

Tendring Colchester Borders Garden Community

Response to Regulation 19 DPD

**on behalf of Latimer (Tendring Colchester Borders
Garden Community) Developments Limited**

16 June 2023

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Executive Summary

Comments, including where Latimer supports or objects to the chapters and policies of the Regulation 19 DPD (hereon in referred to as the 'DPD') are provided within the main body of Latimer's representations. Appendix 1 includes Latimer's comments on a number of the Evidence Base Documents, Appendix 2 provides suggested amendments to the Policies Map and Strategic Illustrative Framework Masterplan, and Appendix 3 includes requested wording amendments to the DPD in relation to transport from Stantec.

Latimer

These representations have been prepared on behalf of Latimer (Tendring Colchester Borders Garden Community 'TCBGC') Developments Limited 'Latimer'. Latimer is the master developer bringing forward the new Garden Community. Latimer submitted Regulation 18 DPD representations in April 2022, supporting the DPD's overall purpose, vision and objectives for the TCBGC. Latimer remains committed to delivering site specific proposals with a focus on creating a sustainable 21st century Garden Community.

Latimer and its appointed planning, design and technical consultant team have been collaboratively working alongside Colchester City Council ('CCC'), Tendring District Council ('TDC') and Essex County Council ('ECC') leading up to the publication of the Regulation 19 DPD.

Response to the DPD and the DPD Evidence Base

Latimer's comments are focused on ensuring sufficient flexibility is built into the DPD and its policies, where appropriate. To be effective, some aspects of the DPD need to be appropriately prescriptive whilst other aspects must allow for greater flexibility, to the benefit for both Latimer and the Councils. For example, the policies need to allow for consideration of how to balance different uses and making efficient use of land as part of later detailed master planning; and, for matters of detail to be established in future planning application proposals to enable them to respond to circumstances at the time of submission.

Latimer sets out key points of objection to be addressed and requests amendments to each chapter and policy in the DPD to make the Plan sound. In summary:

Latimer welcome the reference made in the DPD to the requirement for the plan to be reviewed every five years in **Chapter 1** to ensure it is kept up to date as well as the recognition in the DPD of the importance of making it clear that overlapping neighbourhood plans will only apply to land and property outside of the Garden Community boundary. For example, the draft Ardleigh Neighbourhood Plan Regulation 16 is currently under consultation and Latimer has expressed (and will be reiterating) their significant concerns with much of this draft plan and lack of recognition of the TCBGC adopted site allocation and emerging DPD framework.

Latimer welcome the DPD and very much support its overall purpose, **vision** and **objectives** for the TCBGC, including the 'five themes' and the reference to the Garden City Principles set out in **Chapter 2**.

GC Policy 1 'Land Uses and Spatial Approach' in **Chapter 3** is generally supported, but some amendments are sought to allow for greater flexibility with respect of the land use and spatial approach, to allow the precise detail of the development to be subject to further master planning. This includes in

relation to: the three neighbourhood centres and, the location of student accommodation to meet the University of Essex's requirements.

Latimer is supportive of the **GC Policy 2 approach to 'Nature' in Chapter 4** overall and is aligned to the vision that the outdoor and natural environment of the Garden Community will be its biggest asset. To achieve this, some amendments are proposed in relation to the approach to Biodiversity Net Gain, wording relating to development affecting SPA birds and greater flexibility in respect of the 50% Open Space target, to ensure a future masterplan informed by the DPD can deliver all the required ambitions and supporting infrastructure. In general, Latimer is pleased to see that a number of their previous Regulation 18 comments having been accommodated in relation to Nature.

GC Policy 3 'Place Shaping Principles' in Chapter 5 are supported overall. However, Latimer requests that greater flexibility should be added to some of the wording, including on designing out crime and stated design criteria. Many of these explicit requirements can run contrary to good placemaking so greater flexibility would be beneficial. Comments are also provided on the historic environment to ensure the approach is consistent with national policy.

Latimer supports the approach to **GC Policy 4 'Meeting Housing Needs' in Chapter 5**, which sets out the Council's expectation for new homes around housing mix, density, and space standards but leaves sufficient flexibility for the details of these matters to be worked through at the planning application stages and phases. Aligned to the comments on GC Policy 1, comments are made on the appropriate location for student accommodation and flexibility is sought on this.

Latimer is supportive of the approach to **Chapter 6 and GC Policy 6 'Economic Activity and Employment'** in general. However, there will be a need for detailed master planning and needs based evidence to inform future planning applications, and so requests are made in the representations to ensure there is flexibility to do so, including on the proportion of jobs per household, the phased delivery of employment and residential uses, and the hectares of employment land stated in each of the employment areas.

Latimer support the approach in **Chapter 7** and the overall approach in **GC Policy 6 'Community and Social Infrastructure'**, this will be important to guiding the development to incorporate measures to encourage inclusive, healthy, and happy lifestyles. Some minor focused amendments are suggested. Principally, wording should be added to ensure that the number of schools is evidence led, based on evidenced need and demographic studies at the time of a planning application.

Latimer supports the overall principle of **Chapter 8** which includes **GC Policy 7 'Movement and Connections'** and welcome the changes in language introduced since the Regulation 18 response across a number of key areas which provide flexibility for the masterplan and consultant team to respond to challenges as the design process evolves. Some comments remain and are made below, principally to assist in seeking to achieve the aims and objectives for the Garden Community through the planning application process, so that it is designed and built in a way that reduces the need to travel, especially by car and promotes sustainable travel modes.

Generally, Latimer support the Councils' aspirations and expectations for creating a community fit for the future and which embraces Garden Community principles and incorporates measures aimed at tackling climate change, minimising carbon emissions and climate change adaptation, as set out in **GC Policy 8 'Sustainable Infrastructure'** and **Chapter 9**. However, a few points of clarification and wording amendments are suggested within the representations, relating to Net Zero Carbon, Design

and Construction. At points, it is suggested that wording is amended to maintain flexibility, with the focus being on the end goal of Zero Carbon so that the optimum solution is delivered for the long term.

Generally, the principle written into Chapter 9, including **GC Policy 9 ‘Infrastructure delivery and Impact Mitigation’** of the DPD is supported. This seeks to ensure the Garden Community delivers the required infrastructure to support the development in a timely manner, but also recognition that where appropriate, infrastructure may need to be phased.

Conclusion

Latimer remain committed to working with the Councils to delivering an exemplar Garden Community at TCB and continue to progress the masterplanning work and preparation of the hybrid planning application, which is currently due for submission in Summer 2024.

Latimer is generally supportive of the DPD and the amendments made by the Councils since the Regulation 18 DPD consultation. However, Latimer objects to the Regulation 19 DPD as currently drafted for the reasons explained in these representations. Comments and suggested amendments are made within these representations to make it effective, justified and consistent with national policy, so that it is sound and can be deliverable.

The changes sought in these representations, including in relation to the spatial approach and evidence base documents, are not considered to be of such significance as to require further Regulation 19 consultation and could be discussed at Examination in Public and addressed through an appointed Inspector’s main modifications, if accepted.

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1.0 **Introducing Latimer (Tendring Colchester Borders Garden Community) Developments Limited**

- 1.1 These representations have been prepared on behalf of Latimer (Tendring Colchester Borders Garden Community) Developments Limited, hereon in referred to as ‘Latimer’, in response to the Regulation 19 consultation on the Tendring Colchester Borders Garden Community (‘TCBGC’) Development Plan Document (DPD).
- 1.2 Latimer is the development arm of Clarion Housing Group, developing homes in thriving, mixed-use communities.
- 1.3 Clarion Housing Group is the UK’s largest provider of affordable housing having been in operation for over 100 years, with over 125,000 homes and more than 350,000 residents across the country. The Group deliver in excess of 2,000 homes per year.
- 1.4 Latimer has a long-term commitment to the people who live in their homes. There are no shareholders, so they do not face short-term demands to make profit at any cost, and all profits generated from Latimer’s projects are recycled into building and maintaining more affordable homes. Latimer’s model is not to build and then move onto the next site. Instead, they are placemakers, dedicated to making amazing and successful places that people will be delighted to live in.
- 1.5 Social purpose is at the heart of Latimer, as is a passion for maximising the opportunities available to everyone who lives in a Latimer home and community.
- 1.6 Latimer is the master developer to bring forward the new Garden Community comprising circa 7,500 homes, quality social infrastructure, sustainable transport infrastructure and employment space. Latimer’s partner in the delivery of the housing is Mersea Homes, a three-generation family business established in 1947. This Essex housebuilder shares many of Latimer’s values relating to quality and customer service, and a desire to build flourishing communities in desirable locations.
- 1.7 Latimer submitted Regulation 18 DPD representations in April 2022, supporting the DPD’s overall purpose, vision and objectives for the TCBGC. Some comments were provided in the interests of evolving the DPD, but the changes sought were considered to be easily resolvable. Latimer remains committed to delivering site specific proposals with a focus on creating a sustainable 21st century Garden Community with a sense of place, where people aspire to live, work and visit and has already invested significant time and resource in this project.
- 1.8 Latimer looks forward to continuing to work in collaboration with the local authorities, other stakeholders and importantly, local communities, to deliver local facilities and amenities alongside the new homes and jobs. This will require significant upfront investment. As master developer, Latimer has a particular interest in ensuring that the emerging DPD and strategic high-level guidance documents are prepared in a collaborative way which also considers deliverability and technical issues from the outset.

- 1.9 Substantial progress has been made since the Regulation 18 DPD including the Strategic Framework Masterplan workstream with the Councils which concluded in January 2023. Latimer now has an appointed design team which includes Haworth Tompkins, Kjellander Sjoberg, Periscope, Arup, Exploration, Grounded and Stantec who are progressing the Design Codes alongside a hybrid planning application which is now at the pre-application stage. Latimer and its appointed planning, design and technical consultant team have been collaboratively working alongside Colchester City Council, Tendring District Council and Essex County Council leading up to the publication of the Regulation 19 DPD. Latimer look forward to continuing this joined up approach to facilitate the successful long-term delivery of this significant new community in North Essex.

2.0 **Response to Chapter 1 and 2 Introduction and Vision**

- 2.1 Latimer welcome the DPD and very much support the overall purpose, **vision** and **objectives** for the TCBGC, including the ‘five themes’ and the reference to the Garden City Principles set out in Chapter 2.
- 2.2 Latimer welcome the reference made in the DPD to the requirement for the plan to be reviewed every five years in Chapter 1 to ensure it is kept up to date, this will enable the DPD to evolve in response to changing circumstances over the life of the TCBGC, for example progression in sustainable infrastructure, emerging technologies, and evolving building regulations and standards.
- 2.3 Page 6 of the DPD refers to the adopted Neighbourhood Plan (‘NP’) for Wivenhoe and the two (currently draft). Neighbourhood Plans for Ardleigh and Elmstead which are being prepared, all three of these NP areas overlap with the TCBGC boundary. Latimer therefore fully support the important reference on page 6 of the DPD that NPs will “*only apply land property outside of the Garden Community.*” This will prevent any uncertainty or policy overlap between the plans. Latimer have expressed significant concerns with the draft Neighbourhood Plans as currently drafted and will continue to engage in the respective consultation processes. Separately, Latimer will continue to engage with the Parish Councils as key stakeholders in the emerging design process and proposals for TCBGC.

3.0 **Response to Chapter 3 Land Uses and Spatial Approach**

3.1 Chapter 3 of the DPD sets out how the Garden Community will be developed, informed by the collaborative strategic masterplanning process. Latimer is generally supportive of **GC Policy 1 ‘Land Uses and Spatial Approach’** but seeks some amendments to allow for greater flexibility with respect of the land use and spatial approach, to allow the precise detail of the development to be subject to further master planning and evidence.

3.2 Latimer is supportive of the following policy supporting text to Policy 1 stating on page 32 that:

“At this early stage of planning for the Garden Community, it is not possible, nor sensible, for this Plan to contain full or precise details of design, layout and appearance of the new buildings and spaces that will be delivered. Instead, this Plan provides the overarching strategy and policies that will provide direction for more detailed Masterplans, Design Codes and, ultimately, planning applications to follow” (our emphasis is underlined).

3.3 In this context, Latimer consider that there are parts of GC Policy 1 which would require amendment to ensure this aim can be achieved.

3.4 Wording within Policy 1 is overly restrictive. For example, **Part A** of the policy states that “development will be confined to land within the Garden Community location as identified in the Section 1 Local Plan and will adhere to the ‘Land Use Parameters”, as shown on the ‘Policies Map’. Part A further states that “proposals for development must comply with the ‘Policies Map and meet the specific requirements of policies elsewhere in this Plan and the adopted Section 1 Plan” (our emphasis). The DPD should be capable of achieving sustainable development, including a mix of land uses as set out in Policy 1, the policy map and the illustrative masterplan, but it must also be sufficiently flexible to allow for the process of detailed master planning and to take place in order to be effective.

3.5 Furthermore, Latimer is undertaking very detailed site investigations, surveys and more detailed design work to inform their masterplan and approach. Whilst this is far more detail than is necessary or needed for a DPD, without flexibility in Policy 1 through more detailed design this could rule out a specific approach which might otherwise be agreed by all parties.

3.6 On this basis, Latimer request that this text should be amended as follows:

“development will be confined to lie broadly within the land within the Garden Community location as identified in the Section 1 Local Plan and will adhere to seek to accord with the ‘Land Use Parameters’, as shown on the ‘Policies Map’.”

“Proposals for development must comply with should seek to accord with the ‘Policies Map’ and meet the specific requirements of policies elsewhere in this Plan and the adopted Section 1 Plan” (our emphasis).

3.7 **Part B** of Policy 1, the Strategic Masterplan and the Polices map refer to “three distinct, but interconnected ‘Neighbourhoods’ containing circa 7,500 new homes...”.

- 3.8 Latimer support the approach to the ‘Crockleford Neighbourhood’ having a separate character that will be developed with its own Masterplan and Design Code, this will need to be balanced with the intention to deliver 1,000 – 1,500 homes in this neighbourhood.
- 3.9 However, Policy 1 also refers to each neighbourhood having a ‘neighbourhood centre’. Whilst Latimer recognises the importance of creating thriving and sustainable neighbourhoods with a variety of uses, more flexibility is needed in the DPD to account for needs testing, market competition and the masterplan process to inform infrastructure requirements. Importantly, such flexibility will ensure the DPD is effective but also is consistent with the NPPF, para. 88 in defining the hierarchy of the Neighbourhood Centres. The scope for flexibility to allow details, layouts and the nature of the Neighbourhood Centres through the planning application process should be added to and made clear in the Policy.
- 3.10 Latimer also suggest the wording on page 21 detailing that there is “*an expectation that the early phases of development will begin in the ‘South Neighbourhood’*” is removed to acknowledge that phasing will be agreed via an illustrative phasing plan for the Garden Community, submitted with the hybrid planning application. As written, this statement is not effective and the wording should be amended so as to not prejudice the design process and future opportunities.
- 3.11 The University of Essex is an important stakeholder locally and regional employer, as well as for Latimer and the TCBGC project. The University of Essex (UoE) and Latimer in Regulation 18 representations stated that sufficient land is needed south of the A133, to support the growth of the University as a campus university, including the need to build c. 4,500 purpose built student accommodation bedrooms. **Part B** of Policy 1 of the Regulation 19 DPD details on page 22 that “*the provision of student accommodation will be encouraged in accessible locations within the ‘South Neighbourhood’ where it would have good sustainable links to the University of Essex and where it will contribute to a mixed and diverse community*”.
- 3.12 Latimer has significant concerns that this demand cannot be fully met within the Neighbourhoods, particularly without detriment to housing delivery and placemaking objectives.
- 3.13 Latimer therefore strongly request that the following sentence is added to **Part F** (page 25) to provide flexibility so that the university expansion land south of the A133 could also accommodate an element of purpose built student accommodation as part of creating a vibrant and viable campus environment in the future: “***it is presumed that this land would be for expansion of the University of Essex campus, including a sports and leisure park, new teaching facilities and student accommodation, subject to an appropriate assessment of the need of uses at the time of submission of any future planning application(s)***”.
- 3.14 It is also recommended that the key of the Policies Map should be amended to ensure consistency in approach and refer more generally to ‘University of Essex expansion’ (see Appendix 2 of these representations). This flexibility is needed to ensure the DPD is effective and deliverable. Student accommodation may well be needed to support provision of sports facilities in the future.

- 3.15 This will also ensure the proposed approach to the development of land south of the A133 is fully justified and aligns with the evidence base study ‘Review of University land Requirements’. The Study acknowledges the University’s growth trajectory and its status as a campus university and need for growth in purpose built student housing (c. 4,500 student homes) to support this.. This study provides confirmation that student accommodation demand aspirations are valid. Page 8, paragraph 4.10 of the Councils’ review details that *“whilst the growth predictions of the University have not been forensically tested as part of this review, they are demonstrably aligned with the trends of the last 10-12 years and are backed up by strong belief amongst the University of Essex leadership team that continued growth will be achieved.”*
- 3.16 In the Regulation 18 representations, Latimer commented on the proposed Strategic Green Gaps (‘SGGs’). Latimer welcome the additional clarity and wording that has been provided in the Regulation 19 DPD, at **Parts D and E** of Policy 1, including allowing enabling uses to come forward in these locations, such as outdoor sport or recreation, renewable energy, cemeteries and burial grounds or allotments. Latimer support this approach as the location of renewable energy generation nearby new homes and employment will support the strategic vision for the Garden Community to be a self-sufficient and forward-thinking new community in its own right.
- 3.17 **Part J** of GC Policy 1 refers to the Park and Choose Facility. Latimer supports the flexibility that is afforded by the Policies map by the identification of two broad locations. The optimum location will be informed by the master plan design process. However, the policy is unclear on where the responsibility lies for bringing forward the Park and Choose. Previous discussions have referenced this would be a Council-led initiative, like most Park & Ride facilities are. Latimer would welcome clarity in the policy wording as well as design and delivery ambitions, to avoid ambiguity.
- 3.18 More detailed comments and specific amendments to **Policies Map and Strategic Illustrative Framework Masterplan** are provided in **Appendix 2**.
- 3.19 Overall, Latimer is generally supportive of Chapter 3 and Policy 1, but seeks some critical amendments to allow for greater flexibility with respect of the land use and spatial approach to make the DPD more effective in terms of deliverability. This will allow the detail of the development to be subject to further master planning through agreement with the Councils and stakeholders, via future planning applications.

4.0 Response to Chapter 4 Nature

- 4.1 Latimer is supportive of the **GC Policy 2 approach to 'Nature'** overall and is aligned to the vision that the outdoor and natural environment of the Garden Community will be its biggest asset. To achieve this, some amendments are proposed in this section to ensure a future masterplan, informed by the DPD can deliver all the required ambitions and supporting infrastructure. In general, Latimer is pleased to see a number of the previous Regulation 18 comments having been accommodated.
- 4.2 Latimer would welcome some clarity in GC Policy 2 'Nature' regarding which Green Infrastructure features the Council would and would not accept as contributing to Biodiversity Net Gain ('BNG') and how 'stacking' could be demonstrated. This will assist both the developer and the Councils when determining future planning applications, and developing the masterplan. There is a need to take an adaptable approach to BNG, including an allowance for it to be provided offsite if needed, as is allowed for in the Government's methodology. It is therefore suggested that the final sentence of Part D is amended to read: ***"Habitat enhancement and creation for delivering biodiversity net gain within the Strategic Green Gaps, Salary Brook Country Park, SANG and SuDS and other green infrastructure will be supported by the Council and defined within the planning application, where true evidenced to be appropriate applying relevant guidance at the relevant time, provision of offsite BNG provision is acceptable"***.
- 4.3 Latimer support the ambition to achieve a minimum 10% net gain in biodiversity, aligning with paragraph 179 of the NPPF which seeks that plans should *"identify and pursue opportunities for securing measurable net gains for biodiversity"*. Latimer note on page 40, **Part D**, that there is an ambition to achieve a Biodiversity Net Gain ('BNG') of 15% on average across the whole masterplan based on *"initial high-level testing of BNG calculations"*, this study should be published as part of the evidence base. Alongside this, there will be a need to ensure consistency in figures across the DPD as within the policy justification on page 46, it states that *"the Councils consultants have undertaken biodiversity net gain calculations of the Councils Strategic Masterplan, which indicates that 12.5% biodiversity net gain can be achieved"*. The DPD needs to be soundly and consistently justified in this respect. As a matter of sense, the DPD should be consistent and clear with what is required. To be consistent with the emerging regulations and national policy, Latimer request the DPD should refer to the ambition for a minimum of 10% biodiversity net gain.
- 4.4 Whilst Latimer welcome the confirmation that the Council will keep track of BNG accounting over different phases, **Part D** of CG Policy 2 states that *"as a priority, impacts on moderate and high distinctiveness habitats must be avoided wherever feasible."* In reality, this would mean all scrub and most grassland would have to be retained, even if it is in poor condition. Impacts on higher distinctiveness habitats are discouraged by the BNG metric which is due to formally come into force (nationally) in November 2023, so it is considered there is no need for an additional policy requirement and request this is removed from the DPD. For clarification purposes it is requested that one BNG metric is used for all proposals for consistency and to ensure calculations are equivalent. Latimer therefore suggest rewording all references to the Defra Metric in the DPD to state ***"latest (or otherwise agreed) Defra Metric"***.

- 4.5 It is noted that “*an appropriate amount of Suitable Accessible Natural Greenspace (SANG), in accordance with Natural England (NE) guidance*” is required. Latimer support the approach to meeting SANG requirements in consultation with Natural England; however, it is suggested that this wording is amended to read: “*in consultation with Natural England **and with reference to baseline surveys***” to ensure flexibility, for effectiveness, so that the proposals are not held to any specific SANG area provision at this stage.
- 4.6 Policy justification wording relating to development affecting SPA birds (page 46) is open to interpretation and pre-empts the detail which will be agreed as part of the HRA process. Latimer suggest that “*significant numbers*” and the end of this paragraph is reworded to “***surveys should inform a Habitats Regulations Assessment to be submitted alongside the Masterplan, outlining details and phasing of any mitigation requirements necessary to ensure no adverse effects on the SPAs***”. This will avoid any ambiguity and allow the detailed and tailored HRA process to inform appropriate and proportionate mitigation requirements.
- 4.7 Whist not sitting within Chapter 4, Appendix 1 sets out the principles and objectives relevant to each Chapter of the DPD. For ‘Nature’ this includes “*across the Area of Search, there will be a minimum of 50% open space and multifunctional green infrastructure, that is seamlessly integrated with the built environment to connect people with nature*”.
- 4.8 Latimer welcomes the clarity that this paragraph offers which is that this 50% requirement relates to the Area of Search as a whole, rather than individual planning applications. However, there is a need for detailed master planning undertaken by the developer to review green infrastructure and open space in the context of other land uses and wider site provision. It is therefore considered the paragraph should be reworded to read “**a minimum of around 50%**” and to clarify that the interpretation of ‘open space’ can be flexible and defined by the planning application process, for example, the definition should include e play streets private and communal gardens and green roofs in the calculation.

5.0 Response to Chapter 5 Buildings, Places and Character

- 5.1 Latimer is supportive of the approach to **GC Policy 3 ‘Place Shaping Principles’** overall and broadly. However, Latimer requests greater flexibility to be added to some of the wording and also provides some comments on the historic environment to ensure the approach is consistent with national planning policy.
- 5.2 As a general comment, GC Policy 3 includes a number of design criteria and place making principles that either “*must*” or “*will*” be achieved. As referred to above, this policy does not align to the approach stated at paragraph 32 of the DPD which recognises the early stage of planning for the Garden Community and that the DPD should provide an overarching strategy, to inform more detailed Masterplans, Design Codes and, ultimately, planning applications to follow (section 3 of these Representations). Latimer suggest that references to ‘must’ in this policy should be replaced with ‘will seek to’, except where national standards (or future standards):
- Part B – first paragraph, “*must*” should be replaced with “***will seek to***”
 - Part C – first paragraph, “*all new development (including changes of use) must will seek to achieve...to do this, detailed design proposals will aim to must...*”
 - Part D (comments below)
 - Part E – first paragraph, “*development must will seek to achieve...*”
- 5.3 Further, **Part D** of GC Policy 3 relates to Designing out Crime and states that “*all development must be designed*” in accordance with a number of specific criteria (our emphasis). Whilst Latimer support the ambition to ensure the Garden Community is a safe place to live, work and visit, as worded, this policy is overly prescriptive, and these are ultimately matters of detail that will be addressed within a planning application. Further, some designing out crime principles go against good placemaking so a more flexible application of the requirements should be applied in the round. It is therefore recommended that this list is removed from Policy 3 but that a reference should be included either in policy or supporting text stating that developments should be designed with regard to user safety and seek to achieve relevant local or national principles relating to safety in accordance with good placemaking and design principles.
- 5.4 **Part H** of GC Policy 3 relates to the historic environment (above and below ground). The NPPF distinguishes between designated and non-designated heritage assets in order that any historic environment assessment or fieldwork is proportionate to their importance. This means that designated heritage assets (which could include Scheduled Monuments and listed buildings for example) are treated differently in assessment terms, and options for their preservation in situ or measures to enhance them/influence the final design of a proposed development, may have significantly greater weight in the planning balance than those which would apply to non-designated heritage assets.
- 5.5 There are two issues to highlight in the DPD in relation to heritage:

- 1 There is a lack of distinction in many cases between designated or non-designated heritage assets (terminology established within the National Planning Policy Framework (NPPF)); and
- 2 the widespread inclusion of “*heritage asset*” or similar terminology within DPD policies not directly addressing the historic environment.

5.6 This means that the DPD references to enhancement and protection for example are applied equally and without variable distinction. Both issues above could lead to unintended consequences or an out of proportion reaction to the presence of a heritage asset. As such, it would be significantly more effective and appropriate for the DPD to define heritage assets more clearly and to clarify that enhancement and protection are not the only (nor the preferred in many cases) measures available.

5.7 Furthermore, Latimer will be undertaking a much more detailed and thorough Heritage Assessment in consultation with Historic England and conservation officers/advisors at the Councils. Latimer therefore considers amendments are required to bring the approach in line with national policy and to allow a more tailored and considered approach to be agreed as part of the detailed design process.

5.8 **Part H** Student Accommodation should include flexibility in the wording of the policy to not rule out other suitable accessible locations other than the ‘South Neighbourhood’, so that student accommodation could be delivered as part of the university expansion area south of the A133. This connects to our comment on Chapter 3, GC Policy 1 in these representations.

6.0 **Response to Chapter 6 Economic Activity and Employment**

- 6.1 Chapter 6 includes **GC Policy 5 ‘Economic Activity and Employment’** Latimer is supportive of the approach to this policy in general. However, there will be a need for detailed master planning and need based evidence to inform future planning applications, and suggestions are made below to ensure there is flexibility to do so.
- 6.2 Latimer is supportive of the approach to neighbourhood centres stated in supporting text at page 70 encouraging “*a variety of mixed use, flexible spaces that are accessible in close proximity to homes and jobs*”. As per our comments on Chapter 3, GC Policy 1 should also reflect this approach more closely.
- 6.3 **Part A** of GC Policy 5 details that the Garden Community aim is to achieve “*a minimum of one job per household, either within or close to home or within a sustainable commutable distance*”. Clarity should be provided in the policy to state that student households are excluded as this would not be a relevant or realistic expectation. As set out in Latimer’s Regulation 18 representations, this overall flexible aim is supported but consideration should be given as to whether an element of home working could be included within this figure given trends for home working following the covid-19 pandemic and that some residents of the Garden Community may not wish to live in such close proximity to their office or place of work. To be effective, it is also recommended that greater flexibility in wording is needed because this specific requirement would not apply to retired occupants and households, which will be important to ensure a balanced Garden Community that caters for a cross section of society, as sought in GC Policy 4.
- 6.4 In addition, **Part A** requires that an Economic and Employment Strategy is prepared to demonstrate “*how delivery of the first phase of business accommodation in each employment area is tied to occupation of housing to provide an alignment between jobs and housing; any future review of employment allocations will need to take account of market dynamics and best practice to avoid sterilisation of parcels of land*”, will be achieved.
- 6.5 Whilst Latimer support this aim and recognise the importance of there being a balance between employment and residential uses to deliver a sustainable community, Latimer object to the specific reference to ‘each employment area’ in this paragraph and request that it is deleted so that the paragraph reads as follows:
- “How delivery of the first phase of business accommodation ~~in each employment area~~ is tied to occupation of housing to provide an alignment between jobs and housing, and any future review of employment allocations will need to take account of market dynamics and best practice and avoid sterilisation of parcels of land.”*
- 6.6 This amendment is important to ensure the policy includes enough flexibility to be effective so that it allows for future master planning and the most appropriate phasing and trajectory to be developed as part of the planning application. As drafted, it also does not capture the employment, which is anticipated within the Neighbourhood Centres.
- 6.7 **Part B** of GC Policy 5 refers to the allocation of approximately 25 hectares of employment land in the Garden Community. It is noted that GC Policy 1 states that approximately 17

hectares are to be provided at the A120 Business Park and approximately 8 hectares of land in the Knowledge Based Employment Land. These two figures add up to a total of 25Ha, however, GC Policy 5 states:

“GC Policy 1 of this Plan allocates approximately 25 hectares of employment land in the form of a new Business Park and a ‘Knowledge-Based Employment’ site, and three Garden Community Neighbourhoods which will also accommodate employment uses in ‘Neighbourhood Centres’” (our emphasis).

- 6.8 It would therefore seem that employment land within the neighbourhood centres has not been accounted for and that the Policies are actually seeking a quantum of employment floorspace greater than 25 hectares in total. This could be corrected by adding more flexibility to both GC Policy 1 and GC Policy 5, by removing the reference to the hectares to be provided in the two main employment areas. This would sensibly allow this detail to be determined through the master planning and planning application process, and subject to market or needs evidence at the time.
- 6.9 In addition, the supporting text at page 74 states that *“the study also recommends the provision of flexible office space concentrated in the North and South Neighbourhood Centres”* (our emphasis). In principle, this is a sensible approach, however it is recommended that the wording is amended to refer to *“appropriate flexible workspaces”*. This would ensure that studios and other ways of working are also included within the policy. Broader language is used in following text so this amendment would align.

7.0 **Response to Chapter 7 Community and Social Infrastructure**

- 7.1 Latimer is supportive overall of the approach in Chapter 7 and the overall approach in **GC Policy 6 ‘Community and Social Infrastructure’** with only a few focused amendments suggested.
- 7.2 Latimer is supportive of the approach that *“the community and social infrastructure needs of the Garden Community will be determined in accordance with detailed assessments and strategies, prepared by the developer in partnership with the Councils, key stakeholders and infrastructure providers having regard to up to date evidenced need, informed by bespoke demographic studies”* (page 81). This approach is pragmatic and provides the necessary flexibility required to develop sustainable communities. However, more clarity is needed on deliverables and timescale expectations in regard to the DPD stating that *“these should be approved alongside and/or prior to the determination of relevant planning applications, as appropriate.”* Latimer support the flexible wording about infrastructure being determined in accordance with assessments but, to be effective, require clarification on the circumstances for when any assessments and strategies may need to be approved prior to the determination of relevant planning applications.
- 7.3 Latimer suggest flexibility in the DPD under **Part C** that the number of schools is evidence led, based on need and demographic studies at the time. This aligns with the approach above and the wording on page 87 stating *“it is important that the planning of new schools is informed from the outset by bespoke demographic studies commissioned by the developer to provide a consistent evidence base for the planning of all social and community infrastructure”*. Latimer therefore suggest a paragraph is added to Part C to recognise that ***“the capacity and quantum of schools and early years provision will be subject to an appropriate assessment of the need at the time of submission of future planning application(s)”*** to address this.
- 7.4 Page 89 states that *“to be financially sustainable: to be long-term financially viable and self-sustaining with secure income streams. If and where service charges are required, they will be set up and enforced in an equitable way with local control over the management of the system, with rent charges not being imposed on residents”*. It should be noted that many established Garden Communities require households to pay an estate charge for the maintenance and management of the community. With large areas of communal open spaces, a country park, utility infrastructure, roads etc at TCBGC, there will be a need to formally manage these areas and it is required and common practice that the cost of this is done through an estate charge. It is possible that in the medium to long term the stewardship body can benefit from income generating assets to supplement estate charges, but there should be a recognition that an estate charge will be required and payable by future households.

8.0 Response to Chapter 8 Movement and Connections

- 8.1 Latimer supports the principle of Chapter 8 which includes **GC Policy 7 ‘Movement and Connections’** and welcome the changes in language introduced since the Regulation 18 response across a number of key areas which provide flexibility for the masterplan and consultant team to respond to challenges as the design process evolves. Some objections remain and are made below, principally to assist with seeking to achieve the aims and objectives for the Garden Community through the planning application process, so that it is designed and built in a way that reduces the need to travel, especially by car and promotes sustainable travel modes and can adapt and respond to future transport challenges and emerging technologies such as connected and autonomous vehicles.
- 8.2 Latimer support the phased approach and flexibility in GC Policy 7 wording under **Part K**, which states “*notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to ensure sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants*” as this will make the DPD effective.
- 8.3 As set out in the Regulation 18 Representations, Latimer were supportive of the ‘Monitor and Manage’ approach stated in the Regulation 18 version DPD because it is an ‘adaptive’ approach to enable the right infrastructure to be delivered in the right place at the right time. This approach has been removed from the Regulation 19 DPD which Latimer do not support. Latimer therefore request that the Monitor and Manage approach is included in the DPD, especially given Monitor and Manage now appears in the recently updated National Highways Circular 01/2022 which is a key national document relating to ‘the strategic road network and the delivery of sustainable development’ which outlines the approach for planning for new development. This Circular, and the approach outlined, is critically important to ensuring the Garden Community delivers infrastructure in the future that is relevant to the transport challenges at that point in time, rather than simply continuing to implement older infrastructure solutions when technology, demographics and mobility has progressed. This will bring the DPD in line with the transport evidence base, particularly around modal shift to ensure it is justified and therefore sound.
- 8.4 Moving on, as currently drafted, the DPD and accompanying evidence base is unclear on the vehicular access for the Crockleford Neighbourhood, including the approach stated in GC Policy 1 and GC Policy 7, **Part A**. It is unclear from reading these policies alongside the transport evidence base (para 1 and 2) whether the Crockleford Neighbourhood is expected to have vehicular access to the new A120 – A133 Link Road and/or the Bromley Road. Parts of the Crockleford Neighbourhood to the north of Bromley Road will require vehicular access from Bromley Road, however there are some references in the DPD to Bromley Road being a sustainable movement / active travel corridor only, which could restrict the use of Bromley Road and have an impact on existing homes and businesses as well as homes further north of the A120. It is important that the evidence base and policy wording across the DPD is clear and consistent on this point to identify a feasible strategy for movement to, from and within Crockleford and Bromley Road in the DPD. This will also enable the

sustainable transport strategy required to support the Crockleford Community to be developed through the planning application.

- 8.5 Stantec, Latimer's appointed transport consultants, have provided recommended **detailed wording changes** to the draft DPD text at **Appendix 3**.

9.0 **Response to Chapter 9 Sustainable Infrastructure**

- 9.1 Latimer is supportive of **GC Policy 8 ‘Sustainable Infrastructure’** overall. Generally, Latimer support the Councils’ aspirations and expectations for creating a community fit for the future and which embraces Garden Community principles and incorporates measures aimed at tackling climate change, minimising carbon emissions and climate change adaptation. However, a few points of clarification and wording amendments are suggested within the representations, relating to Net Zero Carbon, Design and Construction. Latimer is fully committed to delivering the most energy efficient community possible, fostering regenerative design principles and making a net positive impact in all aspects, being a good ancestor and making the right decisions now to ensure a thriving community in decades to come. However, the current DPD wording is overly prescriptive at points and it is suggested that wording is amended to maintain flexibility, with the focus being on the end goal of Zero Carbon so that the optimum solutions are delivered. These are outlined below.
- 9.2 Compared to the Regulation 18 DPD, page 117, **Part A** of GC Policy 8 has been expanded upon, and requirements are now more detailed. As such, the wording should make it clear that this is because the Garden Community will be ‘aspirational’ in achieving net zero carbon and make reference to advances in Building Regulations.
- 9.3 Part A also refers to District Heating Networks. It is suggested that a District Heating Network (DHN) is not appropriate for this type of development and therefore request that this reference is removed from the DPDDHNs often rely on fossil-fuel powered generators and underground pipework loses heat considerably over longer distances which would be required for TCBGC. There are far better and more appropriate methods which can better harness renewable energy so it is requested that this reference is removed from the DPD to allow more energy efficient and innovative solutions to be delivered.
- 9.4 As set out above in response to GC Policy 1, Latimer fully supports the potential that renewable energy could be provided in the Strategic Green Gaps (‘SGG’). However, there is different language used to describe allowable development in the SGGs. The Wivenhoe SGG refers to “*renewable energy*” whereas the Elmstead SGG refers to “*low carbon energy generation*”. Renewable energy generation will be critical to supporting a resilient community but there should be an aligned approach to terminology to provide a consistent strategy for future planning applications to follow.

10.0 **Response to Chapter 10: Infrastructure Delivery, Impact Mitigation and Monitoring**

- 10.1 Generally, the principle of Chapter 9, including **GC Policy 9 ‘Infrastructure delivery and Impact Mitigation’** of the DPD is supported. The Chapter seeks to ensure the Garden Community delivers the required infrastructure to support the development in a timely manner, but also recognition that where appropriate, infrastructure may need to be phased.
- 10.2 **Part A** of GC Policy 9 states that “*Proposals will need to make financial contributions to the wider local transport infrastructure, including the A120-A133 Link Road and Rapid Transit System in accordance with the conditions of the Housing Infrastructure Fund*”. The principle of this statement is fully accepted by Latimer, but it is suggested that the following amendments are sought to ensure the Policy is effective by enabling flexibility should it be needed as the masterplan evolves: “*...the A120-A133 Link Road and Rapid Transit System ~~in accordance with taking into account~~ the conditions of the Housing Infrastructure Fund*”.
- 10.3 It is also noted that Part A includes the following commentary: “*The Councils will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL*”. Latimer accept the requirement that the subject scheme makes appropriate, proportional contributions to mitigate the impact of development. However – for various reasons - it is suggested that the subject scheme be ‘zero listed’ for CIL and Infrastructure Levy, with all planning gain contributions calculated and paid under s106. To-date, all viability analysis associated with the subject scheme has been calculated based upon projected s106 requirements, and (presently unknown) alternative planning gain contributions cannot be contemplated without viability / deliverability potentially being prejudiced. Strategic sites of this scale are quite commonly zero listed for CIL, for these sorts of reasons.
- 10.4 Within Part A – point 1, the following amendment is therefore proposed: “*Enter into Section 106 agreements to make provisions to mitigate the impacts of the development where necessary or appropriate. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions ~~where a sum for the necessary infrastructure is not secured via CIL~~; and / or*”. On this basis the 2nd paragraph on page 129 should also be removed.
- 10.5 With regards to Part B - it is questioned whether a Viability Assessment should be required to be submitted as a part of the planning application, if the parties are in agreement regarding the planning gain provisions. It is acknowledged that a separate Viability Assessment could be required in respect of the Housing Infrastructure Fund recovery, but this is likely to be different from a standard ‘planning gain’ viability assessment (as referred to at Part B point 3).

- 10.6 On the basis of the above, the following amendment is recommended **~~In negotiating~~ Where planning obligations **are not agreed for development viability reasons**, the Councils will require a fully transparent open book viability assessment and that all possible steps have been taken to minimise the residual level of unmitigated impacts. Developers may be required to enter into obligations that provide for appropriate additional mitigation in the event that viability improves prior to completion of the **development, provided the additional obligations are required to mitigate the impact of the development.****
- 10.7 For the reasons identified above regarding CIL, the following amendments are proposed:
*“The Councils will seek contributions from developers to fund improvements to existing infrastructure and the environment and new infrastructure. Contributions will be made as s106 planning obligations **through the Community Infrastructure Levy (if adopted), which applies a standard charge to developers** to fund supporting infrastructure such as transport, schools, community facilities and health facilities, and/or **Section 106 agreements** which **will also** address the provision of affordable housing and **more other** site-specific infrastructure requirements. The necessary infrastructure requirements through the use of planning condition and/or planning obligation and/or financial contributions **through Community Infrastructure Levy (CIL) charges will be made** in accordance with The Community Infrastructure Regulations 2019.”*
- 10.8 For the same reasons, it is proposed that the following paragraph be amended as follows:
*“Some infrastructure providers will fund and deliver infrastructure themselves. Other infrastructure will be funded by developers and landowners, secured by planning obligations **or the CIL (if adopted)** or its successor as part of the planning permission. On-site infrastructure provision will usually be secured by planning conditions or legal agreements. Off-site provision will usually be secured by legal agreements and through other financial contributions.”*
- 10.9 Latimer by Clarion Housing Group are a strategic housing delivery partner with Homes England and the largest housing association in the UK. On this basis Latimer request that any HIF monies recovered through the TCBGC project should be recycled and offered back to the Master Developer to potentially facilitate the provision of more affordable homes on the TCBGC project. Confirmation of such an approach in the DPD will ensure an immediate and localised benefit for affordable homes, a principal part of the HIF regime.

11.0 **Conclusion**

- 11.1 Latimer is generally supportive of the DPD and the amendments made by the Councils since the Regulation 18 DPD consultation. However, Latimer objects to the Regulation 19 DPD as currently drafted for the reasons explained in these representations. Comments and suggested amendments are made herewith to address these concerns and objections. These changes will ensure the policy is effective, justified and consistent with national policy, so that it can be found sound and can be deliverable.
- 11.2 The changes sought in these representations, including in relation to the spatial approach and evidence base documents, are not considered to be so significant as to require further Regulation 19 consultation and could be discussed at Examination in Public and addressed through an appointed Inspector's main modifications to ensure the final Plan is sound.
- 11.3 Latimer understand the important role of the DPD in providing a framework to help create a thriving 21st century Garden Community and remain fully committed to working with the Councils to deliver an exemplar Garden Community. They will continue to progress the masterplanning work and preparation of the hybrid planning application, including extensive engagement with the Councils and key stakeholders and local communities before the planned application submission in Summer 2024.

Appendix 1 Response to DPD Evidence Base

11.4 In this section we provide key points, detailed comments and amendments to the following evidence base documents under relevant headings. Cross references are made to individual technical topics and chapters of the DPD in the main body of the representations above:

- 1 Tendring and Colchester Borders Strategic Masterplan
- 2 Crockleford Heath Study Area of Special Character Assessment
- 3 Review of University land Requirements
- 4 Transport Evidence Part 1 (Modal Shift)
- 5 Transport Evidence Part 2 (Transport Measures)
- 6 Open Space, Playing Pitch, Sport & Recreation Study

(A) Tendring and Colchester Borders Strategic Masterplan

11.5 This document is an evolution of the masterplanning work done for the Draft Plan, which sets out an overall Strategic Masterplan and frameworks for each of the main themes in the Submission Version Plan. This has been prepared to illustrate, justify and set the basis for land use proposals, drawing on the wider evidence base and consultation on the Draft Plan.

Key points and requested amendments

11.6 Chapter 5.5 Density: Latimer would welcome further comfort on assumptions to density. It would be helpful to include and have detailed plan examples of how net/gross density assumptions are set out, in addition to the included illustrative examples.

11.7 Chapter 7.2 Sustainable Drainage: the size and location of common attenuation should be clarified because it will have an impact on developable area.

11.8 Chapter 4.4 Rapid Transport System (RTS): the document refers to a turn up and go (10 minute) frequency of the RTS available at the Garden Community from 'day one'. Latimer share the view that it is essential that sustainable transport options are available right from the outset of development to embed sustainable travel behaviour from the outset, but the wording here does not provide flexibility to explore alternative public transport enhancements from the outset for the earliest phases that could benefit other existing services, residents outside the community and be financially sustainable in the longer term. The £2m commitment set out in the IDP would not support the operating costs for a 10 minute frequency for the period of time shown during the earliest phases, as the purchase of new vehicles required to support this frequency would likely be around 3 – 4 vehicles even before other costs. We would suggest the wording here needs to be more flexible to be clear that public transport is key, and that service frequencies and the early public transport strategy needs to balance the frequency with demand forecast and be achievable within the sums of money identified within the IDP.

11.9 Chapter 4.7 Street Network: the document should be clear that the Area Specific Design Codes will set out the approach to street design. There are contradicting messages within

the cycle principles section (about having priority) and the vehicular sections currently that introduce conflict in interpretation of the masterplan document.

Points of detail and requested wording changes

- 11.10 There is no SANG numerical spatial requirement set out in the DPD although a figure is included in the strategic masterplan document of circa 137ha requested by NE (page 23). There is concern that the areas identified to contribute to this total, including existing woodland, will not be suitable and too ecologically sensitive for this purpose, either due to access restrictions or viability of creating a ‘natural feel’. It would therefore be helpful for an element of flexibility to be acknowledged in the evidence base and we request the following text is added to the DPD: ***“further interrogation of areas which might accommodate the SANG provision will be required as an early part of the detail design process to ensure that the potential restrictions on the type of open space functions in these areas does not prevent other uses”***.
- 11.11 Chapter 4 Movements and Connections: there are references throughout the chapter to “*complimented*” which we request are changed to “*complemented*” which does alter the interpretation of these statements.
- 11.12 Figure 7 Framework Masterplan (page 17): the Neighbourhood naming is not consistent with the Policies Map and should be reviewed.
- 11.13 3.3.1 Existing Landscape Assets – Woodlands: the 30 metre minimum buffer to Ancient Woodlands is not an established buffer, with 15 metres being the adopted standard. It is suggested the buffer distance is to be agreed with Natural England at outline planning application stage and we request this is acknowledged in the document with the use of a footnote.
- 11.14 3.3.3 Salary Brook Country Park: Figure 19 Salary Brook Country Park, the extent shown does not match the DPD Policies Map and should be amended to match the DPD.

(B) Crockleford Heath Study Area of Special Character Assessment

- 11.15 This is a study to consider the Crockleford Heath area in more detail including as assessment of the local landscape and its historic and built environment context.

Key points and requested amendments

- 11.16 Figure 70, page 116, shows the extent of the ‘Area of Special Character’ has been amended from the Regulation 18 version of the DPD, however it is still not aligned with what is shown as the ‘Crockleford Heath Special Character Area’ on the Regulation 19 DPD Policies Map. The extent is larger than the smaller area as identified on the Policies Map. Figure 70 should be amended to be aligned with the Policies Map to avoid confusion and potential conflicts.

Points of detail and requested wording changes

- 11.17 Paragraph 3.3.3 (page 78) identifies gateways and gaps in Crockleford Heath and Environs. The Landscape Gaps suggest intervisibility between Crockleford Heath and the surrounding countryside and fields. Figure 52: Gateways and Gaps does not correspond with Figure 70:

Crockleford Heath & Environs Appraisal Map, nor completely tie in with the DPD Strategic Illustrative Framework Masterplan. It is not clear what the purpose of these gaps is in respect of development. Clarification and further explanation is needed to understand how this impacts development proposals and the masterplan.

- 11.18 In addition, Figure 52 states that: *“the appraisal has also identified a number of landscape gaps or breaks (i.e., absence of development) which reinforce the sense of separation between Crockleford Heath and the City of Colchester and therefore the sense of remoteness and tranquillity afforded to these areas, the buffer zones up to Ancient woodlands and other natural features, reflecting the spatial extent of the historic heathland and which illustrates the horticultural and ancient [medieval] farmland that exists or has existed within the rural settlement”*. This statement is has potential to constrain the development aspirations of the Crockleford neighbourhood and requires amendment to avoid this.
- 11.19 Paragraph 4.3.7 Landscape Opportunities includes bullet points on ‘opportunities’ which would considerably restrict development in this area and Latimer therefore consider it is important to include a caveat.

(C) Review of University land Requirements

- 11.20 This is an independent study that has considered the growth ask and potential land requirements related to the University of Essex (UoE), in response to the University's representations on the Draft Plan.
- 11.21 The study provides confirmation that the UoE purpose built student accommodation demand aspirations are valid. Page 8, paragraph 4.10 details that *“whilst the growth predictions of the University have not been forensically tested as part of this review, they are demonstrably aligned with the trends of the last 10-12 years and are backed up by strong belief amongst the University of Essex leadership team that continued growth will be achieved”*.
- 11.22 Observations in the study about optimal student accommodation locations reflect the University’s stated preference for this to be on-campus or in adjacent development but not within the residential areas of the Garden Community. Latimer’s position is aligned with this and whilst some student housing may exist within the garden community, purpose built student accommodation should be provided within a campus setting or in more suitable locations.
- 11.23 Paragraph 4.19 of the study details that land for student accommodation can be provided from more than one location and there are suitable and available options which are not within the Southern Neighbourhood. Flexibility to meet the demands expected from the growth of the University will need to be met in the allocated land subject to an appropriate assessment of the need at the time of submission of future planning application(s). We therefore request that the University and Latimer preferences for student accommodation to not be within the residential areas of the Garden Community are reflected in the summary table on page 13 of the study.

(D) Transport Evidence Part 1 (Modal Shift)

- 11.24 This work considers a variety of aspects relating to the local and strategic transport and movement network. Part 1 of the work considers the approach to modal shift and promoting sustainable movement.

Key points and requested amendments

- 11.25 Section 5 of the study, Targets and Phasing, provides clear evidence that achieving successful modal share outcomes requires front loading of sustainable transport infrastructure as it is known that travel patterns are harder to change once engrained. This document and the draft DPD does not bring forward the recommendation by ITP (authors of the Transport evidence base documents Part 1 and 2 for Regulation 18 stage) that the incremental release of vehicular capacity on the Link Road is important when supporting sustainable travel patterns during the early phases. In the Regulation 18 evidence base, the Masterplan Options report states in each option in relation to the Link Road that it will be ‘capacity constrained from day one’. It is important that the evidence base on modal share sets out the benefits of an incremental approach to the release of capacity on the Link Road alongside the phasing of the Garden Community, using the Monitor and Manage Adaptive approach which was previously referred to within the draft wording in the Regulation 18 policy for transport and movement. This is also relevant when considering delivering a net-zero community and avoiding providing new highway capacity until it is demonstrated as essential.
- 11.26 We would welcome sight of the land-use assumptions that fed into the different mode share targets as land-use will be a key factor for internalising trips and therefore encouraging active travel for day to day needs.

(E) Transport Evidence Part 2 (Transport Measures)

- 11.27 This work considers a variety of aspects relating to the local and strategic transport and movement network. Part 2 of this work has established the scope and scale of all transport related infrastructure requirements.

Key points and requested amendments

- 11.28 Whilst Latimer agree with the conclusions of the Council’s viability analysis, we would welcome further information on how the costs have been proportionately assessed when considering other sites within the Local Plan which will likely impact on the same networks. Latimer are working collaboratively with the LPA but have not yet reached a common understanding on viability issues and will have an update closer to the EiP. Currently the Garden Community is 100% against almost all costs. As acknowledged elsewhere within the DPD, planning gain contributions and infrastructure from the subject scheme will need to mitigate the impact of the development and to pass the tests of soundness. It would seem prudent to interrogate all costs as part of the planning application coming forward. Again, Latimer and the LPA can work towards reaching a common understanding on viability issues to provide an update closer to the EiP. The evidence base refers to the package of transport mitigation as “*partial mitigation*” and that further mitigation is anticipated through the transport assessment. This means opportunity exists for further costs e.g.

Greenstead Road Roundabout and A12 J29. Again it is necessary that all costs be justified and proportionate to the scheme.

11.29 We would also welcome further information on how the distribution of trips to and from the site has influenced the identification of the corridors and measures, specifically which corridors are likely to be more heavily used than others and early priorities based on distribution. This information is important to fully understand all priorities.

(F) Open Space, Playing Pitch, Sport & Recreation Study

11.30 This is a study on indoor sport, playing pitch and open space provision which considers the two Council areas individually and collectively, with a particular focus on the sport and open space needs related to the Garden Community.

Key points and requested amendments

11.31 The CBC Infrastructure Delivery Plan (2021) has been used to provide the Quantity Standards for open space requirements. These standards are largely comparable to Fields in Trust (Six Acre) standards for equipped/designated play spaces and MUGA provision. The proposed provision for Parks and Gardens, Natural and Semi-Natural Open Space and Amenity Greenspaces are considerably above Fields in Trust standards. We have set the difference out in the comparison table below (Figure 1). We suggest the requirement is brought in line with the Fields in Trust guidance, with an aspiration to achieve higher provision in the planning application.

Category of Open Space	Fields In Trust requirement (ha per 1000 population)	CBC IDP (2021) proposed requirement (ha per 1000 population)
Parks and Gardens	0.8	1.76
Natural and Semi-Natural Open Space	1.8	5
Amenity Greenspace	0.6	1.1
Children's play (equipped / designated play spaces)	0.25	0.25
Young people (MUGA)	0.3	0.3
Allotment and community gardens	-	0.2

Figure 1: Comparison between Fields in Trust and CBC IDP (2021) spatial requirements.

Appendix 2 Policies Map and Strategic Illustrative Framework Masterplan Amendments

Figure 2. Policies Map	
Requested amendments	Reference to Gypsy and Traveller Sites is plural and should be amended to be singular. The DPD on page 64, Part G of GC Policy 4 states that there will be a site containing a number of pitches. To avoid doubt, the policies map should reflect this.
	Spelling error to correct “Potential Vehicular Link”
	Reference to the ‘30m’ woodland buffer remains however the Strategic Framework Masterplan states that this is subject to agreement with Natural England at outline stage. We suggest that this clarification is added to the legend with the addition of a footnote so that the figure is not seen as an absolute constraint.
	Requested amendment to the key: Sports & Leisure Park: University of Essex Expansion: General location of university expansion land including sports pitches, parkland, potential site access and parking
	Requested amendment to the key: Sports and Leisure Park: University of Essex Expansion: General location of university expansion land including buildings (potential park & choose, Student Accommodation Sports and University related structures)
	Latimer request that a note is added to show that the Plan is not to scale. This is because the area for the ‘Sports and Leisure Park’ measures 22.35ha, rather than 25ha on the Policies Map which is different to the policy wording on page 25. In addition, the area for the A120 Business Park is identified on the Policies Map measuring 28ha, rather than 17ha. It should be clear that the Policies Map is not to scale for clarity.
Chapter 3: Land Uses and Spatial Approach, page 19: Strategic Illustrative Framework Masterplan	
Requested amendments	The masterplan refers to a ‘Central’ Neighbourhood however Figure 2 Policies Map refers to the ‘North’ Neighbourhood. We request that there is consistency throughout the DPD in naming the neighbourhoods and suggest the three neighbourhoods should be ‘South’, ‘North’ and ‘Crockleford’ Neighbourhood.
	The Key colours should be amended to clearly distinguish between the Attenuation Ponds and University Expansion, south of the A133.
	A key needs to be added to refer to ‘University of Essex Expansion’, south of the A133.

Appendix 3 Suggested Detailed Wording Amendments on Transport Matters, Stantec

Points of Detail	
Suggested Change in Wording	Justification
GC Policy 1: Land Uses and Spatial Approach	
<i>“To facilitate the use of walking, cycling and public transport as the preferred alternatives to the private car, each neighbourhood will develop around a ‘Neighbourhood Centre’ containing shops, services, and community facilities, and where appropriate, employment land and job opportunities” [Part B]</i>	Add a comma for comprehension.
<i>“Accessibility to services and facilities, utilities Infrastructure, and the Rapid Transit System and existing public transport services will be key to determining the phasing of development in the ‘Crockleford Neighbourhood” [Part B]</i>	To reflect that existing public transport services are also a consideration for existing public transport services running through the Crockleford Neighbourhood.
<i>“This would be attractive to securing business investment whilst encouraging the provision of sustainable active travel trips via walking and cycling routes either directly across the A133, or via the ‘Salary Brook Country Park” and public transport connectivity with Colchester. [Part G]</i>	For clarity and emphasis on sustainable modes.
<i>“Inclusive and accessible to all, including people with varied mobility and sensory needs”</i>	The ability to accommodate equestrians across all the links is unlikely due to the impact of the extra space on development areas and thus densities and development capacity. Equestrian provision will be offered where appropriate.
GC Policy 3: Place Making Principles	
<i>“Alongside the requirements of other policies within this Plan and Section 1 Local Plan, the submitted Masterplans and Design Codes should adopt progressive and innovative approaches to placemaking, that seek to future proof to be flexible in design for the development to</i>	Designs can’t be future-proofed as by definition we don’t know what future we are designing for. So “flexibility in design” is the correct term, seeing that designs are such they can be adapted for other uses in the future.

<i>adapt in the future, and have a positive impact on societal behaviour, promoting culture change, and must:..”</i>	
<i>“Ensure that new streets are tree-lined where identified appropriate within the Area-Specific Design Codes and that opportunities are taken to incorporate trees elsewhere within the development”.</i>	This could be interpreted as every street, which isn’t necessarily appropriate.
GC Policy 5: Economic Activity and Employment	
<i>“Creation of the Rapid Transit System to enable a rapid fast commute for residents to and from all neighbourhoods within the Garden Community to key areas of employment including the new A120 business park and centres as well as those outside of the Garden Community, such as the University of Essex, Colchester City Centre, Colchester General Hospital, Colchester Business Park and Colchester Sports Park.”</i>	Consistency with policy wording in GC Policy 1. Colchester Business Park is not on the RTS Route as it terminates at Colchester Park and Ride.
GC Policy 6: Community and Social Infrastructure	
<i>“Each of the ‘Garden Community Neighbourhoods’ must include at least one ‘Neighbourhood Centre’ which will complement one another. All centres must be accessible by a comprehensive sustainable travel network (walking and cycling) designed around the 20-minute neighbourhood principles and have good access to public transport, including one or more of the Rapid Transit System halts”.</i>	Accessibility to public transport is important, part of that is RTS, but part of it will include other services. Other services should stay in policy because they will start or finish in locations outside Colchester and the high patronage the TCBGC could bring could help improve the commerciality of these services.
<i>Vehicle free ‘school zones’ must be provided around schools, with the area around the main pupil entrance entirely traffic free and away from streets and car parks, connected by safe and direct walking and cycling routes to the Neighbourhood the school serves.</i>	Access will still be required by emergency vehicles and for blue badge users so we need to ensure the principle is clear about no cars around school entrances but not be too prescriptive about “streets” which is a loose definition and “car parks” which is loose also, so there is the flexibility to respond to accessible needs.
GC Policy 7: Movement and Connections	
<i>• Achieve filtered permeability, by not delivering links for general vehicular traffic between neighbourhoods [Part A]</i>	Adding for clarity as to how it is achieved.
<i>Demonstrate how modal share targets (the number of trips by walking, cycling, public</i>	Wording added to be clear that any mode share targets defined in a TA need to reflect the

<p>transport and private vehicle) will be achieved, maximised and monitored in a phased approach and how the targets reflect the ambitions for reducing car use over time as outlined in the Tendring Colchester Borders Garden Community Transport Evidence Base Report 2023, and as reflected reproduced in the table below: [Part A]</p>	<p>ambitions of the evidence base mode share and the table, but be clear the Garden Community needs to reflect this ambition, not exactly meet all of the splits between modes set out in the table as this will be defined at the TA stage.</p>
<p>See that all walking and cycling routes are safe and accessible to all, well-lit and designed to promote natural surveillance. [Part A]</p>	<p>To reflect comment above re equestrians as we can't see that all routes are accessible for equestrians without impacting on overall developable area across the site due to the specific design requirements for horses.</p>
<p>Each neighbourhood will need to be accessible by active modes in accordance with aligning with walkable 20-minute neighbourhood best practice guidance. [Part A]</p>	<p>Wording for clarity. Although a shared ambition, we can align with guidance, but not accord with it, as by nature, it is guidance not policy.</p>
<p>All proposals must have regard to Active Design principles and the Building for a Healthy Life process when designing the public realm and streets and undergo a Building for a Healthy Life/Streets for a Healthy Life review at the appropriate stage of design. [Part A]</p>	<p>To reflect that if it's an outline application, there won't be detail at that stage upon which a review could be undertaken.</p>
<p>The public realm around key destinations and trip attractors within the Garden Community such as centres, mobility hubs, early years and childcare facilities, schools and leisure facilities will be designed so that pedestrians and cyclists have clear priority at most times. [Part A]</p>	<p>This removes doubt around what is or isn't an appropriate time.</p>
<p>Proposals for the development of the Garden Community must include planning obligations to support and enable the phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure and services for early phases of development to ensure facilitate sustainable travel patterns from first occupation. [Part A]</p>	<p>Reflects that infrastructure can facilitate but not ensure, as this is ultimately still down to an individual to choose.</p>
<p>Off-Site Specific pedestrian and cycle routes will connect with the Garden Community with effective wayfinding and signage. [Part B]</p>	<p>Clarity that it means off-site routes will connect to the Garden Community</p>
<p>"Contributions to improvements of some or all of those links will be sought from (but not limited to) the list below, which will be subject to the</p>	<p>To reflect that the majority of demand is more likely to be from these communities to the TCBGC rather than vice versa.</p>

<p>outcomes of transport assessment work: Links to from existing communities such as Elmstead Market, Ardleigh and Wivenhoe". [Part B]</p>	<p>Also more sensitive to concerns around TCBGC residents descending on their communities.</p>
<p>Safeguarding any segregated public transport routes and the development of the RTS alignment through the Garden Community. [Part C]</p>	<p>To make this more specific to the TCBGC rather than any route.</p>
<p>All proposals will need to integrate with the RTS and demonstrate how the RTS can provide a direct link accessibility to each Neighbourhood Centre [Part D]</p>	<p>To allow flexibility as to how the RTS accesses each neighbourhood centre. A direct link for example might conflict with other policies around school entrance access being vehicle free.</p>
<p>Proposals should ensure the RTS will be, and will remain highly visible, serving residents of the Garden Community and beyond, and will be served by high quality stops/halts situated to maximise accessibility (including parking provisions for safe/secure/covered storage of cycles/scooters) whilst balancing the need for a fast service. [Part D]</p>	<p>To align with other policy references to being a fast service.</p>
<p>Space to act as a transportation interchange hub for other bus services to support and reduce traffic movements within the wider Garden Community (i.e. school 'park and stride' drop off provisions, if relevant). [Part F]</p>	<p>Based on the policies map, the schools may be some distance from the Park and Choose.</p>
<p>Proposals must ensure that vehicle parking complies with the Garden Community parking guidance or design code and all new development will be required to take account of any relevant emerging or existing standards and the design requirements set out within these standards. [Part G]</p>	<p>Only relevant guidance needs to be considered rather than any guidance issued by anyone.</p>
<p>How the design, location and amount of parking ensures seeks to avoid that there is no resulting overspill and inappropriate on-street parking which negatively impacts on: [Part G]</p>	<p>To reflect design can only facilitate, not ensure, especially regarding individual choices where people park.</p>
<p>Provision for electric charging points should be provided included for within all proposed car parking spaces; associated with in residential</p>	<p>For clarity to avoid double use of "provided".</p>

<p>development proposals as set out in the latest government guidance and standards. [Part G]</p>	
<p>Where passive charging (the network of cables and power supply necessary so that at a future date a socket can be added easily) provision is proposed, this will require the installation of all necessary infrastructure such as cabling, power grid capacity and supply to allow for the simple and efficient retrofit of a parking spaces anywhere in the development with additional electric vehicle charging points. [Part G]</p>	<p>To avoid car parking anywhere in the development.</p>
<p>Dedicated covered and secure cycle storage should will be located in prominent and accessible locations as part of the design of new homes. Cycle parking at destinations should will be easily accessible, prominent, safe, conveniently located, covered and secure. [Part G]</p>	<p>Will be essential to modal shift.</p>
<p>This must be evidenced and supported by captured within Travel Demand Management measures set out in a Travel Plan supporting the proposals to be agreed with the Highway Authority and the Councils. [Part G]</p>	<p>Encapsulates both and there may not be “evidence” for ambitious stretching targets, but we do not wish this to affect the ability to be ambitious.</p>
<p>Detailed Proposals must include a Freight Management Strategy for approval which has regard to the adoption and implementation of the following methods to manage urban logistics: [Part H1]</p>	<p>To reflect that at outline stage of planning, this level of detail won’t be available, other than a plot that could be used for these purposes.</p>
<p>In developing travel plans for proposals within the Garden Community, such plans will be required to take account of the supporting Transport Assessment and necessary processes, measures and monitoring requirements set out within the Shared Section 1 Local Plan, this Plan, and reflect the ambitions set out in the supporting Strategic Masterplan and the transport evidence base for the Garden Community as well as all other relevant local and national policies and guidance. [Part H2]</p>	<p>Adding wording to be clear which documents are policy and which are the evidence base and thus will be refined by the eventual Transport Assessment.</p>
<p>A bike/e-bike/e-scooter (micro-mobility) hire scheme in the Garden Community. This will include financial contribution through planning obligations where relevant to support the scheme</p>	<p>Removed reference to micro-mobility as this doesn’t apply to e-bikes or bikes.</p>

<p>for a fixed period and provision of docking stations where required.</p> <p>[Part H3]</p>	
<p>ECC will produce a guide for the development of mobility hubs. This guide will identify where how decisions about the location of Mobility hubs should be made. will need to be located. Hub locations will need to be identified early in the site design process with the objective of maximising accessibility and utility. It is expected that hubs will play a key role in sustainable transport measures as identified in the Travel Plan. [Part H4]</p>	<p>The guidance is assumed to guide where to locate mobility hubs, not specify the locations within TCBGC as this will be for the masterplanner to decide based on guidance.</p>
<p>This Travel Plan document/s will be developed in accordance with to reflect the latest best practice guidance and support the mode share ambitions set out in the transport evidence supporting this Plan.</p> <p>[Part J]</p>	<p>Wording “in accordance with” has been substituted to reflect same requirement but to distinguish between policy and guidance. Role of transport evidence base as a starting point for mode share targets is shown in suggested wording.</p>
<p>Both internal Garden Community neighbourhood and external modal splits will be measured and monitored, and robust management and oversight will be activated to ensure see that the targets are met. [Part J]</p>	<p>Flexibility in wording here is essential, we cannot monitor all internal trips within the whole garden community as we can't follow individuals walking between houses on a street for example or have cameras on every street and route to count people. It is likely a screenline could be set up around each neighbourhood to monitor and corroborated with travel surveys.</p>
<p>Permission for latter phases of development may not be given if modal split targets for early phases are not being met and the residual cumulative impacts on the highway network are shown to be severe. [Part J]</p>	<p>To reflect that the test for severity is a key context also.</p>
<p>Any planning permission granted for the development of the Garden Community will include planning obligations enabling the phased delivery of transport infrastructure. Some of these have been detailed above and will be defined based on the findings of the Transport Assessment.</p>	<p>To be clear that requirements will be defined by the TA in agreement with the Authority.</p>
<p>Notably, any planning permission granted for the development of the Garden Community will include a planning obligation enabling the</p>	<p>Cannot ensure travel behaviour, can only facilitate.</p>

<p>phased delivery of transport infrastructure of a high standard of design, with the provision of key infrastructure for early phases of development to ensure facilitate sustainable travel patterns from first occupation in line with modal share targets agreed by the Councils and set out in the Transport Assessment provided by applicants. [Part K]</p>	
<p>Measures to mitigate residual traffic impacts should be incorporated into the proposed development. [Part K]</p>	As per NPPF.
<p>The Transport Assessment must include a Construction Logistics and Traffic Management Strategy that has regard to the latest best practice guidance and a copy of the results of the Healthy Streets for Life Assessment where detailed design is provided. [Part K]</p>	To reflect that outline application won't be applying for detail or have designs to assess.
<p>A Public Transport Strategy detailing all aspects of how public transport will be designed, delivered, funded, and operated within the Garden Community for a period of at least 20 years. [Part K]</p>	Conciseness.
<p>A Parking Strategy and Management Plan in accordance with reflecting the TCBGC Parking Guidance published by the Councils setting out how parking within the development will be allocated, managed, monitored and enforced over the lifetime of the development. [Part K]</p>	To be clear it has its own guidance.
<p>A Freight Management Strategy setting out how freight, homes deliveries and servicing will be managed and mitigated within the development [Part K]</p>	Presumably needs to cover principles for employment also, even if end user is not known.
<p>A micro-mobility management action plan setting out ongoing operation, maintenance and management of the bike/e-bike/ e-scooter hire scheme across the development. The scheme will need to be integrated with and compliment complement any-current or future planned future schemes within the existing Colchester urban area.</p>	Correct meaning of complement. Reflects the ability to integrate with planned future schemes, rather than just any future scheme ever.
<p>Targets which are monitored and submitted for approval and review by the Councils annually every two years from the outset; and of the</p>	Annually does not give time for interventions to embed. It would require recording data, analyse, write up, agreed data, agree follow up measures, put arrangements in place to

<p><i>operation of a Transport Review Group (TRG) including terms of reference.</i></p>	<p>implement measures, and allow for them to be bed in, all within a 12 month period.</p>
<p>GC Policy 9: Infrastructure Delivery, Impact Mitigation and Monitoring</p>	
<p><i>Developers must work positively with the Councils and other infrastructure providers throughout the planning process to ensure that the residual cumulative impact of development is considered and the impact of the development then mitigated, at the appropriate time, in line with their published policies and guidance.</i></p>	<p>For transport, it is residual cumulative impact in NPPF. The developer will only ever mitigate their own impact, not all other growth as well.</p>