

# Wivenhoe Town Council Regulation 19 Submission

## Background

When the site was first proposed the propaganda offered us direct accountability via elected members to a public sector delivery corporation, it offered us land value uplift, it offered the promise of hope value due to unfathomably easy CPO's, it offered us a tram system, a doctors' surgery and local NHS hub services, it offered us a green buffer, it offered to stay north of the A133, it offered three new towns linked by a sub-regional RTS, it offered swathes of employment land with the promise that large employers were lining up to invest, it offered one job per new home within its own confines, it offered to be financially viable, it offered to improve biodiversity, it offered stewardship and above all else it offered to engage with stakeholders and address their concerns. One by one all the above disappeared on contact with existing physical constraints, financial limitations and lack of experience in such ventures.

## 1 - General comments on the document

### 1.1 – Link-road delivery

It is extremely worrying that the DPD fails to mention at any point the extreme difficulties there are with the delivery of a link road. Given that this site was only rated as sustainable in the sustainability appraisal, based on securing both a link road and a 'state of the art rapid transport system', WTC does not see how it can still be considered the most appropriate site, or indeed sustainable at all, without both measures being proven as deliverable. Which the DPD fails to do.

Currently there is no confidence that a link road will ever be completed. Or that the RTS will contribute to the frankly extraordinary figures expected for modal shift. The cost and practical difficulties appear to have been passed on from the Highways Authority to the developer now that Homes England have confirmed they will not meet the cost overruns that have been predicted by many since the section one hearing. There is as the only security, we can find, a Memorandum of Understanding between the developer and the local authorities ('LA') that suggests that a link road will be built out in two phases.

In the MOU (which is not legally binding) it sets out that a section 106, or other legal agreement with the developer will fund this, yet un-costed, second phase of the road. However, there is no limit specified as to how many dwellings can be built before the completion of a link road. Yet the original HIF grant application produced by the LAs set out that the road network would not be able to sustain more than 1000 new homes without the road. Given that that figure must have been based on traffic modelling this should be set via the DPD as a maximum limit to the homes that can be built before a link road is fully built and open. Furthermore, there is no guarantee that it will be delivered in an 'infrastructure first' capacity as set out in section one, agreed by councillors, and promised to the public. Indeed,

all the MOU offers is that the developer will undertake building the second phase of the road when 'practically and financially possible'. This being in the context of a non-legally binding document does not deem the road deliverable.

ECC are also reluctant to give any up-to-date expected costs for the second phase of the road. This can only mean one of two things; either ECC do not know what that cost now is - or they do not want that figure included in the phasing and financial evidence, as this will drag the project below a viable threshold. It is financially unviable already which we will discuss in the relevant section. The only figure we have seen regarding an overspend is £21million. This was estimated over two years ago and therefore does not factor in the rise in inflation, the specific price rises of materials relevant to this project, or the cost of land deals yet to be signed or increases created by the new phasing of the road, or additional tendering costs.

. Also, it is unclear what costs are involved with the connection to the A120 for Highways England. National Highways will require significant costs associated with bonds and agreements for the tie in with the A120. As this junction design is far more complicated, and therefore costly, than the one onto the A133 it is also unclear how the division of existing funding between the two phases will be allocated. Another consideration is that Highways England still have concerns with capacity on the network related to the garden community in future traffic modelling. Which therefore may impose additional mitigation measures to the scheme that are yet to be defined or costed as other factors that threaten the delivery of the road include the outstanding agreements on land deals, our concern is that one specific landowner will not agree to anything near what ECC are able or willing to offer and so negotiation will reach an impasse. If this leads to legal action, it will clearly slow the whole delivery down. The alternative is a far greater cost for the developer to negotiate, which we assume is why ECC have washed their hands of the problem. We are aware that ECC are running CPOs in parallel to land deals, but we have no reassurance that they are prepared to pay more than agricultural land use value, which is millions away from anyone who has a business will require as compensation for the land required. This will then have cost repercussions years down the line that are not factored into the viability at this stage. We also note that critical funding for the A120 has failed all government RIS applications (which ECC, CCC and TDC had assumed would arrive and have no alternative funding provision for). Yet this material fact does not seem to have limited ambition to push more traffic onto it. Section 1 of the local plan (6 Infrastructure and Connectivity – 6.11 page 32), includes the statement that: - *'ECC and Highways England have progressed work with regards a new and improved A120 between Braintree and the A12. **The new A120 is necessary to help address the volume of existing A120 movements which by far exceeds the current standard of carriageway provision.** The route will be instrumental in catering for growth in the corridor and will provide a better route for freight traffic, improve safety and relieve existing communities from a range of externalities such as through traffic, noise, severance and poor air quality. ECC has identified its favoured Route D which would join the A12 south of Kelvedon. In March 2020 the government announced its Road Investment Strategy (RIS2) which included a commitment to progressing further development work on the A120 dualling to prepare the scheme for delivery.'*

The A133 already experiences high levels of congestion and delays. This is not exclusive to peak hours. ECC's own evidence shows that this section of the A133 has the highest volume

of daily traffic flows of any of the radial routes into Colchester. None of the current evidence submitted with the DPD covers the impact of phased delivery of a link road, we suspect this has been deliberately omitted. Additionally, a location for the park and choose and its expected time of delivery is not clarified in either the DPD or supporting evidence base. Given that this feature could potentially encourage existing commuters to move to active travel it is a huge omission given the somewhat unbelievable modal shift aspirations. Also, the employment report rates the prospect of success of the employment area to the north ahead of any other employment opportunity, but this important part of the development will not be able to come forward without the new road. Therefore, forcing new residents to seek employment opportunities off site, and contributing to the already overloaded commute patterns into Colchester along the A133. We wish to direct you to the submission written by our Transport Representative Peter Kay, which we fully endorse as this gives a brief overview of some of the fundamental issues.

## 1.2 - RTS

The DPD does not detail the design and delivery of the RTS nor is there any evidence that planning consent and funding have been secured. However, given that the proposals are for a conventionally fuelled bus to travel along existing roads (and only in a dedicated bus lane in a small portion of the journey) it is not credible to suggest this can be classed as a rapid transport system and most certainly there is no evidence that it would be quicker or cheaper than using a car. We urge the Inspector to pay particular attention to the RTS as it is fundamentally flawed because the existing roads are not big enough for bus lanes and the car traffic. This unresolvable practical limitation means it will not be used as it won't be quicker. It should be noted that the first thing families do when they move here from London is get a car – car ownership and not relying on public transport is a pull not a push factor.

Although the route for the RTS is now defined there is no detail on how traffic priority can be given to the bus. We believe there will be a segregated lane on part of the journey along the A133, but there are no drawings available. We are not sure if a continuous lane can be provided all the way to the junction at the Greenstead roundabouts due to the existing bridge creating width restrictions and there being no space for a third lane at the junction with the roundabout. A new bottle neck in this area will cripple the road. Although the transport documents highlight that this junction will need extensive remodelling no design is offered or a date by which one will be. Should the buses have to integrate at any point along the A133 with the two general traffic lanes it will exacerbate an already heavily congested area. It will also not make bus travel in any way attractive to new, or existing, residents. Ultimately this site has always been the wrong location for this scale of build.

As there is no link up with the university campus (only a stop adjacent to the knowledge gateway) or local bus routes from Brightlingsea via Wivenhoe to Colchester, new residents travelling from the Garden Community would not be able to interchange to the local bus network which gives access to the industrial/commercial buildings at Whitehall, Wivenhoe, Brightlingsea and Greenstead. Also, university students would not help finance the RTS operation with their patronage as it would be too far for them to walk for a stop. This is especially ironic as the RTS was originally designed to service the university. For at least the

first phase of the development secondary school age children would need to access either Greenstead or Brightlingsea for their nearest school and neither are commutable by bus. It is essential that early residents adhere with modal shift aspirations, or it will fail.

## 2 - Chapter 2: Vision

On Page 14 the DPD states that *'Tendring Colchester Borders Garden Community aspires to become an exemplar and forward-thinking new community in its own right, while **resulting in clear benefits to its surrounding area.**'* We can see no benefit to the surrounding area in general and, in particular, Wivenhoe. In contrast we see many highly detrimental effects on our town that in general will be a drain on our existing infrastructure. Like schools, doctors, public amenities that will take the additional burden until these elements are delivered in later phases of the project program. Furthermore, new homes will now effectively be serviced by a cul-de-sac joined to the A133, rather than a link road, which will create unacceptable levels of congestion and air pollution for our residents. Many of the mitigation measures proposed (new junctions and crossings of the A133) that are supposed to compensate for this increase in traffic will make the situation worse. We were led to believe mitigation measures would increase traffic flow on this route or support active travel. Yet it will do neither. We would ask for this line to be justified with evidence or removed. The DPD does not account for the local area when it is within its gift to offer protections and that is a failure that requires addressing.

The DPD claims that the TBC "Garden Community" will meet the Garden City Principles, set out by Town and Country Planning Association (TCPA). However, we see a complete failure to do so to date. For example:

GCs are meant to incorporate *'Land value capture for the benefit of the community'*. Yet the development corporation that was presented as the solution at the section one hearings, has not materialised. Also work on the preparing of MUO's on financial appraisals with the developer, and on preparation of initial 106 arrangements, has been deliberately stalled by the steering group for this project despite being requested by Colchester City Council by a full council vote. Meaning it will be the same traditional developer lead model of all other developments in the area. These are driven by developer profits rather than rectifying the infrastructure deficit of the area.

GCs are meant to have *'Strong vision, leadership and community engagement.'* Yet most of the master planning is caveated by being indicative. Thus, deferring where it doesn't work or handing control to a developer who may have a very different vision. Furthermore, the majority of consultation responses have been ignored so community engagement has been lip service at best. The clear message from the most recent Reg 18 consultation was that there should be - no development south of the A133, yet that is precisely what is proposed.

GCs are meant to include *'Community ownership of land and long-term stewardship of assets.'* Yet there is still no stewardship model which should be set by the LA's and not left to the developer. Not even an indication as to if existing parish council boundaries will be respected.

Clarity is needed about the ownership of community assets such as the open spaces and new country park at Salary Brook. The country park is almost exclusively within the boundary of Wivenhoe and the City of Colchester, so would maintenance and public liability insurance be the responsibility of the City of Colchester, the parish of Wivenhoe or a separate new community group? Most of the houses fall within the parish boundaries of either Ardleigh or Elmstead. Will they be able to demand a parish precept from new occupants?

GCs are meant to have '*A wide range of local jobs within easy commuting distance of Homes.*' Yet the employment area is not forecast to be developed as part of phase 1. As the non-link road won't extend that far there will be no access from the A120. All economic forecasts have said this would be the most successful area to develop. Therefore, it cannot be policy compliant for many years because Section 1 of our local plan sets out the target to deliver 1 job per home.

GCs are meant to have '*Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities and including opportunities to grow food.*' These elements are impossible to measure at this stage because the design codes we were told would be developed haven't happened and the 3d modelling, specified to be part of the DPD has not been produced. It is also not specified what land area has been allocated for allotments and where they would be situated. Except to allow them by exception in the green buffers that are supposed to secure the settings of Elmstead and Wivenhoe.

GCs should create '*Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.*' It appears that the DPD is no more ambitious in any of these areas than a compliance to national policy. If the best agricultural land in the country, (providing food security), can be replaced by tarmac and concrete in a car dependant new town, and can still qualify as a net biodiversity gain, it illustrates that even the national policy in these areas is not fit for purpose.

GCs should create '*Strong cultural, recreational, and shopping facilities in walkable, vibrant and sociable neighbourhoods.*' This is unachievable regarding recreation. As the sports fields are too far to walk to and on the other side of a national speed limited dual carriage way. This is indicative of the lack of joined up thought, local knowledge or care that has been put in this plan. People will drive to the sports facilities; they will drive to the existing out of town shopping centres as it is unimaginable that any organisation would set up to compete with the Northern Gateway and if they did CCC would not accept a proposal that would materially damage the footfall of their pet retail project. The cultural offer is non-existent as this is just urban sprawl with no reason for being, no history, no combined sense of focus and nothing in any document produced in nearly a decade that indicates any sense of pride of place. There is no hope for cultural facilities as this is a developer led profit model. It is questionable when facilities like community halls, childcare settings will arrive. However yet un-costed elements like performance spaces, pubs and churches are what set the cultural tone of an area.

GCs should create *'Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.'* A bus, especially on heavily congested roads is not an attractive form of transport.

### 3 - Chapter 3: Land Uses and Spatial Approach

As it is stated in the DPD that *'The location of specific land uses, facilities and activities are illustrative and subject to further master planning'*. We do not understand what we are being consulted on. If it is subject to change and these alternative layouts are not available, it feels like a pointless exercise to produce a DPD in the first place. Especially when 'GC POLICY 1: LAND USES AND SPATIAL APPROACH' states that it is *'Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders.'* We can see plenty of contradictions with section 1 policy but also reports that were criteria of the DPD that have not been produced, for example a wintering bird survey, 3D modelling, a Smart Energy Appraisal, a Heritage Impact Environmental Audit Survey and a Gypsy and Travellers Need Assessment.

Additionally, throughout the life of the project, (and in particular the reg 18 consultation) a large number of Wivenhoe residents, (and WTC as a statutory body) have made our views clear on development south of the A133. This has consistently been ignored. This needs to change urgently.

In 'Part A: Land Use Parameters and Policies Map' Wivenhoe and Elmstead Strategic Green Gaps are said to be protected. However, a Sports and Leisure Park appears (and potentially the park and chose site) in the area we believe should be the green buffer for Wivenhoe given that the A133 forms an obvious physical boundary to the garden community. The university specification indicates that it would include a multiple storey stadium with flood lights. Any sport provision will also need extensive car parking (not shown or calculated within the area) given it is too far for residents to walk to and away teams will bring a significant number of supporters with them. This be in direct conflict to the listed park on the opposite side of the road and will destroy the setting of Wivenhoe with light and visual intrusion.

We draw your attention to the fact that this does not conform in principle to section 1 of the local plan.

page 19 - 3 Spatial context -3.1 – *'The countryside will be protected and enhanced.'*

Page 20 – Policy SP3 *'Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.'*

We would also highlight the following points from the East Colchester Growth Area Option Environmental Audit Update 2022:

3.4.11 *'On the basis of the work carried out for this study areas that provide a high contribution to the separation of settlements are considered to be essential in helping retain the character and identity of the boroughs key settlements and should be safeguarded from*

*inappropriate development. Any new built development on this land is likely to seriously undermine the sense of settlement separation and the strong rural character of the land.'*

3.4.12 *'Any new built development as defined on the land identified as providing a high contribution to the separation of settlements is likely to seriously undermine both the sense of settlement separation and the strong rural character of land outside the university campus in spite of the visual enclosure provided by field boundary hedgerows woodland and campus trees new development which results in a diminished sense of leaving one settlement and entering another for people traveling along the roads and public footpaths between the settlements.'*

3.4.13 *"The majority of land within the south-eastern corner of the Study Area provides a high contribution to the separation of Colchester and Wivenhoe, which is essential in helping retain the character and identity of these settlements."*

3.4.16 *"In terms of 'Strategic Green Gaps', land south of the A133; and land east of the new A120/A133 Link Road and south of Allen's Farm are designated as such. The purpose of this designation is to give extra protection to the open countryside in key locations around the Garden Community in order to maintain long-term physical separation to the nearby settlements of Colchester, Wivenhoe and Elmstead Market and to ensure their individual settlement character is maintained and not threatened by coalescence.'*

From the "Sustainability Appraisal" the Option 3 referred to in these extracts was for a masterplan option with no development south of the A133.

7.8 Of the four options considered for the spatial layout of the Garden Community, the preferred option (option 3) on which Policy 1 is based was found to perform more sustainably than the three alternatives. This reflects the higher proportion of the site that would remain undeveloped, with increased benefits in terms of preserving local landscape character, the setting of nearby settlements and heritage assets and greenspace for habitat provision and connectivity. This approach was also found to perform more favourably in terms of limiting the need to travel by car, given the higher density and more compact form of development that would result. This approach is considered mostly likely to provide residents with easy access to a range of services and facilities within the Garden Community at the new centres. Option 3 would also limit the potential for a portion of residents to be located to the south of the A133 (as would result through options 1 and 2) where they would experience a degree of severance from the rest of the Garden Community.

In Part D: Wivenhoe Strategic Green Gap the DPD states *'Development will only be supported where its role and function would not be materially harmed; it represents the provision of appropriate development for a countryside location; or is for facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, renewable energy, cemeteries and burial grounds or allotments.'* Should any of these options be brought forward within any future planning application, it will destroy any strategic green gap. All land south of the A133 MUST be designated as a country park, as previously promised by the Local authorities. The same applies for Part E: Elmstead Strategic Green Gap.

As part of Part F: Sports and Leisure Park and University of Essex Expansion, approximately 25 hectares *'will be available for use by residents and clubs in the existing community, the proposed Garden Community and the University.'* Given that the university is now being allocated far more area than was originally specified in the plan the condition of this shared use needs far greater definition and legal status. The university has consistently refused to date to share or loan pitches to the Wivenhoe's football club despite the chronic undersupply of pitches in the town. The only current access our residents get to any facilities at the university is restricted and paid for at a full commercial rate. We don't see the university changing this policy as it is effectively a private business. Unless there is some kind of commercial deal that we are unaware of between the local authorities and the university. This would explain why, within the viability work, this land for a sports park is only valued at a cost neutral value rather than a commercial rate. We are unsure how the local authorities can make this kind of assumption given that they do not own the land. Presumably to make the viability work a thin veneer of soundness.

The only reasonable position for the sports fields for the use of GC residents should be alongside the secondary school between the two largest neighbourhoods. As expressed earlier they are too great a distance to commute via active travel modes but also because the RTS route does not go to it as a prime destination.

As the 'OPEN SPACE, PLAYING PITCH, OUTDOOR SPORTS AND BUILT FACILITY - OVERARCHING STRATEGY' in the evidence points out significant investment is needed in sports provision in Wivenhoe already, particularly the buildings and parking at the football club.

What is not clear, as there isn't a credible stewardship model, is who would own and manage any of these facilities. How can policy be determined before this is addressed?

Part G: Knowledge-Based Employment Land. We are extremely disappointed to note the master planning does not include any sound or visual barrier. This is increasingly important given that to date all university knowledge gateway development to be commercially viable is built at scale of multiple stories.

The Policies Map regarding the Park and Choose Facility needs to be resolved now as the area required is not defined. As the greatest external draw for parking will be the new knowledge gateway area and the route of the RTS reflects this we cannot understand why a location south of the A133 is still being considered. Additionally, the only area left for it to go would be the already reduced green buffer for Wivenhoe.

## **4 - Chapter 4: Nature**

It is noted that much of the information in the Ecology audit is based on reiteration of desktop surveys.

It is also noted that access to private land was not granted for the purpose of any field surveys. Given the confidence expressed by the planning authority that this land would be purchased at fair value, this is a worrying matter.

The audit claims that records previously provided by Essex Wildlife Trust are no longer available for the purpose of this desktop audit. This restricts the information available and



the accuracy of it, without the opportunity to cross-reference information from different sources and their supporting community of contributors and highlights a significant weakness of desktop surveys nowadays in Essex.

The further limitations of this are also:

1. As much of the land in question is private and only viewable or accessible from a public right of way, much of this area is not a recognised Nature Reserve so the reports submitted to Essex Field Club (\* hereinafter, EFC) are going to be extremely sparse due to the lack of regular or incidental visits from clued-up naturalists. Other observers familiar with the area and who may have a good knowledge of its wildlife may not even know of the existence of EFC and may not submit records, which may or may not be reliable identifications.
2. No attempt appears to have been made to contact local wildlife groups for anecdotal records. There is a strong local precedent for citizen science to be admissible, which is especially pertinent in the absence of field records.
3. The report does not appear to demonstrate that the field surveys (albeit from the limited perspective of PROWs with binoculars) covered all the seasons necessary to determine which species use the land over the course of the seasons. Also, whilst binocular-based surveys can be reasonably adequate for birds, it is inappropriate for most other wildlife recording of smaller and non-avian life.

The BNG metric, only to put the DPD into perspective for viability calculations, is fundamentally flawed, for reasons outlined below:

1. Its metric values only habitat and not the species which may inhabit there.
2. It implies that the equitable compensation for habitat loss is simply to replace it, with no regard to the time taken to bring the new habitat to similar ecological value (or viability for inhabitant species) to what was lost.
3. There appears to be a supposition that once habitat is replaced (by, for example, re-planting) that species will instantly re-inhabit. This simply is not the case. Whilst some avian species can re-inhabit new habitat quite quickly, such as a dragonfly to a new garden pond, most cannot and will not re-inhabit until and unless they are able to transit into the new habitat (once viable, which can take many years) from an adjacent and accessible corridor. In any case, where there is established sanctuary, outward migration is likely to be very slow if it happens at all, as the established habitat is likely to be better than the new unless it is allowed to degrade, which is not the point of BNG in any case! The idea that these species can somehow be parked whilst new habitat becomes established is fanciful.
4. That the time factor is not built into the metric (in order for it to be practical and/or credible) is a significant weakness for new projects applying the principle of the metric. Add to this that the concept and the number of applied successful examples of Garden Cities in particular places a high risk that this project will be a spectacular failure, which may inform future projects, but only after the taxpayer has been subject to an open liability to the extra cost of this one, which presumably will be pushed through despite costs and timescales escalating out of control due to the unexplored nuances mentioned above.

It must be hoped that HM inspectorate, even if they are forced to assume that the principle and the metric of BNG is viable, will take into account the aspirational language of all the submissions so far.

A significant concern relating to the viability of this project is the restricted access to the land for consulting ecologists. It simply isn't possible to properly assess the presence of, for example, great crested newts without a confirmatory eDNA survey of water bodies. Further, habitats for great crested newts can be some way away from their breeding areas, so the discovery of wintering habitat is very difficult without having time and access for a field survey. The report heavily implies that this will have to be done at a later stage, which has a significant bearing on viability.

There appears to be time pressure on the council(s) to commence work on this project, failing which there is a risk that some provisional infrastructure funding could be withdrawn. This risks the project starting without any field surveys of some key areas of private land which, even if they are not considered to be key habitats for important breeding species, will nevertheless need to feature terrestrial and/or amphibious wildlife corridors. Should the project unwittingly annexe key wildlife habitats, then the recommendations of the ecologist (if any) effectively become null and void.

That landowners are unwilling to grant access to land is a worrying aspect to the viability of the project. Specialist lawyers engaged by landowners are far more able to win a battle of brinkmanship than a council which is strapped for both time and cash. This implies heavily that the estimates for time and cost of this project even in its early stages are hopelessly optimistic. In situations where there are smaller, more speculative developments, a landowner risks losing the deal if they push too hard, but CCC has essentially gambled everything on this project and are politically committed to it – and landowners know it and will negotiate harder – and later – because of it.

Another problem this project has in complying with the BNG principle is that the metric measures habitat loss as a measure of what is to be replaced. What it does not attempt to do is to consider the way habitat may be degraded or materially changed as a result of the development alongside it or amidst it. An example of this can be drainage and water bodies, for example, Salary Brook. There is also some recent historic context I will mention later. The DPD already mentions within its SuDS references that a combination of natural and engineered solutions will be implemented to conserve water and prevent flooding to the development. There is no way this will not impact on the ecology of the Salary Brook valley (to where the rainwater will gravitate), especially as there will be an exponential increase in the number of extreme wet weather events. Plans to minimise the negative effects on this vital aquatic and amphibious corridor are not detailed. Again, the effect on such wildlife that is aquatic/amphibious (with compromised mobility to migrate) and its interdependency with other species more dependent on stable habitat conditions, likely to be affected by changes in drainage, puts it at peril, due to fast and significant changes to water levels.

Recently, a significant length of mature hedgerow was removed by a contractor for "alleviation work", thus disaffecting dormice known to be present. In a meeting called by the council, the developer flatly lied about the existence of dormice in front of the gentleman from EWT that actually handled them whilst surveying! The developer escaped sanction and was only made to re-plant a new hedge. The administration's inability to recognise a fictitious (and unlawfully retrospective) ecology report creates genuine concern that they will accept reports submitted that appear to comply with policy, but in fact are a pitifully and

dangerously insufficient appraisal of the natural assets in the area and the impact the development will have on these natural assets.

We are highly disturbed by the frequency with which the ecology audit claims – based only on desktop records and a supposition – that habitats are of poor to moderate biodiversity value when it freely admits to its limitations (with appropriate subtle disclaimers) summed up in paragraph 2.12.

The principles of BNG are as yet untested but there is much commentary (mainly from ecologists not in the employ of developers) that the current incarnation of it is dangerously misleading in its assumed effectiveness. Garden Cities and their related infrastructure - especially those so proximate to old but rapidly growing cities – are also largely untested. The irony of the rhetoric supporting the principle of the Local Plan and the Garden Community that meets most of its target for housing allocation, is that the lack of an approved LP leaves the authority open to “Speculative Development”. The uncertainties presented by this plan, couple with the scale, untested principles and projected timescale make it considerably more speculative than any before it in this neighbourhood.

With reference to Part B: Integrating Green and Blue (water) Spaces into Built Form; this will not prevent additional trips to the coast, but it is unclear what specific measures will be allocated to pay for monitoring and the policing of this, if needed.

It is also stated that ‘Ecologically rich buffer landscapes against existing and new road corridors will be required. The minimum widths of these will be agreed through an appropriate design code or similar’. Yet there is no acoustic and visual buffer along the A133 shown on any of the master planning documents.

With reference to part E tree planting: a tree buffer is included along the south edge of the country park to create an 'attractive edge to development and provide screening', but not east of the country park where screening and noise mitigation is most relevant!

With reference to Part F Productive Landscapes.; *‘Allotments must be related to residential areas and community spaces’* However these are not shown or calculated in any plan. Policy states that design should respect *‘the character and visual amenity of nearby towns, villages, historic buildings, structure and the character and feature of the landscape’* But there is a suggestion that these facilities can go in either the Elmstead or Wivenhoe green buffer far too detached from those that will want to use them.

## **5 - Chapter 5 buildings places and character**

We believe that development south of the A133 adjacent to the historic park will lead to harm. Both the park itself and the setting of Wivenhoe. The DPD states that *‘Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural, or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available.’* This demonstrably renders all the development south of the A133 as not policy compliant.

At no point does the wording of this chapter mention that the affordable home provision should include a split of 80% affordable rented and the remaining 20% are help-to-buy schemes, (or similar). It needs to in order to comply with CCC's specific planning document on this matter. Nor does it give scope for conditions to change in order to reflect updated evidence further into the project program. The wording needs to change to incorporate both, otherwise compliance will be unsustainable.

## **6 - Chapter 6: Economic Activity and Employment**

The Economic and Employment Study (Quod, January 2022) sets out the evidence, analysis and recommendations which has informed this Plan. The study concluded that the prospects for a business park (B2/B8 logistics, industrial and ancillary office) with direct access to the A120 was a very strong offer whereas the knowledge gateway provision was a more long-term opportunity. However, the deliverability of a link road brings into serious question as to whether the project can now live up to its one job per household expectation.

## **7 - Chapter 7: Community and Social Infrastructure**

Healthcare is mentioned within this chapter but there is no mention of physical delivery of facilities and what these would be. We also require clarification of where the catchment for primary health care would be. i.e. which existing facilities would be expected to take on additional patients until facilities were (if ever) available on site. The evidence base is no more specific when it comes to the *Health Topic Paper*. Yet the proposals for the doctor's surgery at the university has confirmed there will be no access available for Wivenhoe residents regardless of the provision being in the ward of Wivenhoe. Yet Rowhedge, (a 20-minute drive at best and that's before Clingoe Hill\RTS changes reduce road space) will have access to it.

Any stewardship strategy will need to interact and work alongside existing local government arrangements including town and parish councils. Local parishes would need to change a significant amount of policy if new homes came within their jurisdiction and more information (and input from local people and parishes) on arrangements are needed now. A developer will have no control about parish or district boundaries, but currently the precept set by parishes and districts ensure that local services are able to be provided. The country park is mostly in the boundary of Wivenhoe, but there are no residential units contributing to a locally supervised management of it. Equally there is a local chronic shortage of allotment spaces and cemetery spaces and more importantly school and doctors' spaces. Would new residents of the GC have a claim on any of these if they lived within a parish boundary? This is especially important to consider when concerned with school and doctor's spaces that are governed by sub regional bodies.

## **8 - Chapter 8 Movement and Connections.**

## 8.1 – Modal shift and the RTS

The traffic modelling done to accompany the DPD relies on demonstrably unachievable modal shifts. North-east Essex operates on a mostly car-based approach to travel. Yet the modelling anticipates an almost overnight transformation that hasn't been evidenced as achievable in an equivalent sized location in this country. This is compounded locally as Essex suffers from an enormous infrastructure deficit. Although it may be admirable to look to the continent for solutions, a basic reality check of placing this scheme in a different culture and climate is absent. Although the DPD is admirable in this regard, it is wholly aspirational and lacks any credible evidence. As the subsequent modelling for things like a link road and RTS is all based on such precarious assumptions of modal shift there is little point in referring to it as it lacks any integrity. As this work was completed by Ringway Jacobs, who are under direct appointment to ECC and currently execute all their highways contracts, we question the independence and accuracy of the modelling and would like to see an independent model produced.

The proposed mitigation measures associated with the project are set to go ahead across the entire road network of Colchester. Although this investment is welcomed active travel and cycle path initiatives and their impact on traffic flow and speed has not been factored in. There is no plan to mitigate for the detrimental impact the overzealous emphasis on active travel will have on getting other traffic moving. This is a serious omission. Proposed mitigation appears to be there to tackle general rises in traffic which are unrelated to the GC. This looks like a blatant s106 money grab by the county council to mitigate unrelated problems. Much of the work is also phased to come much later in the program so will make little difference to the habits formed by early residents. Given that the park and chouse isn't planned for the first phase the RTS will do nothing to reduce the existing traffic congestion on the A133. Yet all along the justification for a link road was to take existing car journeys from the east of the region off the A133 and onto the RTS. The RTS itself will obviously reduce road capacity for cars and so removing these commuters from the route is essential. The real problem areas for traffic congestion, like the Greenstead roundabout are not addressed. Just identified as a problem area and pushed to the long grass for a viable solution. The evidence acknowledges this area needs a complete redesign but there is no suggestion of what that is, when it will be costed or delivered or if it is even possible after the introduction of thousands more daily car journeys created by the back to front notion of development coming before infrastructure.

There is so little detail of what the mitigation measures will be it is impossible to comment on if they will have a positive impact. However, we are qualified to know for instance what would work for Wivenhoe as we are familiar with travel behaviour here. We fail to see how adding various crossings and junctions on the A133 will do anything but gridlock the road down for both cars and the public transport that uses it. A safe walking or cycling route however, from Wivenhoe (or any of the surrounding settlements) to a secondary school would make a difference to the amounts of car-based parents getting their children to school. This is completely absent from the mitigation measures.

The Policies Map identifies the RTS joining the A133 at the junction with the B1027. However, this junction provides access from Wivenhoe and other communities all the way to Brightlingsea into Colchester. This junction works reasonably at present but can be subject to tailbacks which are exacerbated by traffic rerouting from the A120 queues that afflict the A12. Reconfiguration works of this intersection will create severe and unnecessary problems and are unlikely to offer solutions to both capacity and journey times. A more direct RTS route, to a junction opposite the current Knowledge Gateway site (where the bus lane is proposed to start from) would be far more productive. Additionally, all the pedestrian and cycle crossings for the A133 should be provided via bridges. As this will be safer for those users and prevent delay of them and the vehicle-based traffic along the A133.

The RTS routes on site can of course be designed to be of use from the start of the project. However most off-site *destinations* (work, retail and leisure) have gradually been relocated to sites that are far more accessible by car and less accessible by other means. Destination dispersal is ignored in all the evidence base. However, it is becoming even more evident in Colchester that customers are moving away from the town centre that is easy to commute to by public transport, in favour of 'out of town' retail and leisure parks. This is reflected in the actions of retailers and an example is Marks & Spencer moving from the High St to the new Stane Park retail development at Tollgate. The large number of non-car customers in the High St have been abandoned and replaced by people coming in cars from a wider area, generating more traffic. Commuting to this destination on public transport takes twice as long on average compared to getting to the town centre.

We are disappointed that the local authorities are not willing to introduce effective initiatives such as- a congestion charge, increased public parking fees, the removal of on street parking on bus routes, or the removal of free employer parking in the city centre.

Work by CCC consultants in 1996, as part of the research on the then 'new transport policy', demonstrated the huge problem that existed in Colchester from the abnormally large amounts of free, or cheap employer parking. The simple solution for Councils to control private parking would be the introduction of a Workplace Parking Levy, but no one seems to have the courage to propose this. Presumably because of the predicted lack of public support that seems inevitable. To go on to assume the same people are now going to be convinced to abandon their cars for a bus and make the model shifts predicted achievable, seems to be a fantastic leap of faith that we do not share.

The DPD documents give modal share figures up to 2041 and 2051. Anyone who has observed transport change in SE England since 2019 will be aware that predictions can go badly wrong. Also looking too far into the future is inadvisable if not based on any technological advances or changes in behavioural patterns. For example, a research project by Arups has concluded that the move to electric cars is actually increasing congestion as people feel it is cheaper to run an electric car and not environmentally as damaging as conventionally fuelled cars. Anecdotally electric car drivers are even going for leisure drives as they feel they are not being anti-environmental. This behavioural change was not predicted. Nor would not have imagined the increase in numbers working from home pre Covid, or the downturn in public transport use.

One only needs to look at recent history to see the folly of long-term predictions. In the 1830s nobody would have foreseen that a large number of local journeys in London would be made by train by the 1870s. In the 1940s it was still assumed that the working class would never own cars. Yet those producing the evidence base are confident they predict what society will be like and what journeys people will make in thirty plus years' time. We can only assume that this is because the car share is still too high in the 2033 figures and the only way of avoiding blatant overload in the later traffic forecasts is to produce lower car % figures as the growth of the GC continues. This is not prediction (which would be impossible anyway) but a mere *hope* that this will happen, because they *need* it to be so in order to push through such a big development. Instead, there is an urgent need for efficient policy that stops all development if the modal shift is not achieved at certain time periods after each phase is delivered.

## 8.2 - Modal shift figures

The figures given in the DPD (p.95), (all based on the unrealistic assumption that *all* the over optimistic modal shift calculations can be achieved) are not fully explained, but reference to Transport Report 1 shows that they are actually *average* figures of the three different types of trip in the model (within GC, up to five miles from the GC, and longer distance). This may justify the overall 'greenness' of the development, but very misleading when considering the impact of all the extra GC traffic on the local main roads, because the intra-GC trips have a much lower car percentage. It is, rather, the 'up to 5 miles' trips that provide the best guide on this front.

## 8.3 - Existing Public transport

Colchester has seen a reduction in local adult rail commuting from Tendring since 1990 and is largely used by schoolchildren and college students. Rail companies have no appetite to increase the number of trains per hour on the local branch lines and we have had to fight with the rail company to keep the service at this level since the reduction in use post Covid.

The local bus services held up tolerably well up until covid, with increases in frequency in many cases post-2000, but are now pushed into crisis. Usage (on First Buses) is now down to about 80% of pre-covid levels, the principal loss being of senior citizen passholders in the middle part of the day. Rural routes have seen bigger losses than town routes and most are now down to about half the pre-covid frequency. Even the present services are reliant on the special government grants, and a spiral of decline is likely to begin when those are ended.

## 8.4 – Background

The location of the TBCGC was not chosen because there was a strategic overview of existing transport networks but put forward following a 'call for sites'. Then post rationalised as the most sustainable by the inclusion of currently non-existent infrastructure in the form of a link

road and the RTS. For this reason, it is critical to protect in policy the quality and delivery of such elements or it will become the standard car-based development that the city acknowledges it cannot sustain. One of the few reasons why it survived the section one inspection was because the financial viability at the time looked favourable. This is no longer the case and the dilution of the RTS, and lack of link road must not be allowed to be the casualties. DPD policy needs to be based on realistic and achievable propositions, and robust enough that it cannot be watered down at planning application stage.

Throughout the lifetime of the project, it has been claimed that using the RTS will be quicker than travelling by car, however there is nothing in the evidence to justify this. The mitigation measures outlined, as well as lacking any credible detail do not make the case for buses being able to get ahead of cars when there is no bus lane. Bus stops are time consuming, and passengers will still have to walk between home and a bus stop and a bus stop and their final destination. Which makes it very hard to believe this claim will ever be proven valid. Additionally, Park & Ride experience nationally suggests the only reason people move from cars to buses is because the bus fares are cheaper than town centre parking. There is nothing in the evidence base that secures what the fares policy will be. City centre parking is significantly less than the cost of a return bus ticket on the current bus services. The express peak time service straight to north station for onward train journeys, appears to be an aspiration rather than a funded additional route. Of the major destinations that it was originally said the RTS must serve, two (the university and Hythe station) are now only to be served from a distance.

## **8.5 – Park and Choose usage**

The current park and ride service for Colchester has not been financially successful and still requires very large subsidises to keep it operating. It has also not achieved the principal aim of reducing peak congestion. We do not believe the new route will have the incentive to attract enough car drivers who have already made a journey in from further afield. As it will not save them time, having had to park, wait for a bus, and then got stuck in the same road traffic as they would have in a car. It will only be a credible option for new residents of the GC if it can be proven to be quicker and cheaper which to date is far from the case.

We do not see the advantage for existing university staff or students as there has always been a car-based attitude at the university, who have dedicated large areas to parking on site. It will not appeal to out-of-town shoppers as these are not enroute and transporting goods is easier in a car. It doesn't link to the surrounding settlements so will not attract their residents as customers. We note that the university is planning two additional multi-storey car parks as it furthers its reliance on car-based travel for staff. The university wanted the Link Rd to encourage car journeys to campus not reduce them.

Transport Report 2 reports on establishing several bus interchange hubs yet there has not been a bus station in Colchester for over a decade and there is little space available to reinstate one. Where this hub is to be situated is of huge importance to any success the RTS may be seeking and should be assessed at examination.



## 8.6 – Increased traffic

Traffic modelling we have had access to assumes the full modal change being achieved and 10% of the trips that both start and finish within Colchester have been eliminated from the model. The traffic evidence base claims that Colchester residents will be using their cars less because of the ‘mitigation’ measures making active travel more attractive. This creates deliberately over optimistic figures in order to demonstrate that significant overloading of the roads will not occur.

Given that a link road completion is now in jeopardy the 2033 and 2041 figures all need reworking on the basis of the cul-de-sac, non-link road that will force all GC traffic into the west bound lane of the A133.

## 8.7 Compliance with section one of the local plan

To comply with Policy SP6.1 of the Local Plan the DPD needs to give details of Route 1. We believe this should include full plans of the bus only route proposed (not illustrative only) route within the GC, with a full spec of what the stops include and the location and description of all signal priority measures along the route (when it is not possible to provide a dedicated bus lane). We have not been able to review any of these. As the scheme is due to go out to tender and they have had several years to complete it we assume it is complete. We hope this is available for the DPD hearing.

There is also conflicting ‘information’ on the positions of the RTS stops. The number and exact location of these will obviously affect the usage of the RTS.

Further uncertainty relates to the RTS line to the Employment Area. Here the Transport Report contradicts the DPD maps. On the Strategic Masterplan Framework, and other recent maps, the link to the employment area is shown as a dashed line ‘branch’ route, implying a limited service. (Nothing appears in the key to explain this further). The ‘green’ maps (but not the Policies Map) also show a second wholly unexplained line ‘branch’ along Bromley Road. This is new.

Clarification is also needed on the ‘Express Route’ to north station. And the location of the park and chose. We are particularly concerned about the use of a ‘temporary’ site, followed by a ‘permanent’ site. There is no explanation of why it is necessary, or desirable to do this. As it will greatly increase the total cost. Transport Report 2 table 1.1 (p.7) requires the developer to provide a *‘temporary P&C site’* in 2026 as part of the first stage of the RTS within the GC, and then in 2033, as part of the second phase, to fund *‘a Park & Choose aligned with Mobility Hub concepts, and support the shared mode costs and maintenance in this location which supports access between the P&C and the GC’* Although we are not clear what this actually means. The wastefulness of a temporary site (the more cynical of us would suggest this is because they

intend to keep the Park & Choose site flexible which would be deeply concerning) has a material effect on the viability as an up-front cost.

In contrast p.5 of the Transport Report 2 merely says that *'it is hoped that the developer might introduce a temporary P&C facility in the first phase prior to 2033, even though an allowance to make the facility permanent is only suggested in phase 2 because it is at this point in time that the P&C is required to mitigate transport problems'*.

The Policies Map shows the 'broad location' of two alternative P&C sites, one north of the A133 at the Wivenhoe Park Corner junction, the other south of the A133 in the Sports Park area (which is not on any RTS route currently shown or conveniently possible). It does not refer to temporary and permanent sites. P&R sites and sports parks both take up a lot of space, so having both in the same place seems optimistic.

The SMF map shows only one position, on the north site at Wivenhoe Park Corner. However the text at p.52 says that *'there are a number of options on location.....including in the sport and leisure park'*. At p.55 there is a further discussion of location, but here the alternative site is in a different place, on the north side opposite the Sports Park, with an additional RTS halt adjacent.

Lastly Section One SP6 requires that 'sustainable transport measures be in place from first occupation'. But there is not a clearly defined start date for the RTS in the DPD.

In conclusion the DPD and associated reports are too lacking in detail on the RTS to be able to judge fully its potential effectiveness and viability, or more importantly lack of. Even if there were not a Section One policy requiring this detail the continued contradictions and omissions render the DPD woefully inadequate.

Given the overspend associated with a link road we cannot understand why there has been no such problems with the RTS given it has many similar elements. We can only assume that the overall scheme has been downgraded which would be in direct conflict with the advice of the section one inspector that said the only way to achieve success was to plan for the highest specification considered to date. Unless there is an undertaking from ECC incorporated into the DPD to make up losses in the early years beyond the developer's contribution (just as they have massively subsidised the P&R to date), the RTS does not have a 'sustainable' financial position.

## **8.8 - Active travel**

The aims of encouraging Active Travel & minimising short car journeys within TCBGC should be easy to achieve, as this green field site will have plenty of paths for walkers / cyclists and few roads, but this objective will be compromised if the sport pitches are the other side of the A133, and by a link road being a through route, rather than being the green cordon approach suggested by others but never modelled by ECC some kind of bus gate preventing general car access onto the A133 would do more to discourage driving and help achieve the model shift aspirations.

## 8.9 Hinterland journeys between 1 and 5 miles

Colchester's roads have no spare capacity; they already suffer from chronic congestion and episodes of gridlock are an everyday event. For context Colchester had a population of circa 41,000 in 1981 and due to significant overdevelopment now has increased fivefold based on the same basic road network. Any existing capacity has long since disappeared.

TCBGC will create a new town of more than twice the size of Wivenhoe, most of whose residents will have to commute to work / school / college / for leisure. This will generate another 2000-3000 peak hour vehicles.

Unless radical measures are successful in persuading drivers to switch to walking, cycling & public transport before TCBGC phase 1 extra traffic from TCBGC will significantly worsen congestion. Especially along A133 & A134 corridors. A real change in travel habits (in all areas) is needed to free up capacity for additional journeys by essential vehicles, and Active Travel.

Yet the DPD is surprisingly unambitious re public transport. There are no plans to increase the frequency of rail services, and no proposals for a new rail station at or near TCBGC, for example Ardleigh.

The DPD is therefore heavily dependent on Active Travel, with the target of over 20% of 'hinterland' journeys from TCBGC in the a.m. peak to be made by cycling or walking. As those journeys will be too far for most people to walk, every day, winter or summer, that requires a massive increase in cycling over current levels in this area. Which is 4% at best, but usually less. Achieving this "aspirational" target would put Colchester on a par with Amsterdam, and catapult Colchester to the top of the UK cycling league: way ahead of Cambridge. We very much doubt this can be done.

Cycling to and from Colchester along the A133 is not an attractive proposition. Nor will it be, to most potential cyclists, even given a new high-quality track. The A13 and A4 for instance have cycle tracks and they do not attract many users. All types of cyclists need safe convenient and attractive routes to persuade them to cycle regularly, all year round. The route proposed to TCBGC goes around 2 sides of a triangle. Yet a diagonal greenway route across TCBGC to the A133 would be far more attractive.

Junctions are the critical success or failure factor on all cycle routes. Greenstead roundabout is lethal, and a deterrent to walking, as are all other roundabouts on A133 and the A134. Only one of which will be redesigned in the foreseeable future. Given how many years it has taken to redesign Crouch St it is unrealistic to expect Clingoe Hill, and other aspects of the route to be made cycle-safe any time soon.

A more obvious desire line for cycling into the city centre, would be via Greenstead Rd and East Hill and not via the A133, at St Andrews Ave. However, currently East Street is traffic choked and the Brook Street junction is a left hook hazard. The City Centre, as the DPD admits, is not cycle friendly; but there are no proposals to make the High Street 2-way for cycling, nor to reduce city centre traffic.

Greenstead, Highwoods & Mile End are not far, as the crow flies, but cycling to the hospitals, schools or other destinations is complicated with several obstacles and hazards. Given the incentive of easy access via A120 most people will choose to drive to Severalls, for example. It would require major interventions to create a safe, direct walking / cycle route and none are proposed.

Wivenhoe is likely to receive a significant amount of leisure traffic from TCBGC, which it will take more than a longer cycle track to mitigate. Other villages will also suffer from increased traffic and pollution which will deter people from walking & cycling.

## **8.10 - Longer journeys over 5 miles**

The DPD active travel modal shift targets for longer journeys are very unambitious at 10%. The result being more people driving through Colchester, causing more congestion & pollution.

Multi-modal journeys for example, bike-rail, are often overlooked by UK planners but they can significantly reduce car use for longer journeys. However, there are no proposals which would encourage modal shift to bike-rail. There is a mainline railway running close by the site but (unlike Cambridge) a new station is not planned; Colchester North will be only accessible by a long & tortuous route. Secure long term cycle parking is key but is lacking at most local stations.

Walking and cycling to RTS stops will be easy enough but RTS will take 25 minutes to Colchester North, traffic permitting, so it's unlikely to be a popular option for long distance journeys.

In conclusion even if ECC cancelled road building (as Wales have) and re-invested all the £99m in building high quality cycling & walking infrastructure, it would still be amazing if a coherent network of safe routes could be in place before the end of phase 1. Therefore, we conclude the necessary modal shift is highly unlikely to happen. More money & much more thought should be invested in all forms of public transport.

## **9 - Chapter 9 sustainable infrastructure.**

We are disappointed that this chapter is not driven by a bespoke design code which the Local authorities had said it would. Also, it lacks ambition in terms of setting high standards of environmentally sound building conditions. There is too much reliance that the developer would somehow choose to build at a higher spec than already set by national legislation. It doesn't even caveat conforming to any future new policy or new locally set standards throughout the project lifetime.

As a green field site, it would be perfectly legitimate to say that all power generated should come from green energy for instance. As this would be the opportunity to live up to promises made about a focus on measures to tackle a climate emergency. It's a huge opportunity lost and shows a lack of any credibility in this area.

## **10 - Chapter 10 infrastructure delivery impact mitigation and monitoring.**

We would like this chapter to include what would happen if the modal shift targets were not achieved. For instance - suspending all future building on site until modal shift targets were met.

## **11 - Viability**

We are deeply concerned with the viability work to date. The current Bank of England policy on interest rates, the fall in house prices, and continued increase in labour costs are critically significant factors that combined with the following factors demonstrate that the viability is fundamentally flawed and that, like its equally over ambitious sister vanity project at West Tey, this urban sprawl is equally as unsound. We doubt it would have passed the section one hearing in the current financial climate, as the Inspector's letter December 2020 point 222 states "*there is a good prospect that a master developer would obtain a rate of 6%*" but this is clearly no longer true.

We refer the inspector to the submission by William Sunnucks as we fully support the work he has done on the viability assessment as a qualified expert in the area. However, we wish to draw attention to the following factors via brief summaries.

### **12.1 - Latimer have a targetting delivery of 3000 dwellings per annum.**

The build out rate was discussed and explored at section 1 where the inspector set a 250 per year build out rate. Most of the factors that lead to this assessment are either the same or less favourable than before. For example,

- There has been a significant downturn in the housing market suppressing prices and the interest rate is preventing many from moving.
- The nation-wide skills shortage has not improved.
- The availability of some materials has been severely disrupted by both covid and Brexit.

This totally unrealistic buildout forecast by Latimer gives us serious concerns. It undermines their credibility as a developer as it highlights their very limited experience of large-scale development.

### **12.2 The time frame of the model is misleading in output.**

Although we concede we do not have any experience of viability models at this scale, we are unable to find any evidence of other viability models in this sector that span more than 10 years. We would refer to others like William Sunnucks for detail of why this approach should not be taken. However, in summary we do not think this is a reasonable basis to test the project from.

### **12.3 We are concerned that there appears to be no commercial strategy from the councils.**

As land value uplift is an essential element to the success of the garden community and the councils do not own the land, we are staggered by their naivety not to have set up a legal framework for collection of the significant (over £300million) of infrastructure contributions that will be needed to deliver a sustainable development. Furthermore, we have not heard a reasonable explanation why the decision of Colchester's Council, to produce a phase 1 appraisal and additional MOU, have not been completed. Given that the Gerard Eve appraisal, and the phased Infrastructure Delivery Plan are both available, we believe these could easily be used to produce a 10-year appraisal. If the problem is Latimer not being willing to agree a MOU then alarm bells should be ringing. The project value will increase once there is a DPD in place and councillors of the joint committee have made it clear that either they don't understand the commercial side of development or are happy to accept any kind of compromise in its implementation. Being prepared to take the project to hearing with only a phased link road is an example of this lack of knowledge and substance.

It has been suggested that the first planning application will include the entire site and not just a phase 1 of those homes allocated in this plan period. Which would mean a massive S106 agreement would need to be negotiated. This would not only be way beyond the experience of local officers, but it also couldn't possibly cater for change in planning legislation and technology for the next 30 years. Therefore, giving a developer way too much wriggle room in later phases of construction. Additionally, it makes a nonsense of the notion of monitoring things like modal shift, as clearly the wheels are in motion different mitigation to achieve this will not have been specified in the s106 agreement. We would also assume that it would mean the introduction of the Infrastructure Levy could not be incorporated at a later stage.

**12.4 The estimated overspend for a link road has been included at £21million** which is way too low and more likely to be in the region of £42million. This is not a finger in the air estimate by us, but we cover in detail elsewhere what the specific challenges are for the road delivery.

#### **12.5 The contingency rates are too low.**

And advice from the section 1 inspectors appears to have been ignored on this matter.

Contingencies are woefully underfunded (Appendix 4, Table p4) – the suggestion of an IRR of 9.8% is unjustifiable as several facets, notably the Link Rd and RTS do not even offer a contingency! The revised figure offered in Appendix 4 is 3.11%

An IRR – or rate of profit – of 3.11% at a time of increasing base rates in tandem with all the other fault lines requires urgent attention.

Contingencies do not cover for legal challenges to this development and the DPD when developers inevitably fail to meet with policy and for disputes when developers fail to deliver infrastructure. Judicial Reviews can be costly and time consuming and given the lack of stakeholder buy in can potentially arise from a variety of sources. There are also likely to be legal challenges over the environmental and biodiversity impacts of excessive development.

Contingencies do not cover for the compound cost of borrowing for the inevitable delays given the site constraints, inappropriate scale of the master builder and potential for borrowing costs to continue to increase in a post quantitative easing paradigm.

The road and associated transport contingent liabilities are insufficient. A link road is known locally to be over £40mill underfunded not the ECC stated £21mil and this figure will only increase. As will the figures on the myriad other road schemes in the county. If ECC have been unwilling to commit to invest that upfront while this site retains the risk of failure at reg 19 there is scant hope that they will prioritise this at a later date. Whilst we have rung transport alarm bells loud and clear elsewhere in this response it is pertinent to remind ourselves that the land for the road has not been brought yet, that this only passed section one because of a link road, that GC's principles are broken if it is not infrastructure led and that there is not so much as a pencilled in date for the road.

**12.6 The Internal rate of return is calculated at 9.6%.** The industry range is 10-12%.

**12.7 Latimer do not have the financial resources to go it alone on this project** and will have to borrow from their parent company to do so. The correct interest rate they will incur has not been added to the model.

**12.8 Land prices for the university sports park are set at cost neutral.** (£100,000 per acre). The report justifies this at 6.16 by stating *'There is potential for these pitches to offer a community facility and therefore we have opted to adopt this area as cost neutral until further information can be provided.'*

Firstly, the councils do not own the land so are not in a position to make this sort of negotiation with Latimer or the landowner on behalf of the university. Also, as the university will have the capital outlay for any facilities on this land, and they are effectively a private business, we cannot understand why they would agree to share it with the public for no cost. They most certainly do not do this with any current facilities.

**12.9** An initial cross referencing of the Prior and Partners master planning breakdown of the developable area and those values included in the viability work do not tally. These discrepancies are difficult to identify as there is not an adequate map with areas and associated use to reference. or a table that make the comparison directly. However, we believe that there is land that will have to be brought that does not feature in these costs.

**12.10 The sell on price for plot prices are too high.** And there is no comparable justification for this inflated figure.

**12.11** The land values are based on any landowner selling up front and that is not going to happen because of their tax and inheritance tax liabilities. Anyone doing so would be badly advised. If the predominant landowner sold now and let the NEA's soak up what he sees as *his* hope value. The family have a track record of releasing land slowly over hundreds of years and it is utter folly to think this will change. In short, a landowner will control the pace of development and will extract maximum profit.

We were promised CPOs were easily achievable in 2015 so we should avail ourselves of the assumption that they will magically appear and resolve the numerous issues with land value, land value capture and phasing. There is still no method to demonstrate how land value capture will be achieved.

In conclusion: - we do not believe that the project is currently viable.

## **12.12 Soundness**

We do not believe the plan has been positively prepared in terms of meeting objectively assessed development and infrastructure needs where it is reasonable to do so, and therefore it is not consistent with achieving sustainable development. This is due to the uncertain delivery of two significant infrastructure elements. Additionally, by developing south of the A133 there has been insufficient consideration of the conservation of the historic environment of Wivenhoe Park and the district settlement setting of Wivenhoe. The scheme does not seek to minimise congestion at key destinations or areas that witness a large amount of vehicle movement at peak times i.e the A133 and Greenstead roundabout. This will have a detrimental effect on air quality along the A133 and increase traffic flows generally across the city.

It does not conserve and enhance the quality of landscape of surrounding settlements and will increase the feeling of coalescence with neighbouring settlements where no fully protected green buffer exists.

The scale and density of the knowledge gateway expansion along the A133 is not in keeping with important and valued features of the local landscape and the existing rural character and surrounding small settlements.

There is no robust policy in place in the DPD to safeguard and enhance the quality of soil and mineral deposits. A link road application was granted by ECC even though it set out that all the associated mineral deposits would be sterilised due to time shortages on extraction, and we fear the same will be true for all the remaining sites.

It will mean the loss of the highest quality agricultural land. It doesn't support the efficient use of land resources, by achieving high enough densities to prevent the open spaces for the use of the community being the wrong side of a dual carriageway. And there for the subsequent development of greenfield land.

## **12.13 - Conclusions**

A link road from the A133 to the A120 and a 'state of the art' rapid transport system were recognised as essential for this development. The DPD does not make it clear that the entire link road will not be provided from the outset and no timing for its full delivery is given nor



the implications of this discussed. Traffic issues on the A133 will not only affect existing local communities but also Garden Community residents.

There is no discussion of the RTS route in the DPD itself nor is justification given for the route implied in the supporting transport evidence. The disruption costs of building the RTS and reconfiguring junctions are not discussed at all.

There is insufficient discussion of the justification of the location of various activities and facilities. In particular it is not explained why the knowledge-based employment is strung out along the A133, why the south of the A133 could be a good location for a Park and Choose site and why the proposed main sports facilities are so far from the majority of the future housing.

There is insufficient information regarding stewardship and ownership, and we strongly believe this should not be driven by a developer.

This site continues to be pushed through for development alongside a deeply ingrained 'head in the sand' culture with no one wishing to take accountability for this self-evidently failing plan. The local authorities refuse to respond to basic questions, information is withheld and after nearly 10 years of increasing housing numbers on the site but decreasing infrastructure, the garden community principles have almost entirely been sacrificed.

There are now only two options left available to correct the course of it. Either the DPD needs to put in place legally binding targets and barriers to residential building unless infrastructure is delivered first. For example, no more than 1000 units can be built until a link road is complete due to historic traffic congestion.

The other is to acknowledge these stark facts about the plan and let it die before any more money is wasted:

- that the housing numbers are not needed as part of the local plan period to 2033 and that both Colchester and Tendring have a 5-year land supply.
- That a future government is already discussing removing CPO barriers which haunt this project so it may be more viable in 5/6 years' time
- That other local plans are being examined against the backdrop of artificially inflated housing numbers (Walthamstow)
- that the plan simply fails without a link road as stated by Inspector Clews at the section one stage.
- The viability is horrifically over ambitious, and the cost of rectification kills the plan.
- The compound interest timebomb killed West Tey when its predictions hit 6% and we are already looking at interest forecasts predicting that this year.
- The Section 1 Hearing was in June 2019. The world is barely recognisable post pandemic with the true economic impact of Brexit now being felt not to mention a war in Europe.
- The viability is so bad that it has the potential to launch a string of Judicial Reviews and other legal challenges as costs spiral and more infrastructure disappears.

For the LA's to not acknowledge these facts is an act of gross incompetence. The second option has the advantage that returning to the drawing board could ensure the site could still deliver a strategic level housing at the circa 1500 units (TDC suggested figure for the 'Tendring fringe' in 2009).

This DPD process sits at the tip of an iceberg and holds no practical applications to resolving the existential flaws that will forever prevent this plan from delivering anything other than melting aspiration, financial ruin, and the damning misery of living with the fact it was all preventable.

In conclusion - as it stands the plan is unsound.