts from the current CCC and TDC Local LDSs can be found with Appendix 2 and 3 of this report.

### Tendring Colchester Borders Garden Community Development Plan Document (DPD)

Subject and Scope	This document will contain policies and allocations to guide the new Garden Community proposed at the Tendring/Colchester border. This DPD will be produced jointly with Colchester City Council and Essex County Council.
Geographical Area	The broad location for the Garden Community is identified in the Section 1 Local Plan. The precise boundaries will be designated in this DPD.
Chain of Conformity	Tendring and Colchester Local Plans The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF)

### Indicative timetable for production

	Current TDC and CCC Local Development Scheme Date	Completed / Amended Indicative Date
Document Preparation	Winter 2020/21 – Winter 2021/22	Winter 2020/21 – Winter 2021/22 (Completed)
Member approval of draft DPD	Winter 2021/22	Spring 2022 (Completed)
Draft DPD Consultation – Regulation 18	Winter 2021/22	Spring 2022 (Completed)
Document Preparation	Spring/Autumn 2022	Summer 2022 - Winter 2022/23 (In Progress)
Member approval of submission DPD	Autumn 2022	Spring 2023
Submission DPD Consultation – Regulation 19	Autumn 2022	Summer 2023
Submission of DPD and Summary of Comments Received to Secretary of State	Winter 2022	Summer 2023
Independent Examination	Winter 2022	Autumn 2023
Inspector's Report	Spring 2023	Winter 2023
Consultation on Modifications	Summer 2023	Winter 2023
Adoption	Summer/Autumn 2023	Winter 2023 (into early 2024)

## SUPPORTING INFORMATION: REGULATION 19 ACTION PLAN

### 1. The Regulation 19 Consultation: The 'Submission Version Plan'

- A downloadable PDF of the Submission Version Plan will be made available on the engagement website and in paper form in TDC and CCC council offices and local libraries, alongside the necessary statutory documentation (for example, the Sustainability Appraisal).
- Given the more formal nature of the Regulation 19 consultation and following feedback requesting that commenting on specific policies be made easier, anyone wishing to comment on the Submission Version Plan online will be directed to a new web page where the consultation questions will be held. This web page will use traditional consultation software, rather than the more informal approach used on the engagement website to date.
- The Regulation 19 consultation specifically requires comments on 'soundness' and 'legal compliance'. These requirements will be explained via supporting content on the engagement website, such as an explainer film and text, and the Community Liaison Group's (CLG) suggested 'Guide to Commenting'.

## **2. Communicating the Regulation 19 Consultation: Summary of non-digital activity (statutory and non-statutory)**

- Letters to TDC and CCC consultee databases
- Hard copies of the Submission Version Plan and supporting documentation in TDC and CCC council offices and libraries
- Posters in community spaces throughout Colchester and Tendring
- Adverts in the Daily Gazette (Colchester) and Clacton Gazette
- Advert in Look Magazine (sent free to circa 80k homes in Colchester and Tendring, dependant on alignment of publication schedules and consultation dates)
- PR
- Adverts in widely circulated free local community magazines (dependant on alignment of publication schedules and consultation dates) such as the Ardleigh Advertiser, Alresford Advertiser and Upmarket Magazine
- Bus Stop adverts (6 sheets) (subject to the availability of suitable media space aligned with consultation dates)
- Drop-in events – where planners will be available to assist stakeholders/residents with any questions. (Representations/comments cannot be made at events, they must be submitted formally via letter/email/online)

## **3. Communicating the Regulation 19 Consultation: Summary of digital activity (statutory and non-statutory)**

- Emails to TDC and CCC consultee databases
- Direct emails to key community contacts such as Town and Parish Councils, the CLG and other community organisations and groups
- E-newsletters
- Non-paid social media on Facebook, Twitter, and LinkedIn
- Paid social media on Facebook and Instagram
- Spotify advertising (music streaming service)
- Online advertising with Newsquest and Business Times in Essex
- Web banners on Council websites

- Email distribution of poster/leaflet/general artwork files to community groups for their use (see appendix 1 for social media artwork samples for Regulation 19)

#### **4. Addressing Community and Stakeholder Feedback on the Regulation 18 Consultation**

***The Draft Plan was too text heavy and lacked imagery and maps.***

More imagery and mapping will be used in the PDF version of the Submission Version Plan. Imagery will be limited to areas of supporting text outside of the formal 'policy' sections.

***Suggestion of 'Guide to Commenting on the Plan'***

This Guide will be produced in consultation with the CLG (Community Liaison Group) and will be published as part of the supporting content for the Regulation 19 consultation. This Guide is not part of the formal consultation process and is not subject to examination by the Planning Inspector.

***Better publicity of drop-in events***

Dates of drop-in events will be added to artwork for promotional posters and leaflets, in addition to activity undertaken in previous consultation (e.g., e-newsletters, PR, emails and online).

***Making it easier to comment against individual policies***

As stated above, the consultation itself will be hosted on traditional consultation software, making it easier to comment directly against specific policies.

***Promotional leaflets***

As outlined above, the partner councils will undertake a broad range of digital and cost effective, carbon light, non-digital activity (e.g., advertising in existing widely distributed publications). Whilst promotional leaflets will not be printed, leaflet artwork will be created and shared digitally with Town and Parish Councils and other community groups etc, for those groups to print any material as they require for their communities.

#### **APPENDICES**

**Appendix 1:**

**Examples of social media graphics for the Regulation 19 consultation**

**Appendix 2:**

**Extract from Colchester City Council's Local Development Scheme 2021-2024 (June 2021)**

**Appendix 3:**

**Extract from Tendring District Council's Local Development Scheme 2021-2024 (June 2021)**

#### **BACKGROUND PAPERS**

N/A



**A.1 Appendix 2 – Extract from Colchester City Council’s Local Development Scheme 2021-2024 (June 2021)**

**Strategic Growth Development Plan Document**

<b>Subject and Scope</b>	This document(s) will include policies and allocations to support the strategic allocation for new development at the Tendring Colchester Borders Garden Community. This is being prepared jointly with Tendring District Council.
<b>Geographical area</b>	As specified in the Local Plan which shows broad locations to the east of Colchester.
<b>Status</b>	Local Development Plan Document
<b>Chain of conformity</b>	Must conform with the broad allocation in the joint strategic Section 1 Local Plan with Tendring and Braintree District Councils.
<b>Timetable for production</b>	
<b>Document preparation</b>	January 2017 – October 2017
<b>Member Approval – Issues and Options</b>	November 2017
<b>Publication and 6 week consultation</b>	November to December 2017
<b>Member Approval – Draft DPD</b>	Winter 2021/22
<b>Draft DPD consultation</b>	Winter 2021/22
<b>Member approval – submission document for consultation</b>	Autumn 2022
<b>Submission DPD consultation</b>	Autumn 2022
<b>Submission of DPD and summary of comments received to Secretary of State</b>	Winter 2022/23
<b>Independent examination</b>	Winter 2022/23
<b>Inspector’s report</b>	Spring 2023
<b>Consultation on modifications</b>	Summer 2023
<b>Adoption</b>	Summer/Autumn 2023
<b>Production arrangements</b>	Planning Policy Team in CBC along with TDC will lead with input from internal CBC service groups, adjacent local authorities, and Essex County Council as appropriate. A Tendring Colchester Borders Garden Community Project Team has been established. The SCI has determined how external parties and members of the public will be involved.
<b>Timetable for review</b>	The Authority Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.

**A.1 Appendix 3 – Extract from Tendring District Council’s Local Development Scheme 2021-2024 (June 2021)**

<b>Tendring Colchester Garden Community Development Plan Document (DPD)</b>	
<b>Subject and scope</b>	This document will contain policies and allocations to guide the new Garden Community proposed at the Tendring/Colchester border. This DPD will be produced jointly with Colchester Borough Council and Essex County Council.
<b>Geographical area</b>	The broad location for the Garden Community is identified in the Section 1 Local Plan. The precise boundaries will be designated in this DPD
<b>Chain of conformity</b>	Tendring and Colchester Local Plans The relevant Planning Acts and Regulations Essex Minerals and Waste Plans National Planning Policy Framework (NPPF).
<b>Indicative timetable for production</b>	
<b>Document Preparation</b>	Winter 2020/21 – Winter 2021/22
<b>Member approval of draft DPD</b>	Winter 2021/22
<b>Draft DPD Consultation</b>	Winter 2021/22
<b>Document Preparation</b>	Spring 2022 – Autumn 2022
<b>Member approval of submission DPD</b>	Autumn 2022
<b>Submission DPD Consultation</b>	Autumn 2022
<b>Submission to Secretary of State</b>	Winter 2022
<b>Examination</b>	Winter 2022
<b>Inspector’s report</b>	Spring 2023
<b>Adoption (Full Council)</b>	Summer/ Autumn 2023
<b>Timetable for review</b>	This will be reviewed and updated as necessary.

## TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

13 DECEMBER 2022

### A.2 DEVELOPMENT PLAN DOCUMENT (DPD): PROGRESS REPORT ON UPDATING THE EVIDENCE BASE

(Report prepared by Amy Lester (Garden Community Planning Manager))

#### PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To update the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee on the latest updates to the evidence base to inform the Development Plan Document (DPD) i.e. ‘the Plan’ for the Garden Community. This includes updates on specific studies that were commissioned in response to issues raised through consultation responses to the Regulation 18 version of the Plan received earlier this year.

EXECUTIVE SUMMARY
<p>At its last meeting on 18<sup>th</sup> July 2022, the Joint Committee was presented with a report (see <a href="#">link</a>) highlighting the most notable issues and concerns raised in the representations received through consultation on the Regulation 18 ‘draft’ version of the Plan for the TCBGC. The three main issues reported to, and discussed by, the Joint Committee were:</p> <ul style="list-style-type: none"><li>• <u>Green Buffers and Land South of the A133</u>: In particular, the approach to any development taking place on land south of the A133 and the very different views expressed by community representatives and a large number of local residents (around half of all respondents to the consultation), the University of Essex and lead developer Latimer;</li><li>• <u>Salary Brook</u>: The potential adverse impacts of development extending westwards and onto the environmentally and visually sensitive slopes around Salary Brook for the purpose of knowledge-based employment; and</li><li>• <u>Crockleford Heath and Bromley Road</u>: The approach to development in and around Crockleford Heath and the wider area including local concerns about the extent and purpose of the proposed ‘Area of Special Character’ designation, its corresponding policy wording and what form of development might result.</li></ul> <p>The Committee also heard about other issues raised through the consultation, including questions over the approach of having three distinct neighbourhoods with corresponding centres; the extent of a strategic green gap to Elmstead Market; and the potential impact of development on local listed</p>

buildings and other heritage assets. There were also questions about the Rapid Transit System (RTS) and Park & Choose facilities and how they will operate, amongst numerous other comments.

The Committee was advised that Officers were already minded to accept local concerns about development extending onto the slopes of Salary Brook and would look to revise the draft Plan accordingly. However, in respect of the comments raised in relation to development south of the A133 and around Crockleford Heath, further work and technical evidence would be required to inform any decision on possible further changes going forward. This further evidence would include an independent assessment to scrutinise and rationalise the University's ambitions for growth and its associated request for additional expansion land, and a character appraisal of Crockleford Heath. There would also be continued work on a Strategic Masterplan which, alongside an updated version of the Plan, would consider the Garden Community's layout, phasing and other details that would assist in responding to other issues raised through the consultation. This Strategic Masterplan will form part of the evidence base to show how the Garden Community could be brought forward, albeit it will be illustrative, with further more detailed masterplanning required by the Plan in relation to the preparation of planning applications.

A number of these additional pieces of work and evidence are at an advanced stage and being considered collectively to understand their implications. Notable updates to the evidence are detailed in the main body of this report and the Committee is asked to note the progress on the emerging evidence and its findings. This will inform Officers' recommendations on the content of the updated version of the Plan, which is to be presented to the Committee in the new year as the final 'Submission Version' to be published for a further round of public consultation and submission to the Secretary of State to begin the process of independent examination.

**RECOMMENDATION**

**That the TCBGC Joint Committee notes the emerging findings with regards to the evidence base.**

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

Members are reminded that the TCBGC is a corporate priority for all three of the Councils represented on the Committee and that the Councils are required to take into account the responses received to the Regulation 18 consultation exercise in making a decision as to the content of the Plan at Regulation 19 stage, when it will be published for a final round of consultation and submitted to the Secretary of State. Although the Committee is not being asked at this stage to make a decision on the specific content of a revised DPD, any decision it does take in due course will need to have regard to the latest available evidence.



## RESOURCES AND RISK

Officers are continuing to work with a range of consultants to progress the master planning work to the next stage and to expand and update the evidence base, having regard to some of the comments raised in response to the Regulation 18 consultation. Moving forward, it is also intended that the lead developer Latimer will take forward their own master planning process and collaborate with the Councils to ensure a smooth transition between the plan-making process and the preparation of planning applications. The terms on which such collaboration will take place will be set out in a Planning Performance Agreement (PPA) between the Councils and the developers.

The greatest risk posed by the responses received to the Regulation 18 consultation is the prospect that the Councils cannot reach an agreed position on how to reconcile the different positions of the community, the University and the lead developers or that whatever position is reached results in further objections at the Regulation 19 stage, which will have to be resolved through the examination process by the Government-appointed Planning Inspector. To minimise the potential impact of such a risk, it will be important that any decisions the Councils take in agreeing a way forward at Regulation 19 stage is informed by the best available evidence.

The nature of any objections might also pose a risk to the timetable for the overall Garden Community project and the delivery of the first phase of homes and associated infrastructure. Because the Section 1 Local Plan requires that planning permissions are not to be granted until the DPD has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground.

## LEGAL

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a Local Plan or DPD and the independent examination. At the 'preferred options' stage, Regulation 18 required the authorities to notify relevant bodies and individuals of the Plan being prepared and to invite them to make representations on the Plan and what it does, or ought to contain. The authorities are now required to take those representations into account in progressing the Plan to the next stage and the additional evidence being prepared will help inform any decisions going forward on how best to address the issues raised in those representations.

## OTHER IMPLICATIONS

**Area, Ward or Divisions affected:** The Garden Community development will affect land within both the district of Tendring (TDC) and the City of Colchester (CCC), associated Essex County Council (ECC) Divisions and the corresponding local electoral wards of Elmstead Market, Ardleigh, Greenstead and Wivenhoe. The economic, social and environmental impacts of the development

are likely to be felt, directly or indirectly, over a wider area – as reflected in its status as a strategic proposal in a Shared Section 1 Local Plan for North Essex.

**Consultation/Public Engagement:** Public consultation on the first draft of a Plan for the Garden Community commenced on 14<sup>th</sup> March and closed on 25<sup>th</sup> April 2022 – during which Officers held a number of face-to-face drop-in events which were attended by around 190 visitors. All information was made available online.

The Councils received responses from 193 individuals or organisations raising approximately 620 comments on different elements of the Draft Plan. All the representations were published on the Garden Community engagement website in June 2022 for public view – allowing interested parties to see what others have said. See: [Comments from the Draft Plan Consultation | Creating a Place for Life \(tcbgardencommunity.co.uk\)](https://tcbgardencommunity.co.uk)

As part of the statutory plan-making process, the Councils are required to take the representations received at Regulation 18 stage into account when preparing the final version of the Plan for Regulation 19 stage when the Plan will be published for a further round of consultation and submitted to the Secretary of State to begin the independent examination process. The additional evidence being prepared will help inform any decisions going forward on how best to address the issues raised in those representations.

In consideration of the statutory requirements for consultations, as part of The Town and Country Planning (Local Planning) (England) Regulations 2012, the TDC and CCC Statements of Community Involvement and the published ‘Engagement and Consultation Strategy’. Report A.1 summarises the approach that will be taken to carry out the Regulation 19 consultation. This also includes the supporting activity to help promote the consultation widely to stakeholders, residents, and communities, gives consideration to the Climate Emergencies declared by TDC and CCC, and considers the Community Liaison Group (CLG) and Stakeholder Feedback on the Regulation 18 Consultation.

**Equality and Diversity:** The Draft Plan for the Garden Community contains policies aimed at promoting inclusiveness, equality and diversity. It will be important for the Councils to give careful consideration to all the comments received at Regulation 18 stage and in drafting a revised version of the Plan for the Garden Community for Regulation 19 stage, ensuring that the Plan continues to meet obligations around equality and diversity.

**Crime and Disorder:** The Draft Plan for the Garden Community aims to deliver a new community that promotes employment, skills and training opportunities as well as health and wellbeing. Its policies require design and architecture to minimise the opportunities for crime and working with Essex Police in the drawing up of detailed plans. It will be important for the Councils to give careful consideration to all the comments received at Regulation 18 stage and in drafting a revised version of the Plan for the Garden Community for Regulation 19 stage, ensuring that the Plan continues to address issues around crime and disorder.

**Health Inequalities:** The Draft Plan has been drawn up through positive engagement with health stakeholders, and policies within it promote health and wellbeing and embed the Healthy New Towns and active design principles. It will be important for the Councils to give careful consideration to all the comments received at the Regulation 18 stage and in drafting a revised version of the Plan for the Garden Community for the Regulation 19 stage, ensuring that the Plan continues to address issues around health inequalities.

## PART 3 – SUPPORTING INFORMATION

### UPDATE ON EMERGING EVIDENCE BASE

The following work is being taken forward which will provide additional evidence to enable robust decisions to be taken on the following topics:

- **University Growth Forecasts Assessment**

At Regulation 18 The University of Essex submitted a representation to the Councils supporting the principle of the Garden Community but also noting that the proposed approach set out in the Draft Plan did not identify sufficient land to accommodate the University's growth ambitions. The University's representation set out their own quantified land requirements. Officers entered into discussions with the University.

Independent specialist consultancy support was commissioned by Wisher Consulting to consider the growth potential of the University of Essex, both in terms of student numbers, research potential and wider economic relationships. The emerging findings indicate that further expansion of Knowledge based employment would be appropriate (albeit at lower scale than requested), that the growth forecast of the University for student growth and related accommodation is reasonable but could be addressed in various ways. It further indicates that projected sports and recreation provision aligns with wider emerging evidence relating to TCBGC sports & leisure requirements and should be considered as part of the preparation of the Strategic Masterplan.

- **Economic Study Update**

An evolution and update to the evidence on the economic and employment generation opportunities at TCBGC has now been advanced which considers the location, format and potential end-users of employment allocations. This work is being undertaken by QUOD and will need to be assessed in combination with the related and specialist work to consider the growth potential of the University of Essex, both in terms of student numbers, research potential and wider economic relationships.

The study does not seek to challenge or test the 25ha allocation, which is established in planning policy and has therefore already been subject to testing through Examination in

Public. The evidence and engagement with stakeholders indicates that this policy remains sound, assuming there is flexibility and breadth in how the 25ha could be delivered. TDC, CCC and ECC are committed to exploring available opportunities to promote investment, support pioneer tenants and work with existing economic anchors, particularly the university, to deliver employment floorspace to create jobs for new and existing residents, drive skill development and support the growth of Essex University's spin-out and innovation potential.

It is vital to ensure that economic aspirations are evenly weighted with housing, as part of a comprehensive Garden Community based around "connected" living and to meet the objective of one new job within a reasonable commuting distance of every new home.

- **Crockleford Heath Area of Special Character Assessment**

The Draft Plan identified an 'Area of Special Character' at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character. The Councils have commissioned additional work to consider this area in more detail and provide the appropriate level of guidance and base line analysis to develop a character appraisal, including landscape, historic and built environment appraisals and a design strategy for Crockleford Heath. Essex Place Services were commissioned to undertake the character appraisal of the area and local residents were included in the preparation and gathering of evidence.

The Character Appraisal will support the design and character policies progressed within the Plan and will be used to consider landscape and historic character when considering any type of change within the environs of Crockleford Heath. The Character Appraisal will form an important 'building block' of the evidence base helping to aid the planning, design and management of future development and change in Crockleford Heath and its immediacy, and to inform the policies of the Plan for the TCBGC.

Emerging findings identify those buildings which make a positive contribution to the character of the area, these are historic buildings across the settlement which have retained some original features and contribute to the historic, rural character of Crockleford Heath. One Local Landscape Character Type (LLCT) has also been identified for the study area and within this, an additional four Local Landscape Character Areas (LLCAs) have been highlighted for their interest/importance.

Management and development guidelines are emerging as part of the outputs of the character appraisal and Officers are in the process of reviewing these. The guidelines seek to reinforce the rural character, improve conservation interest and seek to inform new development. This workstream is intended to provide strategic direction for the development of the masterplan and the interim findings are in the process of being reviewed by officers.

- **Housing/Demographics Update**

Work continues on the development of a site-specific, high-level report focussed on establishing the housing needs for the Garden Community, while avoiding unsettling the wider

evidence base and adopted policies. The work will review and feed into the masterplanning process to ensure that the housing mix aligns with typology / density work, and will provide further direction to developers to enable them to prepare appropriate and detailed proposals to meet the identified need. This work is being undertaken by HDH Planning and interim findings are in the process of being reviewed by officers.

- **Health Impact Topic Paper**

Work continues on the development of a Health Topic Paper to support the process for the Development Plan Document. The purpose of this Topic Paper is to provide background information on the subject of health and wellbeing in relation to the development.

This workstream is intended to provide strategic direction on how the health and wellbeing provision will be set out in the Garden Communities – creating an innovative and transformational health vision that can be used by all partners to deliver new communities that can positively influence their own physical and mental health via a strong community asset-based approach. Designing the wider environment to allow these strong communities to flourish, we will test and learn from the joined-up planning approach to transfer to other surrounding communities. This will ensure that health and local planning authorities continue to work together at each stage of planning and development of the proposed Garden Communities. The Health Topic Paper is being prepared by HYAS, a draft has been received and is currently being reviewed by Officers.

- **Infrastructure Delivery Plan (& Phasing):**

Officers are currently finalising the Infrastructure Delivery Plan (IDP) which will provide an update to previous infrastructure planning work done in relation to the Garden Community. The update will set out a range of requirements that are already known and continue to be needed (for example, new schools, health and community facilities related to population growth), and are required by policy in the adopted Section 1 Local Plans and additional policy to be included in the DPD. The IDP will draw together information across all types of infrastructure, showing what is required, how it will be provided; how it will be funded and when it will need to be provided to align with the phasing of the Garden Community. The IDP will need to align with the outcome of the Strategic Masterplan work as well as address responses from strategic infrastructure providers to the Regulation 18 consultation and further consultation that has been undertaken over the summer. As this work is being finalised in tandem, the IDP itself will need to align with its findings and will be published alongside the other evidence base material when completed.

The term 'infrastructure' covers a wide range of services and facilities provided by public and private organisations. The definition of infrastructure is outlined in Section 216(2) of the Planning Act 2008 (as amended). The updated IDP work will cover the following infrastructure areas:

- Schools and other educational facilities.

- Social, community, health and wellbeing (including flexible community space to accommodate a range of local community groups and activities).
- Leisure and recreational facilities (including children's play, youth and sports facilities).
- Open space/green infrastructure.
- Utilities.
- Transport, including highways matters (including the potential need to address funding requirements for strategic improvements such as the A120-A133 Link Rd, and additional measures to secure modal shift, including investment in walking and cycling connections and facilities).
- Flood defences.
- Emergency services.
- Waste.

- **Transport Study (Modal Shift & infrastructure)**

Evidence is currently being finalised to set out the approach to achieving defined mode share targets, including setting out the range of associated measures to promote use of public transport (including RTS), walking, cycling, and other active modes. This is being prepared by consultants Jacobs and ITP, working closely with ECC. This evidence will update and confirm all transport related infrastructure requirements alongside supporting transport measures (on and off site), and identifying wider opportunities and dependencies.

- **Integrated Water Management Strategy Stage 2**

A Stage 1 Integrated Water Management Strategy (IWMS) was carried out to support the Section 1 Local Plan. A Stage 2 IWMS has been commissioned which will specifically identify integrated water management options and strategies for the Garden Community. It will feed into the developing masterplanning and identify a range of options for how water and flood risk can be managed in an integrated and sustainable way. Officers are continuing to work with AECOM who have been commissioned to undertake the modelling to clarify the emerging housing and employment assumptions.

- **Sport, Recreation and Open Space Study**

A study on indoor sport, playing pitch and open space provision has been commissioned which will set out an over-arching strategy for the two Council areas individually and collectively, with a particular focus on the sport and open space needs related to the TCBGC. The work will include a review of all facilities in the Councils' areas, including council-owned facilities and privately-owned facilities where appropriate. In particular, the audit, assessment and recommendations will have regard to the facilities currently available at the University of Essex Campus which adjoins the area of search for the Garden Community, and the potential to create or cooperate on new facilities that could serve both the needs of the university itself and the future residents and other users from the Garden Community itself. Emerging findings, in combination with the sports provision assessment contained within the University Growth Forecasts Assessment, continue to be assessed by Officers and fed into the strategic

master planning work. An interim report is expected at the end of November with a final report due at the end of January 2023.

- **Sustainability Appraisal**

A Sustainability Appraisal (incorporating Strategic Environmental Assessment) was previously prepared to consider the likely effects of the Draft Plan and a consideration of reasonable alternatives. This formed part of the supporting studies and evidence base documents which were prepared and made available alongside consultation on the Draft Plan earlier in 2022. The emerging draft 'Submission Version Plan' will be provided to consultants LUC at the end of December 2022, and a draft updated Sustainability Appraisal would then be expected in February 2023.

- **Viability Assessment**

The site was subject to detailed consideration of viability during the Section 1 Examination in Public with evidence gathered and considered as part of the 2018 and 2020 hearings. Extensive information already exists on scheme viability which was thoroughly tested leading to the TCBGC scheme to be found viable and deliverable. There have been changes in market conditions since that evidence was assembled. The Councils have appointed consultant surveyors Gerald Eve to review and update the viability evidence. Financial viability modelling is well advanced to consider all assumptions under present day considerations. The viability evidence will also need to align with the outcome of the Strategic Masterplan and related IDP evidence. As this work is also being finalised in tandem, it will be published alongside the other evidence base material when completed.

Other evidence studies and background work will also come forward and be updated as the DPD progresses, such as a Heritage Impact Assessment and Habitat Regulations Assessment.

## **UPDATE ON STRATEGIC MASTERPLAN**

The approach to the Garden Community is continuing to evolve and becoming more detailed through an ongoing master planning process. As reported at the Joint Committee meeting on the 18<sup>th</sup> July 2022, work on master planning had (at that stage) considered the baseline position (including constraints and opportunities analysis), the overall spatial vision and initial land use and masterplan options.

Going forward additional strategic master planning has been progressing to illustrate, justify and set the basis for land use proposals to be set out in the Submission Version Plan. The work has started to develop additional master planning drawing on the emerging evidence base and will advance further (over time and related to the preparation of planning applications) to design coding/guidance. This will illustrate more widely how it is envisaged that the Garden Community will be developed and to ensure that there is robust and sound evidence in support of the DPD. It will need to remain separate to the DPD and be illustrative in nature until such time as conclusions can be drawn from the examination of the DPD as this may result in modifications to policies, land uses or areas. The

work can then be reviewed, updated and taken forward for additional consideration, potentially to be adopted as some form of supplementary planning policy to guide the determination of future planning applications.

It is important to acknowledge that at this stage of planning for the Garden Community, it is not possible (primarily due to the extent, cost and time required to undertake all of the detailed technical site survey and design work that would be required - which is the responsibility of site developers to inform their planning applications) for master planning development and related policies in the DPD to contain precise details of design, layout and appearance of the new buildings and spaces that will be delivered. Instead, the additional strategic master planning work will illustrate how development could be brought forward and provide further direction to developers to enable them to prepare appropriate and more detailed proposals.

## **APPENDICES**

N/A

## **BACKGROUND PAPERS**

- Comments from the Draft Plan Consultation | Creating a Place for Life (tcbgardencommunity.co.uk)