

# Tendring Colchester Borders Garden Community Development Plan Document



## Modifications Consultation

# Response Form

### INTRODUCTION

The Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD) was submitted to the Secretary of State in September 2023 to begin independent examination by a government appointed Inspector. In accordance with Section 20 (7C) of the Planning and Compulsory Purchase Act 2004, following hearing sessions in May 2024, the Inspector has recommended modifications he considers necessary to make the DPD sound.

A six-week consultation on the modifications is to occur from **10<sup>th</sup> September 2024 and ending on 21<sup>st</sup> October 2024**. All relevant comments received during the consultation period will be considered by the Inspector before any modifications are finalised. The consultation documents consist of:

- Modifications for Consultation
- DPD Policies Map with Modifications
- Sustainability Appraisal Update
- Habitats Regulation Assessment Addendum

**The consultation relates specifically to these documents and in particular the main modifications which have been recommended by the Inspector. This consultation is not an opportunity to repeat or raise further representations about the published DPD or to seek further changes.**

A 'Tracked Changes' version of the DPD has also been produced to show how the modifications would appear in full. All consultation documents are available to view on the [Examination website](#)

Paper copies will be made available to view at Colchester Town Hall, Clacton Town Hall, Wivenhoe Library, Greenstead Library and all libraries in Tendring District.



## HOW DO I COMMENT?

The easiest way to submit your representation is through the online Consultation Portal at [Tendring Colchester Borders Garden Community - Consultations \(oc2.uk\)](https://www.oc2.uk)

**Using the online Consultation Portal ensures accurate interpretation of your representation, guaranteed receipt within the deadline, and the most efficient use of the Councils time during the examination process.**

You can also comment by completing this representation form. You can email it to [tcbgardencommunity@colchester.gov.uk](mailto:tcbgardencommunity@colchester.gov.uk) or post it to: Planning Policy, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.

### Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the website and forwarded to the Inspector. Address and contact details will be removed from published responses.

The Councils reserves the right not to publish or take into account any representations which it considers offensive or defamatory. Please supply an email address if you have one as it will allow us to contact you electronically.

Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way, please state this clearly on the form.

All representations will be considered and published on the Council's Consultation Portal in accordance with the Data Protection Act 2018 and General Data Protection Regulation.

**We will submit all representations received in full to the Independent Planning Inspector appointed to examine the DPD.**

Please read the **Consultation Guidance Note** before completing and submitting this form. This is available to view on the [Examination website](#)

**Please use a separate form where possible, for each proposed modification and/or document on which you are commenting. You only need to send each comment once. You do not need to complete and return this form if you have completed a response using the Council's online Consultation Portal.**



This form has two parts: Part A - Personal Details, and Part B - Your comments

# PART A

## 1. Personal Details

Title	Mrs
First Name	Angela
Last Name	Baxter
Organisation (if applicable)	Elmstead Parish Council
Address Line 1	Elmstead Community Centre
Address Line 2	School Road
Address Line 3	Elmstead
Post Code	CO7 7ET
Email Address	elmsteadparish@gmail.com
Telephone No.	

## 2. Agents Details (if applicable)

Title	
First Name	
Last Name	
Organisation	
Address Line 1	
Address Line 2	
Address Line 3	
Post Code	
Email Address	
Telephone No.	



# PART B

**Please Note:** Representations must be specific and **only** relate to the Modifications for Consultation, and/or the Sustainability Appraisal Report (SA) – Modifications Update and/or the Habitats Regulations Assessment (HRA) – Modifications Addendum.

**Please specify which consultation document your comment relates to by ticking one of the following:**

Modifications for Consultation	X
Sustainability Appraisal Report (SA) – Modifications Update	
Habitats Regulations Assessment (HRA) – Modifications Addendum	

**What is the Modification Number (or Numbers) you are responding to:**

1,2,3,4,6,7,8,9,10,11,12,13,20,21,90,23,24,25,26,28,31,32,33,34,35,36,38,41,44,51,52,54,55,57,61,63,64,65,70,73,76,84
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**With the inclusion of the Modifications, do you consider the DPD to be Sound?**

Yes	
No	X
Not applicable as comments on SA or HRA	

**If you do not consider the DPD to be sound, please specify on what grounds:**

Positively Prepared	X
Justified	X
Effective	X
Consistent with National Policy	

**Enter your full representation here:**



**MM1-4** – support for additional emphasis on health and wellbeing services

**MM5** – Strongly object to the modification. The suggestion the effective plan making policy to support important decision making in the near future determining the first phases of development should be deleted for a yet to be determined phasing plan that is itself entirely illustrative is a weaker policy. The DPD wording already allows for a degree of flexibility by using the phrasing ‘expectation’ instead of stronger wording. It is vital for other stakeholders to have a definitive understanding of where development will begin to best make their own preparations in a timely fashion and consider how these may interact with the first planning applications.

**MM6** – Highly concerned at the modification. The DPD is purported to have taken an evidence based approach, and the suggestion that such a major aspect of the interior road network is not only undecided but is still having information gathered to inform this decision is worrying. With no parameters for what evidence may support or over rule this policy it is not an effective tool for decision makers. Significant future changes would invalidate much of the traffic modelling upon which other decisions accepted within the DPD examination were based. We are concerned there is ambiguity in the proposed wording that could allow additional junctions onto the A133 and A120 which is a significant alteration to the plan making process thus far which has not been consulted upon.

**MM7** – While we share concerns that the original DPD wording was not coherent, with the idea of physical separation but interconnectivity being at odds with one another as worded, we do not find the suggested modification to fix the issue, indeed it makes it worse. The suggestion the Crockleford neighborhood could be segregated within itself is bad enough – this is not good placemaking and would not create a cohesive neighborhood causing numerous concerns regarding internal travel and the practicalities of a community living within it. However our main concern from the initial wording is worsened by the modification, being that the existing Crockleford community would be cut in two by both versions of the policy wording. This policy would lead to absurd journeys whereby short journeys such as those made by people with mobility impairments or delivery drivers, to reach only a few hundred meters away within the same neighborhood, would require driving upwards of 6 miles, into and out of Colchester, putting additional strain on the traffic models recognized points of stress in the local road network, only to reenter the garden community via the link road and cause significantly more traffic. If the Crockleford neighborhood is to be an effective neighborhood and maintain the special character identified elsewhere in the DPD, partially by protecting the established Crockleford heath community, the DPD needs stronger protections to ensure there is an integrated road network across this neighborhood, with no public traffic access to the other neighborhoods.

**MM8** – We recognize the potential for other means of public transport.

**MM9** – We appreciate Historic England’s input and support the improved recognition of Elmstead’s listed heritage assets.

**MM10** – we are concerned the additional emphasis on floodlighting does not ascertain how decision makers may tell where it is appropriate, and suggest effective policy would relate back to an evidence base used to determine where is appropriate. We have significant concerns about the impact of such floodlight facilities and believe the DPD should provide the policy to protect from potential substantial environmental harm to meet its aspirational high standards.



**MM11** – We remain concerned at the urbanizing effects of substantial parking facilities in this space south of the A133, and would stress nowhere in the evidence base is there support for the principle that there is sufficient area of land for both this parking facility and the sport and recreation grounds to meet open space requirements.

**MM12** – We're very concerned that the suggested modification uses the term phases – plural, instead of first phase, as without an infallible phasing plan this is undefined and could refer to a significant number of houses. AS the modification is suggested its ineffective planning language. We would also query the logic behind removing the association between the park and chose and RTS becoming operational, as even if this is significantly before the first residential phases this could provide meaningful benefits, both reducing local traffic and mitigating some effects of construction.

**MM13** – correction of typo. Support.

**MM20** – support dual purpose street furniture addition.

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

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

**MM23** – we welcome the strengthened language for this policy.

**MM24** – support natural England's clarification.

**MM25** – support strengthen and clarified wording.

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

**MM28** – support sports England's clarification.

**MM31** – strongly support historic England's intention with the modification. However we are concerned that if a proposal has both significant positive and negative effects of these heritage assets the outcome is entirely subjective and this wording does not present decision makers with a method to reach a policy based conclusion.

**MM32** – We believe this could be better worded to focus on avoiding conflict with the few heritage assets relevant to the site, with minimizing conflict as a last resort. The revised wording is concerning as it presents a binary choice to either enhance the historic environment OR better reveal the significance. We suggest better phrasing would encourage both in policy.

**MM 33** – support historic England's classification.



**MM34** – support sport England’s clarification.

**MM 35** – we are concerned this drastic change in flexibility could lead to long periods of imbalance between housing and employment opportunities, with the overall long term correlation seemingly guaranteed upon completion of the garden community, after potentially decades of imbalance.

**MM 36** - The movement and connections illustrative framework plan (page 93) clearly shows a rapid transport route/stop within the area of the business park. While it seems absurd that there would not be a direct connection to the business park – if this is to be the case set out in policy then the map plan needs amending to avoid direct contradiction with the policy and ensuing confusion for decision makers.

**MM 38** – With the majority of students (55% in 2023) now being in paid employment, we find this to be a significant modification that drastically alters the employment landscape of the proposed development. The evidence base for this change is uncertain, with further consultation needed for adequate examination.

**MM 41** – support sports England modification.

**MM44** – We are concerned the modification recognizes the universities future need alongside that of GC residents but does not acknowledge existing needs of the local community which could be easily included in this revised phrasing.

**MM 51** – We find the reasoning provided to be precisely why this illustrative plan is so problematic, as it acknowledges that foundational details such as points of vehicular access are not confirmed within the DPD. This modification does not resolve the problem as it remains the only mapping presented within the DPD to show these features, but is not supported by policy, despite many assumptions being based upon it.

**MM 52** – As per the reasoning presented it is acknowledged that the road network and capacities is not fully understood, if the DPD was an effective plan using an evidence led approach this problem would not exist. Such a degree of flexibility to alter established road networks already serving local communities, including Crockleford within the area in question, makes this modification a substantial change that would require additional consultation.

**MM54** – this weakening of language is not effective plan making, encouraging such an effect does not guarantee any positive results, and there are sufficient assumptions based on the success of this policy that it must be guaranteed.

**MM55** – support this change to recognize alternate means of public transport may emerge as preferable over the timeframe of the development.

**MM57** – seems like an unnecessary watering down of an effective policy. For neighborhood center proposals to be an effective community placemaking principle, there needs to be direct access to the RTS, without the potential for varying interpretations of the ‘serve’ wording that could complicate decision makers process during planning applications.

**MM61** – strongly disagree with the assertion that design cannot ensure such matters, the drastic weakening of wording does not make for effective plan making, and the suggestion



that significant issues with parking are merely rectified at later planning phases is unacceptable. A proposal may both seek to avoid such parking issues while evidence shows it will cause problems. The design of the development can functionally make significant negative parking impossible, so the policy should aspire to do this, not push rectifying foreseeable issues to future development phases to rectify.

**MM63** – the insertion of ‘aiming to’ restrict vehicular access is another drastic weakening of an already effective policy. The current wording is far more effective plan making and so should not be altered. If by the reasoning presented for this modification there is evidence that conflicts with the DPDs own evidence base, this would suggest that either one or both methods of testing are functionally flawed and so the DPD policies are based upon incorrect assertions. To only now be exploring the potential ‘need’ for a direct access from the A133 to the southern community, when said junction is already under construction shows a significant shortcoming in planning thus far. To install such a connection would drastically alter many of the traffic models relied upon for the DPD. This modification represents a major alteration that would require additional public consultation and re-examination, alongside an updated evidence base to assess its effectiveness.

**MM64** – While we support the intention of the modification, a commitment to full funding must be more than demonstrated, it must be agreed upon in a legally binding contract to enable planning permission to progress. Demonstrated is not adequate phrasing for such an essential purpose.

**MM65** – Once again the alteration to language is weakening an already effective policy – ‘to reflect’ is ambiguous and unenforceable, if the travel plan is utilizing best practice, it will be in accordance with the guidance. While we acknowledge the supporting evidences inclusion, this is effectively two modifications portrayed as one.

**MM70** – removing the annual review to an undetermined timescale is a significant change when it is an unlimited change. While there are small changes to the policies annual frequency that would be acceptable such as every 2 years, if the frequency is instead changed to every decade it is unacceptable. An effective policy tool would have been to instead simply agree the preferred timeframe for this modification and we are concerned this seemingly wasn’t possible.

**MM73** – support Anglian waters representation.

**MM76** – the adjustment to wording is concerning as after the change, a proposal could be made having taken into account the HIF agreement but not in accordance with it, leaving decision makers in an impossible decision. While the HIF agreement is in effect, any such proposal needs to be in accordance with its requirements.

**MM84** – support this clarification.





**If your representation is more than 100 words, please provide a brief summary:**

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

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

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

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

**Please specify the changes needed to make the DPD sound:**

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

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

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

Integrated phasing plan overview enshrined in policy.



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

**This form must be returned by the  
21<sup>st</sup> October 2024**

**By Email to: [tcbgardencommunity@colchester.gov.uk](mailto:tcbgardencommunity@colchester.gov.uk) or**

**By Post to: Planning Policy, Colchester Borough Council, Rowan House,  
33 Sheepen Road, Colchester CO3 3WG.**

