

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

TOPIC PAPER 6: HARTLEY GARDENS

December 2020

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Executive Summary

This Topic Paper has been prepared by Tendring District Council for the purposes of the independent examination for Section 2 of the Tendring Local Plan 2013-2033 Publication Draft – hereafter known as the emerging Local Plan. The purpose of the Topic Paper is to provide an update on the latest position regarding the ‘Hartley Gardens’ strategic site allocation (Policy SAMU2) given that three years have passed since the publication and submission of the emerging Local Plan in 2017. The paper also explains the justification for the identification of the site for strategic housing growth and why it is favoured above other reasonable alternatives, the suitability, availability and deliverability of the site and the rationale for the proposed policy approach and why this is effective, justified and consistent with the National Planning Policy Framework (NPPF).

Aside from the Tendring Colchester Borders Garden Community, the Hartley Gardens site to the north west of Clacton is the largest housing and mixed-use proposal in the Local Plan. Due to significant changes in the housing supply situation, the Council is no longer reliant on the Hartley Gardens development to deliver the residual housing requirement for the remainder of the plan period to 2033. Notwithstanding, the Council still believes that, along with Oakwood Park, this site represents an appropriate location for the long-term peripheral expansion of Clacton and should be earmarked as such in the Local Plan, with a view to achieving a comprehensive long-term master-planned approach.

In the Section 2 Plan as published and submitted, it had been envisaged that 600 of a total 1,700 homes would be built within the plan period up to 2033. However, efforts to bring the site of multiple ownership under the control of one party or to otherwise develop a comprehensive masterplan through cooperation with the various owners has not progressed as would have been hoped. For this reason, the Council, through its 2020 SHLAA, has revisited its expectations for delivery and the latest trajectory now anticipates only around 200 dwellings being deliverable before 2033.

Issues around multiple ownership, phasing and the nature of the infrastructure required to serve the site remain unresolved at present. However, the principal landowners controlling the majority of the site are committed to working with the Council to bring about a solution – albeit a longer-term solution with the expectation that the majority of development is most likely to take place beyond the end of the current plan period. The Council is also in discussions with Homes England on options for bringing the site forward and is also working with Essex County Council to explore potential sources of funding the supporting infrastructure.

To facilitate this work, the Council is now taking a leading role in commissioning evidence and preparing a masterplan for the site and, through this Topic Paper is suggesting that amendments are made to Policy SAMU2 to re-define the Hartley Gardens site as a ‘broad location’ for future development as well as to set out the guiding principles that will carry forward into a more detailed Development Plan Document (DPD) or masterplan for the site

– with a view to development taking place in the longer term, towards the end of the current plan period and into the next.

Part 1: Background

- 1.1 The Hartley Gardens site is a significant proposed greenfield urban extension (circa 125 hectares) on the north western edge of Clacton-on-Sea – the largest urban settlement in the Tendring district. The site benefits from close proximity to a range of facilities, employment opportunities, and existing infrastructure in the town. The majority of the area in question is currently designated as a ‘Local Green Gap’ (between Clacton-on-Sea and Little Clacton) and protected against development through Policy EN2 in the Council’s 2007 adopted Local Plan. However, as explained in the Council’s separate Topic Paper on ‘Strategic Green Gaps’, a review of the green gap boundaries was undertaken in order to release land for longer-term housing and development needs in a sustainable manner that upholds the need to avoid coalescence between settlements.
- 1.2 The location has long been the subject of housing and mixed-use development proposals promoted through the plan-making process in recognition of its strategic position at the key gateway into Clacton, the limited options for expansion given the town’s coastal location and physical environmental constraints, and the opportunities to deliver a comprehensive long-term scheme inclusive of new and improved infrastructure with the potential to deliver wider socio-economic benefits.
- 1.3 The site is now allocated in the emerging Local Plan under Policy SAMU2 ‘Hartley Gardens’ for a major mixed-use development to include around 1,700 homes of which between 800-1000 were originally expected to be delivered within the plan period to 2033. The publication draft policy wording to Policy SAMU2 is set out below at Figure 1.

Figure 1: Tendring Publication Local Plan 2017: Policy SAMU 2 Hartley Gardens

Policy SAMU2 – Development at Hartley Gardens, Clacton

Land north of Bockings Elm and west of A133 shown on the Map SAMU2, is allocated for mixed use development as follows:

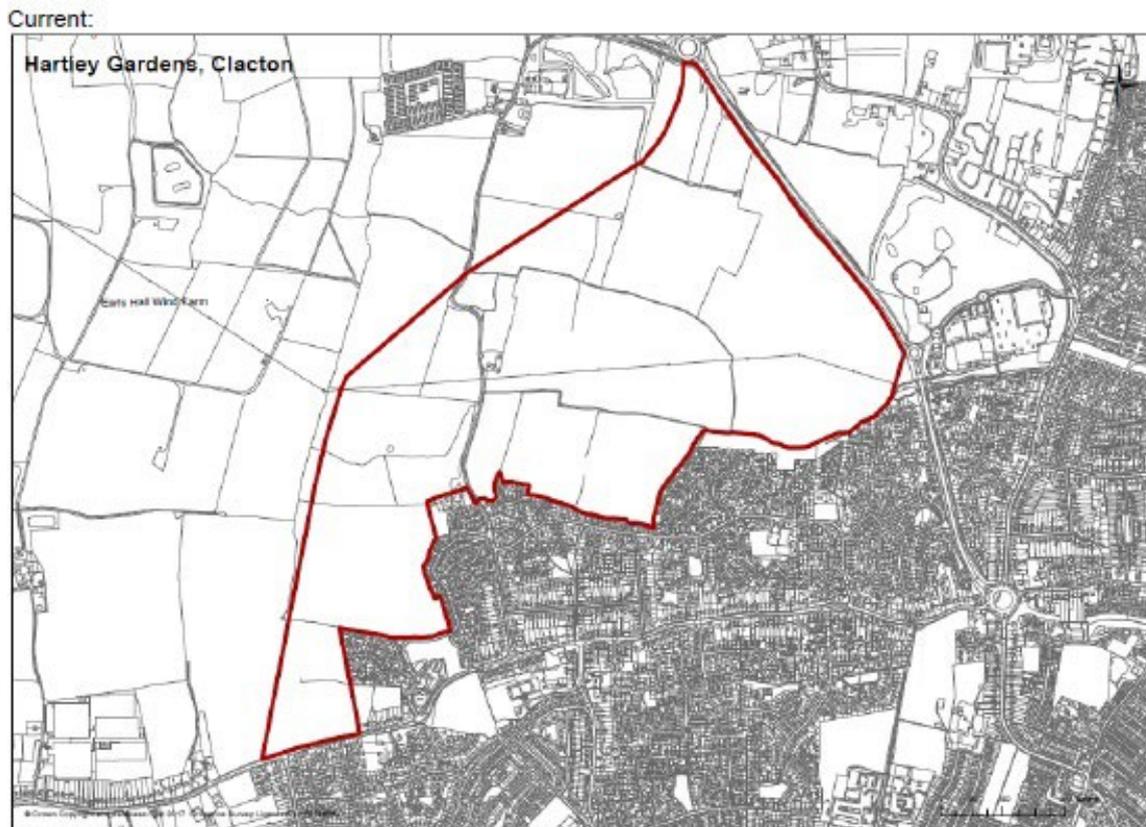
- a. 800-1,000 new homes of mixed sizes and types to include affordable housing as per the Council’s requirements up to 2033;
- b. At least 7 hectares of land for employment;
- c. 2.1 hectares of land for a new primary school with co-located 56 place early years and childcare facility (F1 use) as required by the Local Education Authority through Section 106 Planning Obligations;
- d. 1 hectare of public open space;

Proposals must accord with the following:

- e. inclusion of master planned approach which addresses the opportunities for further development post-2033;
- f. inclusion of a new link road between the A133 and B1027 along the north western boundary of the site. The principal points of vehicular access must be from the new link road;
- g. capacity and/or safety enhancements to the local highway network where necessary;
- h. where necessary, enhancements to public transport, cycle, pedestrian and bridleway infrastructure;
- i. inclusion of appropriate flood risk mitigation measures and SUDs;
- j. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;
- k. where an archaeological evaluation (trial trenching where necessary) identifies surviving archaeological deposits, an appropriate mitigation strategy for preservation in situ or by excavation should be submitted;
- l. due regard should be given to the setting and significance of other heritage assets in the locality;
- m. incorporation of upgrades to both treatment infrastructure, network, water and drainage strategy to serve the new development;
- n. financial contributions to early years and childcare, primary and secondary provision as required by the Local Education Authority through Section 106 Planning Obligations;
- o. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.

1.4 The publication draft policy included the provision of 800-1000 homes within the plan period, 7 hectares of employment land and the inclusion of a new link road between the A133 and B1027 along the north western boundary of the site with the principal points of vehicular access from the new link road. The proposed site boundary as currently shown in the publication draft plan is shown at Figure 2 below and reflects the representations submitted by Stanfords on behalf of one of the principal landowners at the various consultation stages.

Figure 2: SAMU 2 Hartley Garden Allocation Boundary Publication Plan 2017



- 1.5 The site is in multiple ownerships as illustrated in the plan (at Appendix 1: Site Ownership). Historically there have been attempts by a succession of site promoters at establishing collaborative working to prepare and agree a site masterplan and partnership approach to both promotion of the site through the development plan and planning applications. To date, these efforts have not progressed as well as would have been hoped.
- 1.6 Partly as a result, Britton Construction who own land at the eastern end of the site directly adjacent to the A133 (and who were the original promoters of the then 'Hartley Meadows' concept in the mid-2000s) developed their own standalone proposals and secured a planning permission for a retail-led mixed-use development called 'Brook Park West' on their landholding in June 2017. This permission comprised outline consent for business units and 200 homes and detailed consent for a food store, hotel, family public house and retail warehousing and drive-thru restaurants (16/01250/OUT). The early phases of the development are now largely built out. The application was approved as a departure from policy, despite its local green gap designation in the 2007 adopted plan. This decision was due to a significant shortfall against the five-year housing supply requirements at the time, an identified demand for retail development to help claw back trade being lost to other larger towns, and recognition of the suitability of the location for future development. The approved plan is illustrated at Figure 3 below.

Part 2: Current situation and proposed policy approach

- 2.1 Circumstances have changed since the emerging Local Plan was published and submitted in 2017, and the Council now considers that amendments to Policy SAMU2 and the Hartley Gardens allocation could be made to better reflect the current understanding of the site's ownership, constraints and the way in which a scheme is likely to be delivered.
- 2.2 Since the publication of the plan there has been a significant change in the housing land supply position, largely due to the number of permissions granted and the increase in large site commitments, as explained in the Council's Housing Topic Paper. Changes in the housing supply position, since the submission of the emerging local plan, have resulted in a situation where the residual housing requirement for Tendring up to 2033 can be met and exceeded without the need to allocate any additional sites for housing in the local plan, including the Hartley Gardens site.
- 2.3 However, the Council recognises the benefit of maintaining a healthy level of headroom and contingency, in its housing supply, should the committed sites not come forward in the timescales envisaged. In addition, the NPPF 2012 (para 47) states that *'to boost significantly the supply of housing local planning authorities should identify a supply of specific developable sites or broad locations for growth for years 6-10 and where possible for years 11-15'. 'To be considered developable sites should be in a suitable location for development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged'*.
- 2.4 Despite there no longer being such a reliance on the site to meet the residual housing requirement to 2033, the Council considers there to be a strong justification for keeping the Hartley Gardens site in the Local Plan as a broad location site for future development. It is therefore suggested that the site be designated as a 'broad location' with the aim of delivering housing in the later phases of the plan period and to effectively plan for longer term growth post 2033.
- 2.5 Furthermore, since 2017 and despite the longstanding draft allocation, there has been limited progress on collaborative working between landowners to prepare and agree a composite evidence base and deliverable masterplan. As such the Council has revised its trajectory for the delivery of the scheme in an effort to pro-actively lead on the masterplanning process and to formalise this approach through amendments to the local plan policy ensuring a more comprehensive, integrated and well-designed new community.
- 2.6 Further discussions have taken place between Tendring District Council and Essex County Council as the highway authority on the need and deliverability of the proposed 'strategic link road' required in both Policy SAMU 2, 'Hartley Gardens' and Policy CP2 'Improving the Transport Network' (in the publication plan) to ensure the soundness of

these policy requirements at the forthcoming examination. One of the benefits of a comprehensive development scheme in this location is the opportunity to deliver a direct transport link from the A133 to the western part of the town to help with the re-distribution of traffic, improve accessibility to the Jaywick Sands area to assist in its regeneration, improve accessibility for tourists to Clacton seafront and town centre areas, whilst also unlocking and creating highway capacity for phases of the development itself.

- 2.7 Whilst it remains an aspiration and an objective of the Council to secure a better connection between the north and west of Clacton (and the Hartley Gardens proposal, as presented through the Stanfords representations, offered the potential for the strategic link road to be delivered alongside the development), the discussions with Essex County Council have concluded that, there is an insufficient evidence base to justify the requirement for a strategic link road of the nature and type currently envisaged. However, the Council is working with Essex County Council and Homes England to explore options for delivering and potentially funding a link road as a means of securing the above benefits and accelerating housing delivery.
- 2.8 For the purposes of the Local Plan and its soundness, however, it is suggested that the explicit requirement for a strategic link road be removed from both policies SAMU2 and CP2, although it is still anticipated some form of connection will be required and planned for from the A133 around to the western side of Clacton. Given the quantum of development proposed, the strategic transport infrastructure requirements need further planning and designing to ensure full opportunity and consideration is given to providing sustainable modes of transport and ensuring the residual impacts on the highway network are not severe.
- 2.9 In addition, further site masterplanning is required to identify a formal and defensible boundary for the proposed broad allocation site with the open countryside to the west (in the event that a strategic link road might not dictate the boundary). Also, masterplanning will also assist to identify in more detail the green, social and physical infrastructure requirements, their optimal location, how they can be delivered in a phased, proportionate and fair manner across the site, as well as how they can effectively integrate with the existing settlement and surroundings.
- 2.10 As the site is no longer required to deliver significant housing in the remainder of the plan period and there is a demonstrable need for further evidence and masterplanning to support both an integrated and co-ordinated approach to development along with the delivery of a comprehensively planned and a sustainably integrated place, the Council considers a broad location policy offers a more effective and justified policy approach to support large scale longer-term growth.
- 2.11 Given the multiple ownerships across the site, the Council will need to take a more proactive role in establishing a sustainable and deliverable planning framework through a site-specific Development Plan Document (DPD). This DPD will then be used to

inform, determine and co-ordinate planning applications, conditions and s106 agreements to deliver the comprehensive development of the whole site and the planning and place-making requirements.

2.12 The Council has undertaken further site analysis work to support the suggestions for an amended broad location policy, which is set out in more detail in the next section. This illustrates the site is developable and the policy, as amended, would be effective, justified and in conformity with NPPF. For the above reason, a more tailored site-specific policy has been developed for SAMU 2 Hartley Gardens, which better responds to the site constraints, opportunities, planning requirements and consultee representations. This is set out below in Figure 5. Key changes are as follows:

- a) the boundary of the site is suggested for change from the publication draft to exclude the Brook Park West permission and development and to provide a looser and more indicative western edge pending more detailed review and formalisation through a proposed site-specific DPD;
- b) the full indicative capacity of the site for 1,700 units is suggested for inclusion in the policy (instead of the currently suggestion of 800-1,000 units in the plan period);
- c) 7 hectares of employment land is suggested for retention in the policy as a requirement pending more detailed evidence as part of the site specific DPD. The Council's 2016 Employment Land Review identified positive locational attributes of the site for additional employment use in a highly prominent and accessible location with frontage onto the A133. The 2019 update to the Review by Hatch Regeneris confirmed this finding;
- d) The requirement for a new primary school and health provision are identified following further consultation with Essex County Council;
- e) Green infrastructure standards, which meet the standards set out in Policy HP5 are suggested for inclusion;
- f) A 10% Biodiversity net gain requirement is suggested in line with the NPPF and the Environment Bill;
- g) Clarity on the purpose of a Hartley Gardens site specific DPD is suggested for inclusion;
- h) Clarity that the Council will not accept a piecemeal approach is provided in the suggested amendments together with an exceptions criteria, which could allow smaller scale development in advance of the site specific DPD; and

- i) A series of site-specific masterplanning principles is suggested to clarify place-making vision and design principles for the site. This includes addressing consultee responses from both Natural England on the need to avoid harm to internationally designated sites and from Historic England on the need to avoid harm and to provide enhancement proposals to the significance and setting of surrounding listed buildings.

Figure 5 Proposed Policy modification to Policy SAMU 2 Hartley Gardens

SAMU 2 DEVELOPMENT AT HARTLEY GARDENS, CLACTON

Land north of Bockings Elm and west of A133 shown on the Map SAMU2, is designated as a broad location for growth for mixed use development for the phased and comprehensive delivery of the following:

- a) *approximately 1,700 new homes of mixed sizes and types to meet evidenced local housing need within the Council's most up to date Strategic Housing Market Assessment and to include 30% affordable housing as set out in Policy LP5*
- b) *up to 7 hectares of land for employment;*
- c) *2.1 hectares of land for a new two-form entry primary school with co-located 56 place early years and childcare facility (D1 use) and/or financial contributions towards primary school and secondary school provision as required by the Local Education Authority based on evidenced need*
- d) *New facilities and/or financial contributions to support new health provision based on evidenced need;*
- e) *Green infrastructure which should provide a multi-functional and connected network, including amenity green space, parks, allotments and natural and semi natural green space (meeting the standards set out in Policy HP5) and provides for attractive green walking and cycling routes;*
- f) *To deliver at least 10% biodiversity net gain;*
- g) *A sustainable movement network, including principal points of highway access, a hierarchy of streets, public transport and connected walking and cycling routes within the site and beyond; and*
- h) *The provision of sufficient utility infrastructure working with the relevant infrastructure providers to ensure that such provision is achieved in a timely manner.*

No planning applications will be approved until a site-specific Hartley Gardens DPD has been prepared and adopted by the Council. The purpose of the DPD will be as follows:

- i. *To provide further detail on the geographical extent and boundary of the allocation, ensuring a defensible and sensitive boundary to the open countryside beyond*
- ii. *To set out how Policy SAMU2 development objectives and masterplanning principles will be achieved through the site specific DPD which will provide the means to inform, assess and determine planning applications and secure comprehensive, co-ordinated, and integrated sustainable development*
- iii. *To facilitate and support the co-ordination and timely delivery of the green, social and physical infrastructure necessary to facilitate growth in this location*

The above requirements aim to ensure the comprehensive and co-ordinated development of the site, to ensure the masterplanning principles below are addressed and to provide a clear delivery plan to ensure the right infrastructure is funded and delivered at the right place and at the right time.

The Council will not accept development which does not address the policy requirements. In addition, development within the broad location for growth in advance of the Hartley Gardens DPD may be permitted provided that:

- There would be no conflict or prejudice to the delivery of the wider Hartley Gardens development (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider development;*
- The development demonstrably conforms to the policy requirements and principles of Policy SAMU 2 Hartley Gardens;*
- A site wide highway infrastructure strategy has been agreed by the County Council and District Council, opportunities for sustainable modes of transport have been secured and will be delivered and that the residual impacts upon the transport network will not be severe*

Masterplanning Principles

The Hartley Gardens DPD will provide further guidance to meet the following principles and all development proposals should accord with these:

- i) To create a series of permeable and legible well defined streets, which are cycle and pedestrian friendly and link into the existing built up area and local facilities (e.g. retail and schools);*
- j) To identify off site highway works required to support new development, their phasing and funding;*
- k) To identify public transport measures to ensure sufficient access to the site by bus and rail and provide a series of walking and cycling routes within the site with strong and positive linkages to the existing network;*
- l) To create a high quality built and natural environment that respects the built and landscape character and context of the local area and is in accordance with the National Design Guide and the Essex Design Guide;*
- m) To incorporate in the design of new development measures to minimise the contribution to climate change and to ensure new development is resilient and adaptable to the effects of climate change;*
- n) To create a connected multi-functional green infrastructure network, which protects and enhances existing site features of landscape and ecological value such as the expansion of the Pickers Ditch Green corridor to the south of the site, the copses at T Grove and Long Grove (both registered on the Priority Habitat Inventory as Deciduous Woodland and the National Forest Inventory as Broadleaved Woodland,*

ancient woodland (including Hartley Woods to the north of the site), any veteran trees, hedgerows and other important landscape features and important habitats;

- o) To ensure no net loss of biodiversity and to deliver positive benefits to biodiversity through the restoration, enhancement and creation of appropriate semi-natural habitats within and through the site to maintain, restore and create functional ecological networks;*
- p) To establish a sustainable drainage system across the site that integrates with the green infrastructure network and utilises where practicable existing watercourses (e.g. Hartley Brook and Pickers Ditch), ponds, ditches and any greenways associated with retained hedgerows and maximise habitat value;*
- q) To create a landscape structure that retains and utilises existing landscape features (such as hedgerows, trees, Hartley Brook and Pickers Ditch) and uses new planting and landscaping to sensitively integrate new built development and provide an attractive green setting;*
- r) To use structural planting and the location, orientation and design of new buildings to maintain the landscape setting and separate identity of Little Clacton and to carefully screen and sensitively integrate new infrastructure and buildings from the open countryside to the west to minimise any visual impact;*
- s) To identify opportunities to preserve and enhance the setting and significance of heritage assets at Bovills Hall, Earls Hall and Dutchess Farmhouse and Bluehouse Farm in accordance with the recommendations for avoiding harm, mitigating impacts and maximising enhancements in the Heritage Impact Assessment;*
- t) Where an archaeological evaluation (trial trenching where necessary) identifies surviving archaeological deposits, an appropriate mitigation strategy for preservation in situ or by excavation should be submitted;*
- u) To demonstrate that no internationally designated site would be adversely affected by the development either alone or in combination with other proposals as per the requirements of Policy PPL 4 and future proposals will need to demonstrate no adverse impact on water quality as per the requirements of Policy PPL5; and*
- v) To demonstrate how a phased approach to development can deliver the required infrastructure when it is required as well as to create an integrated and sustainable community.*

2.13 A proposed broad location boundary to support Policy SAMU 2 Hartley Gardens is shown at Figure 6 below.

Figure 6 (a) Proposed Broad Location Boundary (as would be shown on an amended policies map)

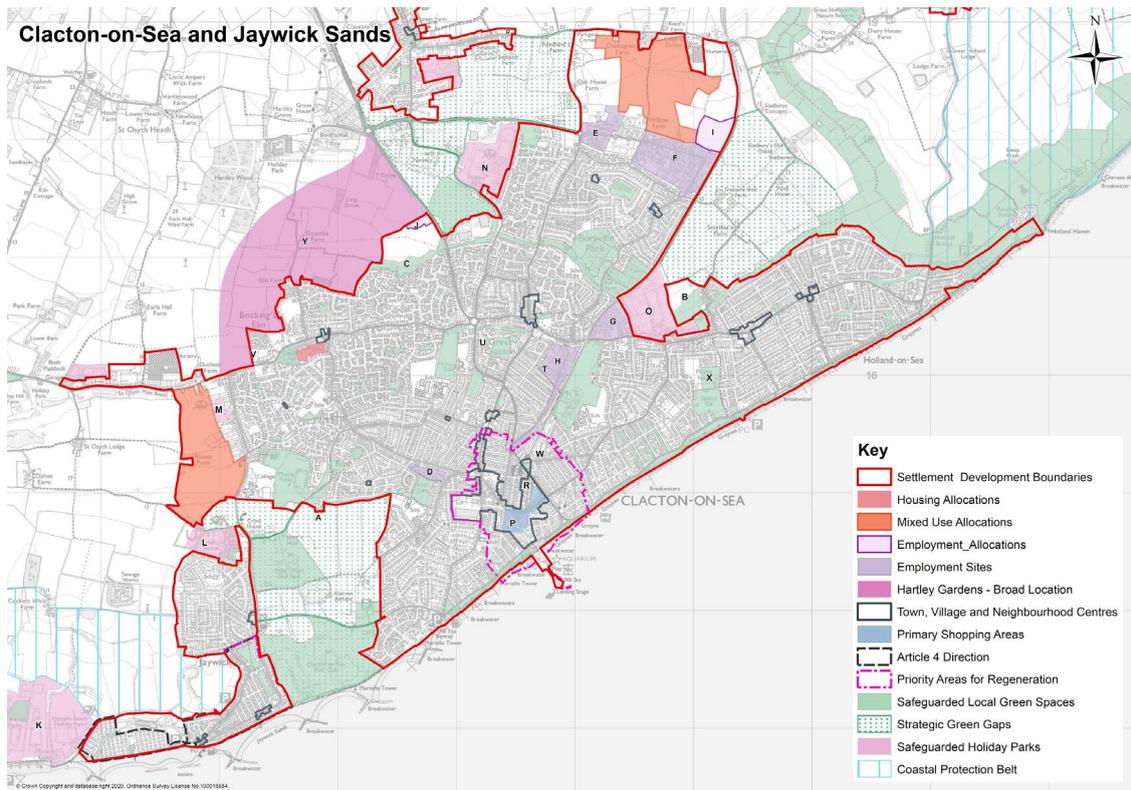
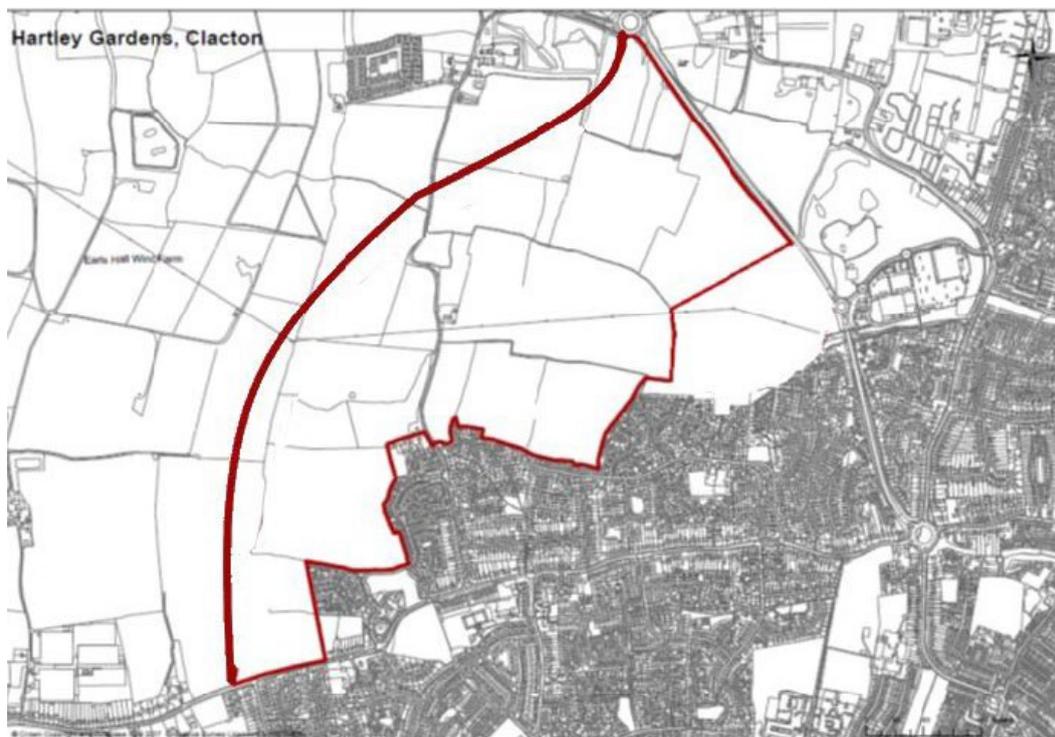


Figure 6 (b) Proposed Broad Location Boundary (as shown on an amended Map SAUM2)



2.14 The Council also suggests that amendments are made to Table L2 to reflect the updated information in the 2020 Strategic Housing Land Availability Assessment (SHLAA) and the Council's Housing Topic Paper and the latest housing position and estimated delivery rate for Hartley Garden. This is shown in Figure 6 below and identifies delivery in the middle and later stages of the plan period following adoption of the site specific DPD.

Figure 7 Estimated housing supply and delivery rate for Hartley Gardens

Site	Total Housing Numbers	2020 to 2024/25	2025/26 to 2029/30	2030/31-2032/33	And beyond	Reference
Hartley Gardens	1700	0	60	150	1490	SAMU2

2.15 In terms of Policy CP2 Improving the Transport Network, a suggested modification to this policy to better reflect the position regarding strategic highway infrastructure in Clacton-on-Sea is as follows:

'Further transport assessment work will be undertaken by Essex County Council (the highway authority) and Tendring District Council to identify the optimal route, specification and design of access improvements (including public transport and active travel) to Clacton from the A133 to the western side of the town. This will improve accessibility and support new growth areas and future development.'

Part 3: Policy justification and site delivery

- 3.1 For a broad location, the Council needs to demonstrate that the site is ‘developable’. NPPF 2012 states that *‘developable sites should be in a suitable location for development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged’*. *‘In addition, the revised NPPF 2019 recognises that ‘there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced’*. Also, as regards a reasonable prospect of delivery, the revised NPPG 2019 (planning guidance) encourages local authorities to ‘use statements of common ground, or other evidence, to detail agreements with infrastructure providers, which confirm a reasonable prospect *‘and set out the further work which they will undertake to support the long-term delivery of the strategy’*. The remainder of this Topic Paper will set out the policy justification for revising the Hartley Gardens site as a broad location within Section 2 of the plan.
- 3.2 This section of the topic paper outlines a) why the site is in a suitable location, including when assessed against reasonable alternatives; b) the land use and necessary infrastructure to support development; and c) the site constraints and opportunities.
- 3.3 Part 4 sets out an indicative masterplan concept framework for the site and Part 5 contains evidence on site specific viability and ability to deliver the land at the point envisaged.

Site Suitability

- 3.4 The site is in a suitable location for development and represents a natural growth area for Clacton, the district’s largest town with the greatest range of economic activity, facilities and transport provision, to accommodate long-term strategic housing need. The site is located in a sustainable location to the north eastern edge of the town adjacent to the A133 and B1027 at the main gateways into Clacton. It is located adjacent to existing residential neighbourhoods with local primary schools, local shopping facilities (at Legerton Drive and Brook Retail Park), a local community centre, local green spaces and employment areas. All these facilities are within walking distance from the site and with careful design of the development and investment, active travel can be optimised to support healthy lifestyles. There are also numerous bus routes and services around the site with connections to the main public transport network.
- 3.5 The site is also suitable as there are no significant environmental constraints to development. The site is largely arable farmland. There are some areas of ecological and landscape value within the site, but these constraints can be effectively mitigated as the following section outlines. Indeed, these constraints can be turned into opportunities in terms of enhancing green infrastructure for wildlife benefit and local people’s physical and mental health.

- 3.6 In addition, there are some overhead pylons, which extend through the site from east to west, but these can be under-grounded to support development as has been undertaken on the neighbouring site at Brook Park West. Also, environmentally sensitive areas around the site comprising the Hartley Woods ancient woodland to the north west and a number of listed buildings can also be effectively mitigated through careful set back distances of development and landscaping.
- 3.7 The Council considers the long-term need for housing to override the need to maintain the current extent of the green gap. The site historically has been designated as a very generous local green gap to prevent the coalescence of Clacton with Little Clacton. However, the size of the green gap has already been reduced by the development of the Brook Retail Park, which extends to the east and west of A133. Therefore, the separate identity of Little Clacton can still be maintained by ensuring a smaller gap between the proposed development and the Little Clacton settlement edge. This will prevent any coalescence of Clacton with Little Clacton. The indicative green infrastructure framework, which supports this Topic Paper illustrates this separation and gap. The Council's separate Topic Paper on Strategic Green Gaps also provides more detail on the approach to green gap policy and the rationalisation of the designated gaps around Clacton.
- 3.8 The site is also a suitable location for strategic growth when compared to reasonable alternatives. With the exception of the Tendring Colchester Borders Garden Community and the Oakwood Park allocation, there are no other sites of the size proposed that could deliver a comparable level of housing or employment land in a comprehensive long-term manner without encroaching into the open countryside, leading to coalescence with surrounding settlements or neighbourhoods or departing from the sustainable approach to growth advocated through the Local Plan's settlement hierarchy in Policy SPL1.
- 3.9 As set out in more detail in the Topic Paper on Strategic Green Gaps, peripheral expansion of a comparable scale in other parts of Clacton would breach the overriding purpose of green gap policy, which is to retain separation between settlements and neighbourhoods to maintain their distinctive characters and to protect their individual landscape settings. Furthermore, the Sustainability Appraisal for the Section 2 Local Plan considers a variety of alternative options. However, there are no alternative sites of a comparable scale performing notably stronger against the sustainability criteria.

Site Description

- 3.10 The site boundary illustrated on Figure 8 below comprises approximately 125 hectares of land and was determined through the further evidence base work undertaken on behalf of the Council and attached as appendices to this paper. It varies from the boundary shown in the emerging Local Plan and the suggested 'broad location' boundary put forward under Figure 6. This is because the evidence base work considers the extent of land within defined field boundaries as opposed to the artificial boundary

that had been defined in the plan to reflect the original indicative route for the proposed link road. Also, some of the land at the very south-western end of the site is excluded because it is understood that those landowners are not interested in releasing the land for development at the present time. For the purposes of this topic paper, we refer to the below as the 'study area' boundary.

Figure 8 Study Area Boundary

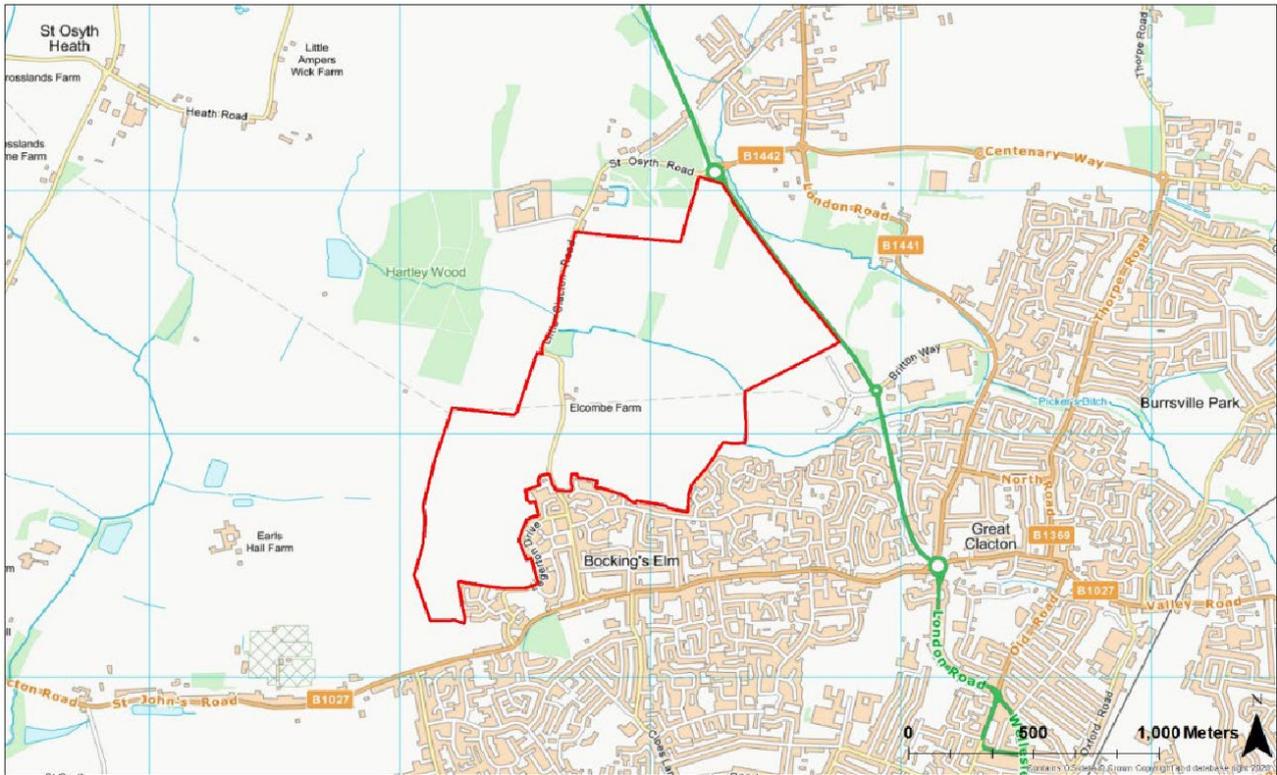


Figure 9 Aerial Photograph of Hartley Gardens showing Study Area Boundary



- 3.11 The study area boundaries are comprised of the A133 to the east, the built-up edge of Clacton to the south (to the north of St Johns Road) and an indicative western boundary linking the B1027 to the A133. To the direct south of the site there is a neighbourhood centre at Legerton Drive (including a small community centre and local Sainsbury's shop), Coppins Hall Wood (a local wildlife site), Cranleigh Close green space and Cann Hall Primary School.
- 3.12 To the east of the site across the A133 lies the Brook Retail Park anchored by a large Tesco superstore. Directly adjacent to the east is the Brook Park West mixed-use development. This development is partly built and comprises a Lidl food store, hotel, pub and drive-thru McDonalds. An enhanced recreational green corridor was provided as part of the development along Pickers Ditch to the south. This is well used by residents and the policy intention is to further extend this green corridor into the wider Hartley Gardens site. To the west lies open countryside with open valley views and a wider network of hedgerows and footpaths. To the north west of the site is Hartley Wood an area of ancient woodland. To the west lies Earls Hall Wind Farm comprising of five large wind turbines.
- 3.13 The land is predominantly open arable farmland with associated farmland ecology. In terms of landscape and ecological features, Hartley Woods (ancient woodland and local wildlife site) is located directly to the north west of the site. Hartley Brook extends through these woods across the site to Pickers Ditch in the south east corner. Two areas of deciduous woodland; T Grove and Long Grove are located in the northern part of the

site. Both are registered on the Priority Habitat Inventory as deciduous woodland. In addition, there are a number of hedgerows remaining on site.

- 3.14 There are overhead electricity pylons running east to west across the site, but these have now been undergrounded on the adjacent Brook Park West development.
- 3.15 In terms of heritage assets Bovills Hall a C15/C16th century house is a Grade II listed building to the direct north of the site off St Osyth's Road in Little Clacton. The site includes an original moat and an extensive area of planting. The Grade II Duchess Farmhouse is located to the south west of the site off St Johns Road. The Council has commissioned a further Heritage Impact Assessment in partnership with Colchester Borough Council, which will provide a more detailed assessment of this site, and others, following the advice of Historic England.

Land Use and Infrastructure Requirements

- 3.16 The site is 125 hectares in size and can accommodate c. 1,700 units as set out in Section 5, 'Indicative Concept Masterplan Framework'. In terms of type and tenure this would meet evidenced local housing need and include 30% affordable housing as required in Policy LP5.
- 3.17 The site has been identified within the Councils employment Land Review (Hatch Regeneris) as an attractive site for business/employment uses with a highly visible and prominent frontage onto the A133. Up to 7 hectares of land has been indicated in Policy SAMU2 for employment use. Given the current economic circumstances and changing lifestyle patterns where more people are now working from home, the Council recognises the need to retain flexibility in the provision of employment land. It is envisaged that the allocated 7 hectares of land can support the supply of employment land beyond 2033 if necessary.
- 3.18 In addition, the Council has commissioned an Infrastructure Delivery Plan for Hartley Gardens that assessed the green, social and physical infrastructure requirements that would be required to support a 1,700-home new community. This involved consultation with key stakeholders including Essex County Council. This document is entitled the 'Tendring Infrastructure Delivery Review June 2019 (Navigus Planning)' and a link is provided (**Appendix 2:** [EB10.1.1 TDC IDP Review June 2019.pdf](#)). An additional report was then commissioned to provide further advice on Infrastructure Phasing to inform viability and deliverability. This report, 'Hartley Gardens Infrastructure Trigger Point Assessment' (Navigus Planning) July 2020 is attached at (**Appendix 3:** [EB9.2.1 Trigger Points Study for Hartley Gardens](#)).
- 3.19 The key on site infrastructure items that were identified are set out in the table below and where appropriate have been included in the policy requirements (SAMU2) for Hartley Gardens:

Infrastructure Requirement	Phasing
Education	
2.1 hectares of land for 1 new primary school with 56 place nursery plus contributions	Land on commencement of development and contributions split over the course of the build out
Health	
New facilities or financial contributions to support new health provision off site	Commencement of development
Green Infrastructure	
Children's Play: 1 NEAP, 1 MUGA and 2 LEAPs	1 LEAP at 100 dwellings 1 LEAP at 800 dwellings 1 MUGA and 1 NEAP at 1200 dwellings
Allotments	
0.21 ha (circa 15 plots)	400 dwellings
0.67 ha (circa 50 plots)	1200 dwellings
Amenity Green Space: 5.87 hectares	To be defined
Parks and Gardens: 0.46 hectares	To be defined
Natural and Semi-Natural Greenspace: 13.68 hectares	To be defined

3.20 In terms of highways, the Infrastructure Delivery Plan work assumed the requirement of the strategic link road and this was included in costs and phasing. However, more recent discussions with Essex County Council have indicated that further work would be required to evidence the need for a strategic link road and/or to confirm the nature and likely cost of the infrastructure required. The Council will work closely with the highway authority to agree the transportation requirements (highway, public transport and active travel), to inform the site-specific Hartley Gardens DPD and more detailed masterplanning and will continue to explore with the highway authority and Homes England possible solutions and sources of funding that could be employed to accelerate the delivery of the site and supporting infrastructure.

3.21 The green space requirements were calculated with reference to the standards required in Policy HP5 Open Space, Sport and Recreation.

Site Constraints and Opportunities

3.22 The site is predominantly arable farmland but there are areas of priority habitat woodland and hedgerows on site as well as evidence of protected species. In addition, the site falls within the Zone of Influence (ZOI) for the Colne Estuary Special Protection Area and Ramsar site, the Hamford Water SPA and Ramsar and the Blackwater Estuary SPA and Ramsar site. The site also falls within the ZOI for the Essex Estuaries Special Area of Conservation (SAC). The Council has an obligation under the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure that either alone or in-combination effects of residential development on European designated sites are effectively mitigated through the strategic measures set out in the strategy.

- 3.23 This includes a financial payment to support management measures and the recommendation to provide SANGS (suitable accessible natural green space), including provision of 2.7 km dog walking routes within the site and /or links to the surrounding public rights of way.
- 3.24 The Councils Habitat Regulations Assessment (HRA) undertaken to inform the Publication Local Plan identified the Hartley Gardens site as having moderate suitability to support golden plover and lapwing (SPA birds).
- 3.25 To understand the ecological and landscape value of the site and how constraints can be effectively avoided or mitigated, and green infrastructure provided to meet the draft policy requirements (including a 10% biodiversity net gain) and meet the Essex coast RAMS advice and guidance the Council commissioned the following reports:
- **(Appendix 4: [EB9.2.2 Hartley Gardens Preliminary Ecological Appraisal](#))**
 - **(Appendix 5: [EB9.2.3 Hartley Gardens BNG Baseline Report](#))**
 - Wintering Bird survey to identify the use of the site for SPA birds (to be made available January 2021)
 - **(Appendix 6: [EB9.2.4 Hartley Gardens Landscape Character & Sensitivity Assessment](#))**
 - **(Appendix 7: [EB9.2.5 Hartley Gardens GI Framework](#))**
- 3.26 The PEAR Report describes the habitats on site and likely protected species in detail at Appendix 4. The site is 87% arable farmland. In terms of priority habitats there are two well-established lowland deciduous woodlands at T Grove and L Grove. In addition, a number of hedgerows meet the priority habitat criteria, with a number of elm dominated hedgerows in the north of the site. There are two watercourses on site at Hartley Brook and Pickers Ditch and a number of ponds. There are also a number of mature trees throughout the site. All habitats within the survey area were assessed visually in line with the UK Habitats Classification. Figure 7 illustrates the habitat classification map.

Figure 10 Habitat Classification Map

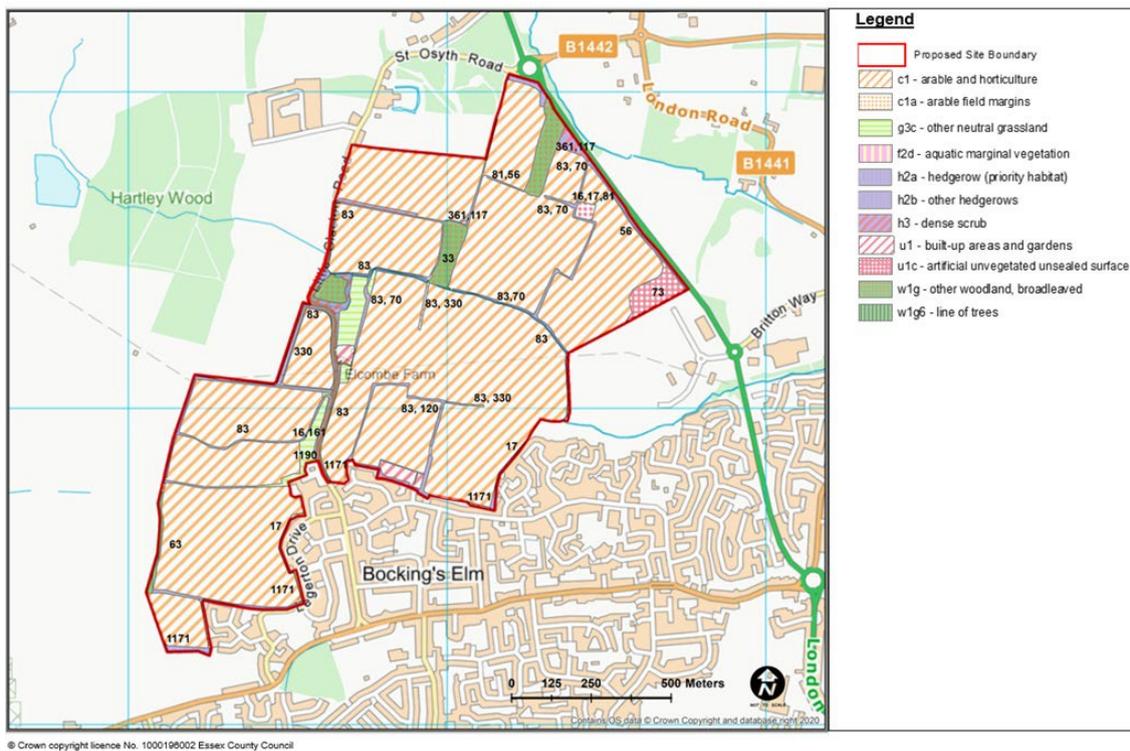
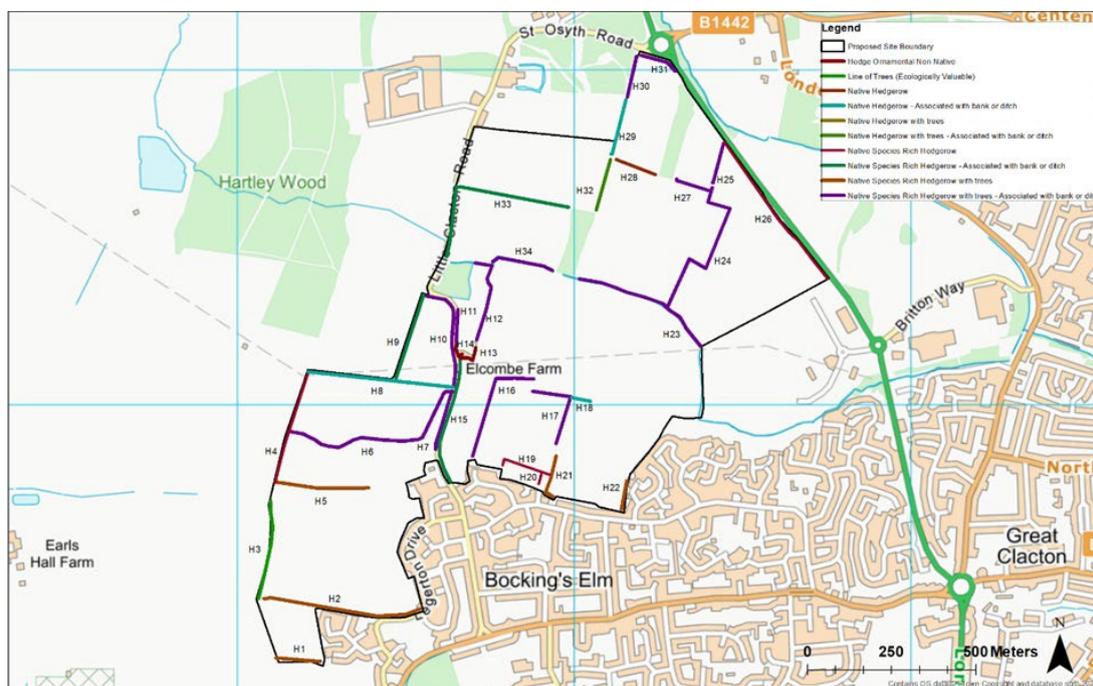


Figure 11 Hedgerows Map



3.27 In terms of the presence of protected species on site, the woodland areas on site and trees provide suitable foraging and commuting and roosting habitat for bats. The landscape also contains well connected and suitable habitat for dormice. Hartley Woods, the ancient woodland (and local wildlife site) immediately to the north-west of the site is considered to be a potentially important feature within the landscape for dormice. Also, many of the hedgerows within the site contain suitable habitat for dormice

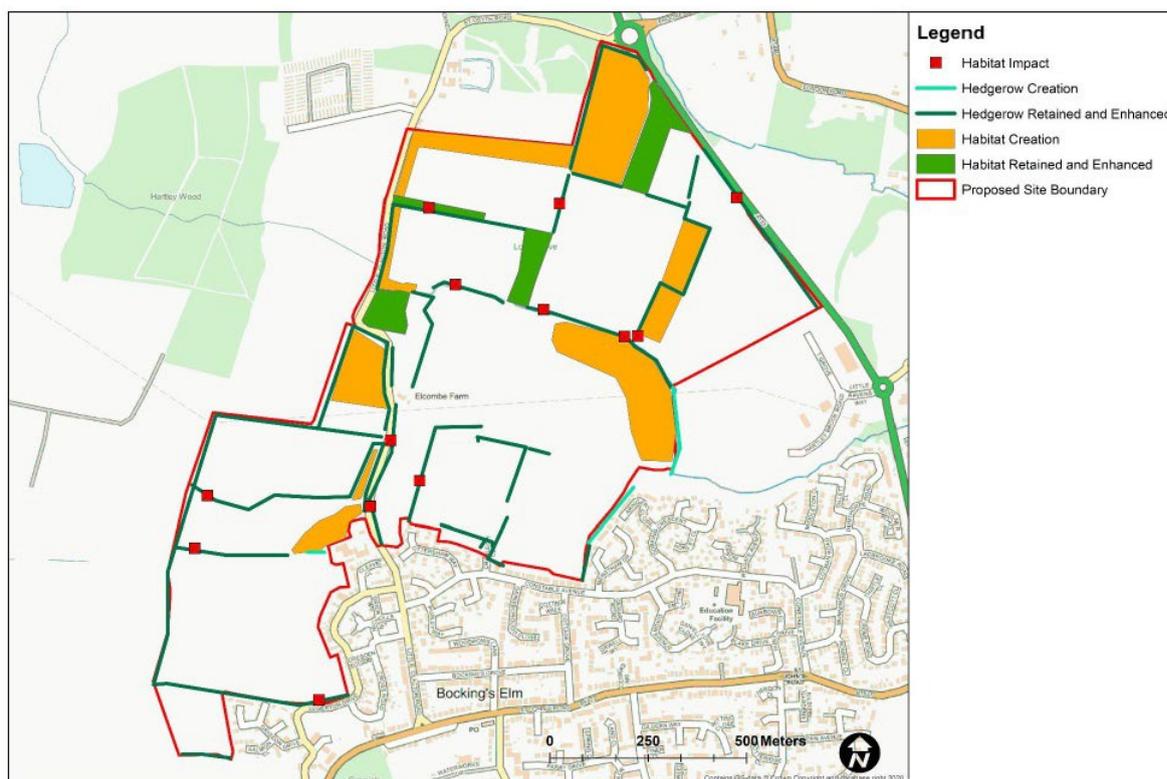
especially to the north of the site where there is an extensive hedgerow network connected within the landscape by scrub and woodland. Most hedgerows were bordered by tussocky grass field margins, which provide supplementary nesting and feeding habitat for the species. There is also evidence of badger activity within both the priority woodlands. The PEAR Report recommends the following additional surveys and assessments to be completed at subsequent stages of the planning process to inform any planning applications:

- Habitats Regulations Assessments as the site is situated within the ZOI for 7 European Habitat Sites, which may result in adverse effects to site integrity from the development alone or from impacts in combination with plans and projects;
- Hedgerow Regulations assessment to determine the importance as a measure of hedgerow value;
- An assessment of whether Long Grove Wood should be classified as Ancient Woodland and therefore irreplaceable habitat;
- Surveys to determine the presence and populations and characteristics of the following legally protected species and Priority Species:
 - Great Crested Newt
 - Bats
 - Dormouse
 - Water Vole
 - Reptiles
 - Breeding and over-wintering birds
 - White-Letter Hairstreak

3.28 This is necessary for the Council to have certainty of likely impacts and to demonstrate they have met their statutory and non-statutory duties, including compliance with local and national planning policy. Bespoke legally protected and Priority Species ecological enhancement options have been recommended to secure measurable net gain for biodiversity for the species and habitats shown to be present.

3.29 It is advised that the priority woodlands and hedgerows on site are retained and enhanced, with any hedgerow loss minimised and confined to the lower value hedgerows. This work is to protect the existing habitat for protected species and also to retain and enhance the ecological network on the site and beyond. Any new green infrastructure on site should also provide SANGS (suitable accessible natural green space) as part of the RAMS strategy to avoid recreational disturbance on protected European sites. This should include a 2.7 km circular route for dog walkers. The findings of the Biodiversity Net Gain calculation are described in Section 5. **Figure 12** indicates areas for habitat retention, enhancement and creation.

Figure 12 Constraints and Opportunities Plan from Preliminary Ecological Appraisal



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3.30 The Wintering Bird Survey to identify the use of the site for foraging by SPA birds is taking place between November 2020 and January 2021 and the results can feed into the local plan examination as further evidence base for Hartley Gardens as required.

Landscape

3.31 A link to the Landscape Sensitivity and Character Report at ([Appendix 6: EB9.2.4 Hartley Gardens Landscape Character & Sensitivity Assessment](#)) describes the landscape of the site in detail. The landscape is predominately flat arable landscape with some urban fringe elements to the south and areas of woodland to the north with an extensive hedgerow network. The Landscape Character and Sensitivity Assessment identifies the site as falling within the Clacton and Sokens Clay Plateau Landscape Character Area. This is comprised of undulating agricultural land underlain by clay, which gives rise to slowly permeable seasonally waterlogged clayey soils and standing water. Key characteristics are:

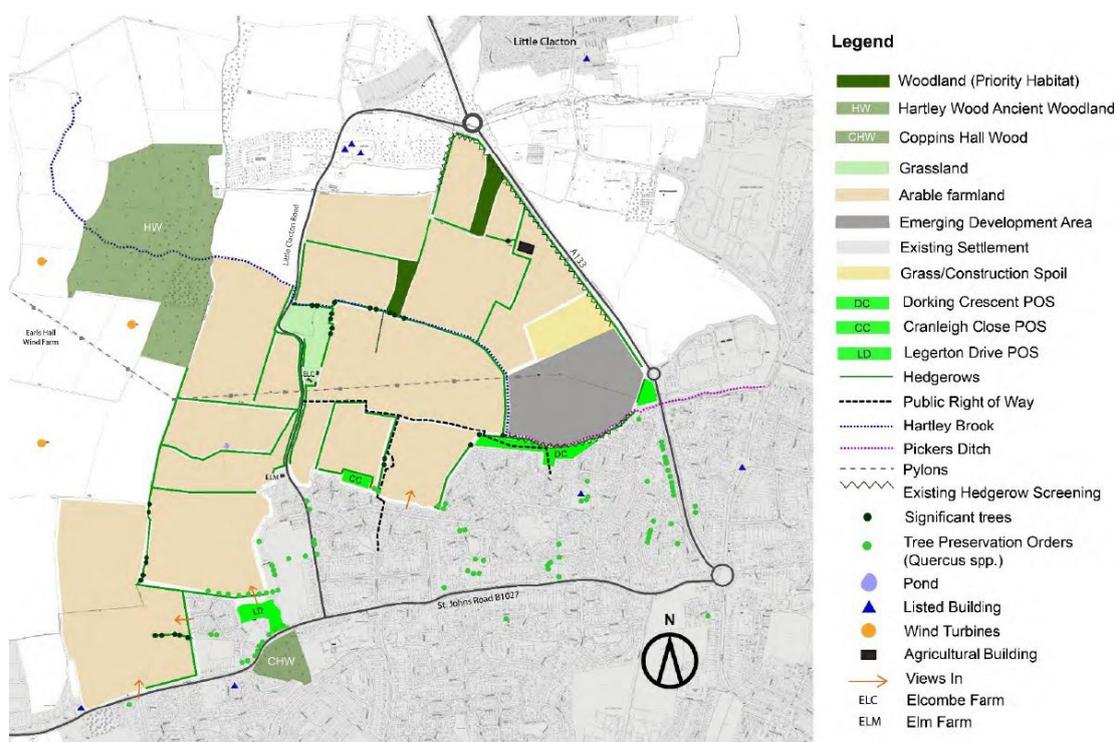
- Low gappy hedgerows with occasional hedgerow trees dividing arable fields
- Remnants of ancient oak and sweet chestnut coppice woodland
- Good access provided by the A133, B1033, and B144, which form a backbone to ribbon development that dominates areas around Clacton and Frinton
- Urban Fringe characterised by the presence of nurseries, caravan parks, paddocks, holiday parks and industrial/retail parks on the edges of Clacton and Frinton.

3.32 The Tendring LCA states that the overall character is weak due to the loss of elms, hedgerow loss and agricultural intensification and built development on the fringes. Furthermore, the LCA references the area as being one of the most densely developed rural landscapes in Tendring and in need of a strategy to strengthen and enhance the character of the landscape, including:

- increasing the extent of native deciduous woodland
- conserving hedgerows as important wildlife and landscape features,
- restoring grassland habitats lost through agricultural classification and;
- maintaining the historic leafy lanes with their ancient oaks and unimproved roadside verges.

3.33 Figure 13 below illustrates the landscape features on site.

Figure 13 Landscape Features



3.34 Whilst the land has been subject to intensive agriculture and a large proportion of land is ploughed bare soil, there are some notable historic landscape features that have both wildlife and landscape value. These include the ancient woodland of Hartley Woods to the immediate north east of the site, the two priority woodland areas of L Grove and T Grove to the north of the site and an extensive network of hedgerows across the site. Some of these hedgerows have significant landscape value where they are dominated by Elm, a key landscape characteristic in this part of Essex and one that has largely been lost. There are a number of attractive mature trees across the site and TPOs to the north of Legerton Drive.

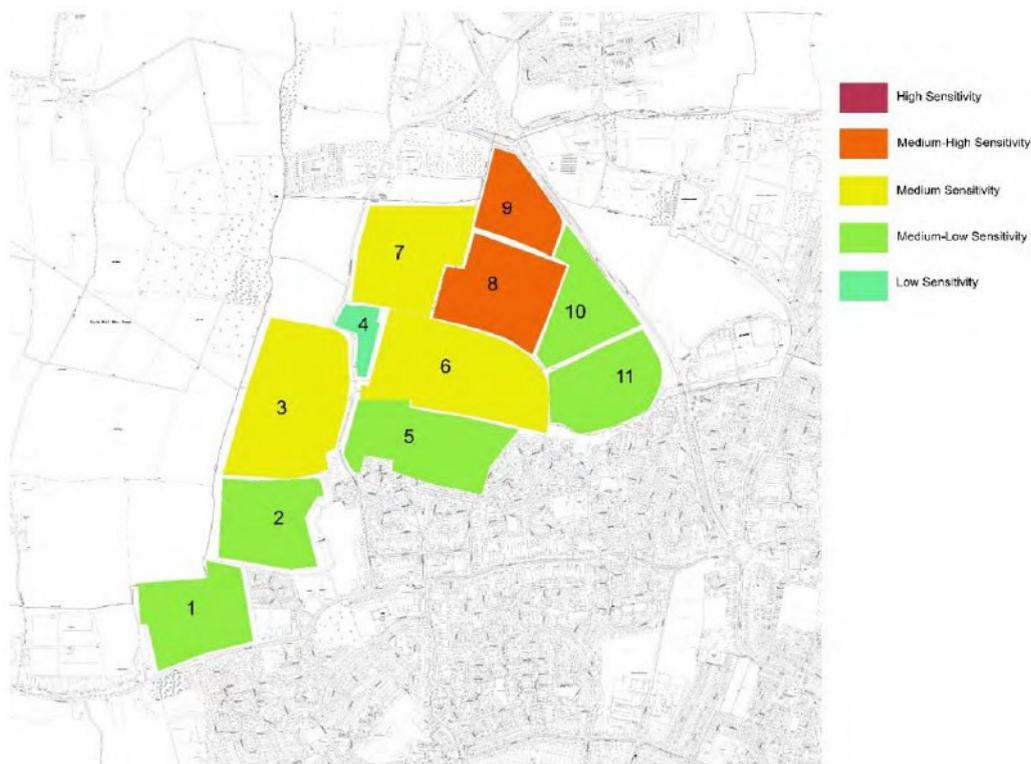
3.35 The area was divided into 9 character-areas shown on the plan below at Figure 14. These sub-areas share similar landscape characteristics. The sub-areas were then assessed in terms of landscape sensitivity and visual sensitivity.

Figure 14 Landscape Character Areas



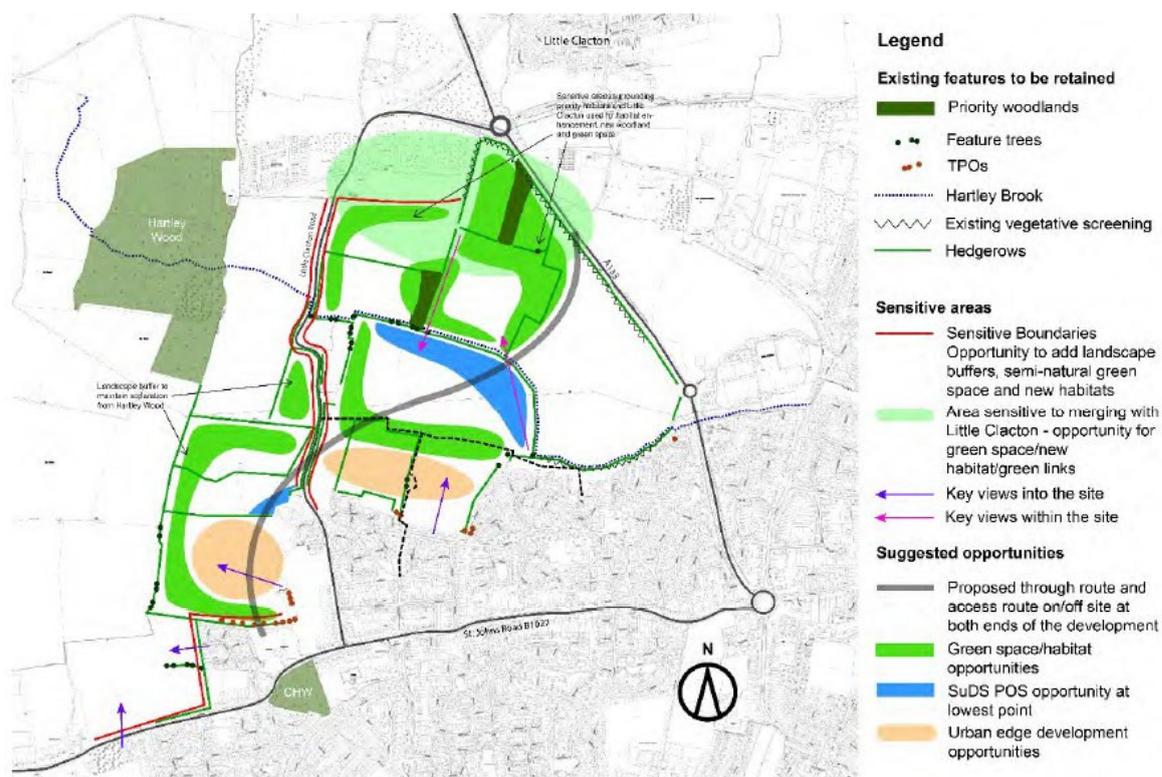
3.36 Figure 15 shows the overall sensitivity of sub areas.

Figure 15 Landscape Sensitivity



- 3.37 The Wooded Fringe and Brook Field sub-areas are the most sensitive areas in landscape terms. The wooded fringe is a highly sensitive landscape in terms of its enclosure, landscape features, ecological designations and rurality. It is recommended that no development takes place here.
- 3.38 The Brook Field area with its deciduous woodland, mature trees and extensive elm-dominated hedgerow network are also significant features in the landscape. The parcels in these northern locations are also sensitive due to their location in proximity to Little Clacton, which increases visual sensitivity in terms of preventing coalescence. Areas closer to the existing settlement boundary such as Constable Fringe and St Johns Edge are of lower sensitivity due to the urban context that surrounds them. Although there are important landscape features within these areas such as hedgerows and trees that should be retained.
- 3.39 Future proposals should use the existing hedgerows, mature trees and wooded areas as the basis for the landscape structure and encourage the existing wooded character to extend into the site along green corridors. Existing native deciduous woodland is a priority habitat so opportunities to increase this habitat and connect existing woodland should be taken alongside opportunities to introduce new grassland to diversify landscape and habitat. Densities should be higher in the sub-areas abutting the existing urban fringe with a lower density towards the countryside edge to create a more rural character.
- 3.40 Little Clacton Road is a key transport corridor but also provides a landscape feature in its own right with its strong mature hedgerow boundaries creating a strong rural and intimate character. This landscape value (as well as ecological value) and character should be protected in any future development and any severance to create highway access confined to the south of the site where the lane abuts existing urban development. The lane has historic integrity, valued association and aesthetic value, which could warrant protection through a Protected Lane Designation.
- 3.41 Figure 16 sets out the landscape recommendations for the site.

Figure 16 Landscape Framework



Connectivity & Highways

3.42 The site can be potentially accessed by the A133, St Johns Road and Little Clacton road. There are a number of bus routes and stops in the vicinity of the site. In terms of public access, the majority of the site is inaccessible with only two PROW crossing a section of the site between Little Clacton Road and Pickers Ditch. A further PROW runs south from this route to the existing settlement at Constable Avenue. However, the site appears to be well used by walkers and dog walkers and clearly is valued locally as a recreational resource. Potential vehicular access points are available from the A133. There are also opportunities to create a vehicular connection into the existing settlement and local facilities at Legerton Drive.

3.43 Little Clacton is a relatively narrow land with a strong rural character, lined with mature hedgerows for much of its length. It is a key landscape feature of the site and its severing to create any new vehicular access points should be limited to the southern extent adjacent to the existing built-up area. Further transport assessment work is required to identify the optimal access and vehicular access strategy that avoids landscape and ecological assets, maximises active travel and connectivity to the existing settlement and provides safe highway access.

Watercourses

3.44 Pickers Ditch lies along the south eastern boundary of the site. It forms a green corridor as it extends to the south of the Brook Park West development with sustainable urban drainage features. Much of the well-used public open space within this green corridor is within Flood Zone 3 and will be used for water storage during flood events. This watercourse adjoins Hartley Brook and intersects from the site from east to west at its lowest point. Alongside this watercourse lies mature hedgerow sections and mature hedgerow trees, some of which have roosting features. The lowest part of the site is adjacent to Hartley Brook, which creates a natural area for surface water storage/sustainable urban drainage.

Heritage

3.45 The area surrounding the site contains a number of heritage assets including Bovill's Hall and its associated pig sties and barn (Grade II listed), which are located adjacent to the site on the northern boundary. The buildings and its setting are well screened by vegetation and landscaping so there are no views into or out of the site. In addition, the immediate landscape character area, the wooded fringe' is to be retained in its current character with no development so the character of the wider setting will remain unchanged. The Dutchess Farmhouse (Grade II listed) a timber framed 17th century house is situated off St Johns road to the south of the site. The significance and setting of this listed building are not likely to be affected by the proposed development as the site boundary has been set back from the field adjacent to the Farmhouse and development hedgerow boundaries will be retained and enhanced. A Heritage Impact Assessment is being undertaken by the Council to further understand potential significant impacts on these heritage assets and to further avoid or mitigate harm and provide enhancements where appropriate.

Utilities

3.46 The provider of Waste Water Services is Anglian Water Services. The Water Recycling Centre at West Clacton, which would serve the Hartley Gardens site needs significant upgrading to treatment capacity. Anglian Water is responsible for funding any required investment to ensure that capacity is made available at water recycling centres in time to serve new development. Anglian Water have prepared a Water Recycling Long Term Plan (2045), which outlines planned investment at both existing water recycling centres and the sewerage network to accommodate development to 2045.

Flooding

3.47 The Environment Agency has stated that there are no significant flood-related constraints or flood defence infrastructure required for Hartley Gardens.

Pylons

3.48 There are a series of power lines that run east to west through the lower central part of the site. These should be undergrounded as they have been on the adjacent Brook Park West development to support a better designed development layout.

Existing Buildings

3.49 There are two residential properties on site, Elm Farm to the west of Little Clacton Road and Elcombe Farm to the east of Little Clacton Road. These properties would remain in situ with screen and structural landscaping where required.

Part 4: Indicative concept masterplan framework

4.1 To provide evidence that the proposed site can accommodate all the land use and infrastructure requirements set out in draft Policy SAMU 2 Hartley Gardens and address site constraints as set out in the previous section of this paper, a 'Concept Framework' as well as a capacity assessment, were prepared. The Concept Framework also provided a development scenario with which to assess whether the site can meet 10% Biodiversity Net Gain and set some clear parameters and design principles for further masterplanning.

4.2 The key land use principles of the concept Framework are as follows:

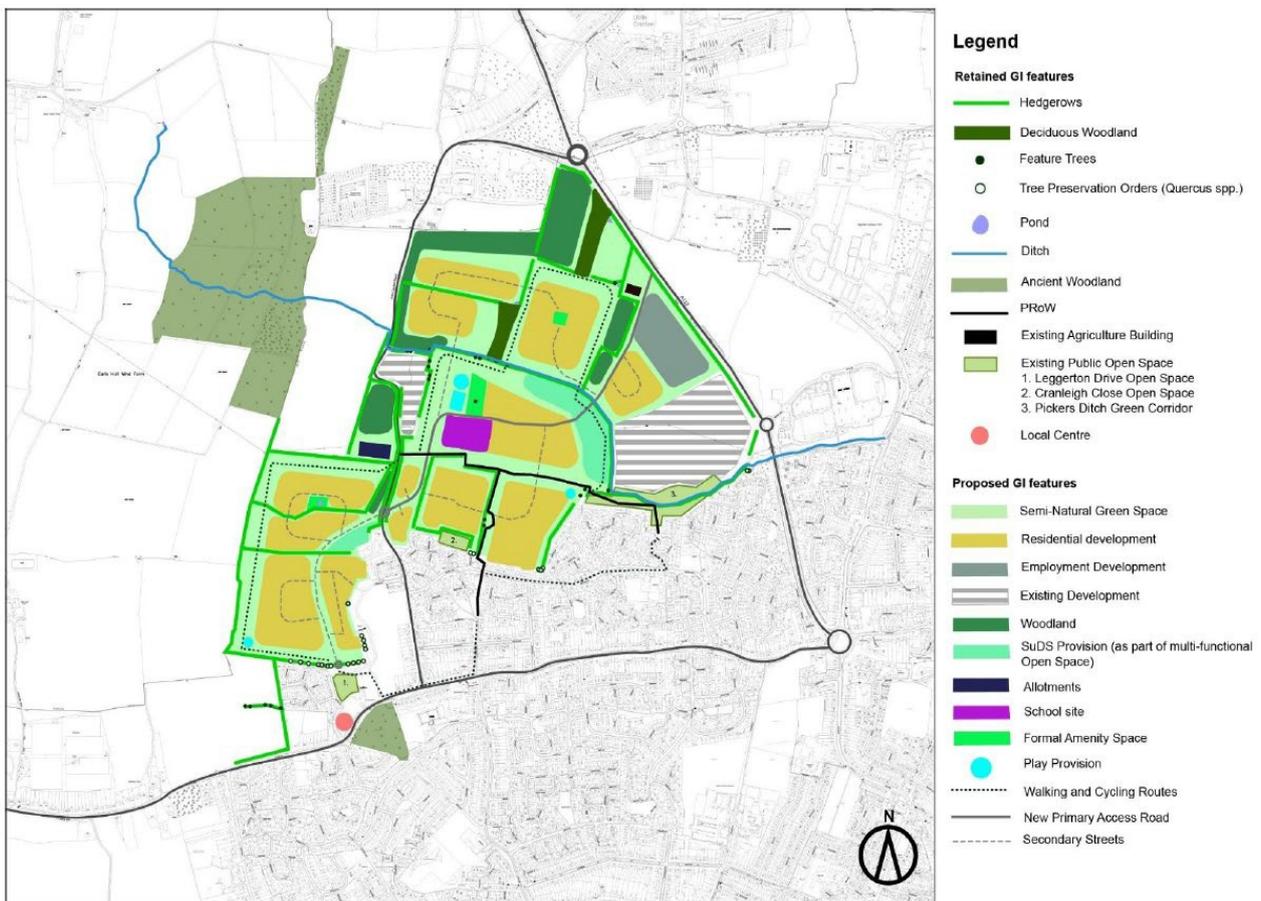
- 1700 homes based on 35 dph. Although density would form a range across the site with higher densities along the settlement edge and lower densities alongside the rural edge where the site abuts the open countryside
- 7 ha employment land located on the A133 frontage, where there is likely to be the most commercial demand given the access and high prominence location. This also provides a more appropriate use alongside a busy road and creates a built buffer to the residential areas
- 2.1-hectare site for a primary school and nursery, in the centre of the site, co-located with a neighbourhood park and play area. This part of the site would provide a centrally located community hub and centre for the new communities and any required health or community facility could also be co-located here
- 20 hectares of green infrastructure (as assessed against Policy HP5 Open Space, Sport and Recreation), including 1 MUGA/NEAP and 2 LEAPS
- 10% biodiversity net gain

4.3 The design principles of the concept framework include the following:

- Provides a multifunctional and accessible green infrastructure network based on the extension of the Pickers Ditch green corridor, a blue/green corridor which incorporates SUDS along Hartley Brook and the community hub around the school and a green corridor to the south connecting into Legerton Drive and the local neighbourhood centre
- Green and landscaped edges embed the development into the open countryside providing a sensitive boundary and accommodating sustainable drainage, pedestrian and cycle routes
- Green corridors and routes provide for attractive, safe and convenient active travel, access to nature and accommodate a 2.7 km dog walking route in accordance with the RAM Strategy.
- Provides enhancements to existing habitats and biodiversity and creates additional net gain to strengthen both the condition and connectivity of ecological habitats and networks
- Maintains the landscape setting and separate identity of Little Clacton by the retention and further woodland planting in the north of the site

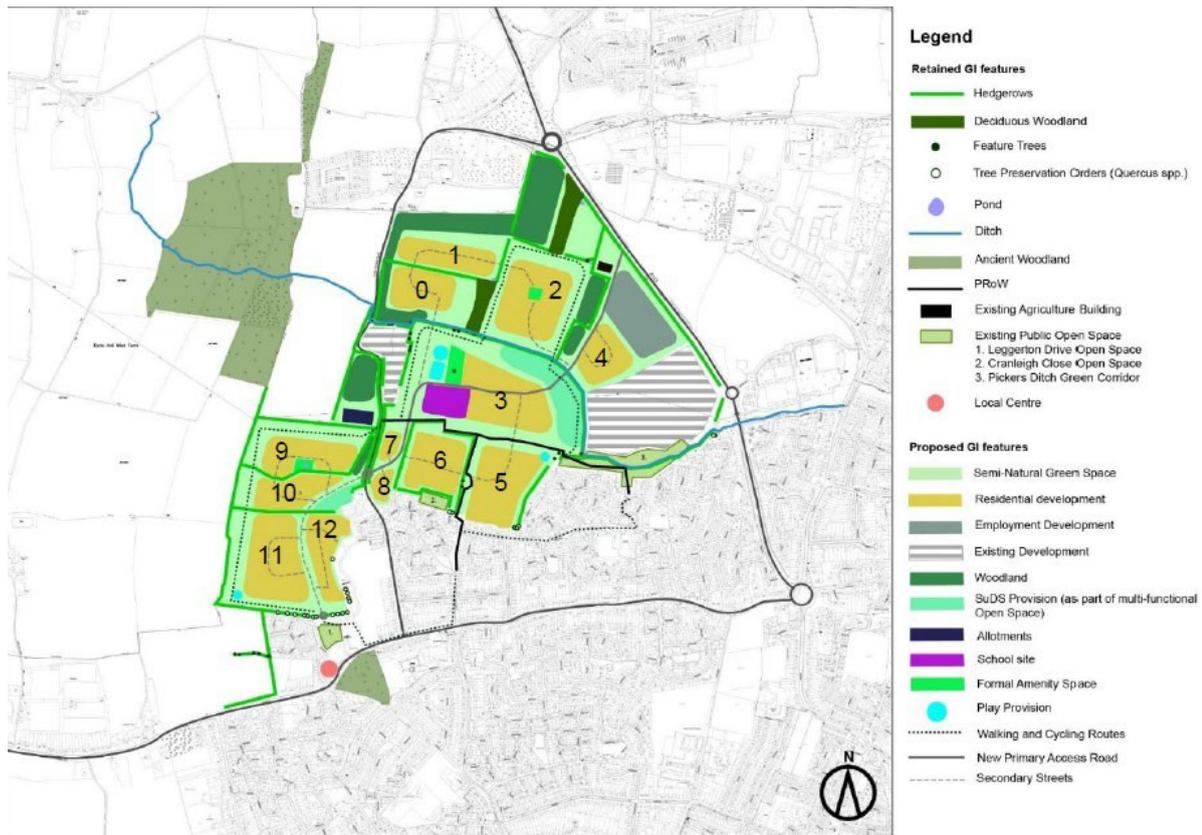
- Creates a landscape structure that retains and utilises existing landscape features (such as hedgerows, trees, woodland, Pickers Ditch and Hartley Brook) and uses new landscaping and planting to provide an attractive green setting and integrate the development sensitively into its environment
- Retains and incorporates the PROW into a green corridor and links this through to the south and existing housing areas ensuring continued ease of access for recreational use
- Utilises the lowest part of the site around Hartley Brook for surface water attenuation in a sustainable urban drainage approach with recreational and biodiversity benefits
- Creates new connections and routes to the existing neighbourhood and local facilities to the south of the site, including Legerton Drive local centre

Figure 17 Concept Framework



4.4 A land use budget is illustrated at Figure 18.

Figure 18 Indicative Land Use Budget



Land Use	Gross Site Area Requirement (ha)	Net Area Proposed (ha)	
Parks and Gardens	0.46	0.29	
Amenity Green space	5.87	6	
Natural and Semi-Natural Greenspace	13.68	25	
Allotments	0.88 ha (65 allotments)	0.9	
Play Provision	MUGA (0.07), NEAP 0.1 and 2No. LEAPS (0.08)	MUGA (0.07), NEAP 0.1 and 2No. LEAPS (0.08)	
Employment	7	7	
Primary School	2.1	2.14	
Residential	Parcel	Net Area (ha)*	Units (35 dph)
Sub parcels	0	3.2	112
	1	3.1	108
	2	5.9	206
	3	7.2	252
	4	2.8	98
	5	5.25	184
	6	3.7	130
	7	0.65	23
	8	0.7	24
	9	3.4	119
	10	2.75	96
	11	6	210
	12	3	105
	Total	47.65	1667

- 4.5 The biodiversity net gain calculation link included (**Appendix 5: [EB9.2.3 Hartley Gardens BNG Baseline Report](#)**) show a baseline habitat value of 286.98 of which 212.2 units are from the agricultural cropland. Existing woodland provides 35.53 units. Hedgerows present a value of 118.49 units equivalent to 8.41 kilometres of hedge.
- 4.6 Applying the Concept Framework development scenario, a total of 111.49 hedgerow units will be retained, equivalent to 8.08 units of existing hedge. Only 6.25 units of hedgerow will be lost. No hedgerows will be completely removed. However, 10 hedgerows will require partial removal to provide access by provision of roads, road junctions, cycleways and footpaths.
- 4.7 The Concept Masterplan Framework proposes a layout driven by the intention to create a robust green network, it includes new habitat creation of 13 hectares of lowland mixed deciduous woodland, 19 hectares of neutral grassland and a sustainable urban drainage feature comprising 5.5 hectares. It also includes the addition of 660 m of native species rich hedgerow. However approximately 2 km of hedgerow creation will be required to achieve a 10% net gain in hedgerows. A more detailed plan could explore further opportunities for hedgerow planting in the parcel and plot design.
- 4.8 Alongside the creation of new habitat, the net gain calculation has also assumed the enhancement of all retained habitats and hedgerows that are not already in good condition. This will require a detailed plan of protection and managed to be secured by condition or through section 106 obligations.
- 4.9 With the inclusion of all the measures above the metric calculation currently indicates a net change of 5.7% gain in habitat units and 2.91 % in hedgerow units, with both elements falling short of the desired 10% net gain. The Biodiversity Metric summary is set out at Figure 19.

Figure 19 Biodiversity Metric Calculation

	Habitat Type	Units
Baseline	Habitat	286.98
	Hedgerow	118.49
Post intervention	Habitat	303.33
	Hedgerow	121.93
Total net unit change	Habitat	16.35
	Hedgerow	3.44
Total net percentage change	Habitat	5.7%
	Hedgerow	2.91%

4.10 The biodiversity net gain calculation has shown it is challenging to meet the net gain requirement on site, although furthermore detailed masterplanning can explore ways to meet the shortfall whilst not compromising the green infrastructure network that should underpin new development. There are four main options for achieving the 10% net gain:

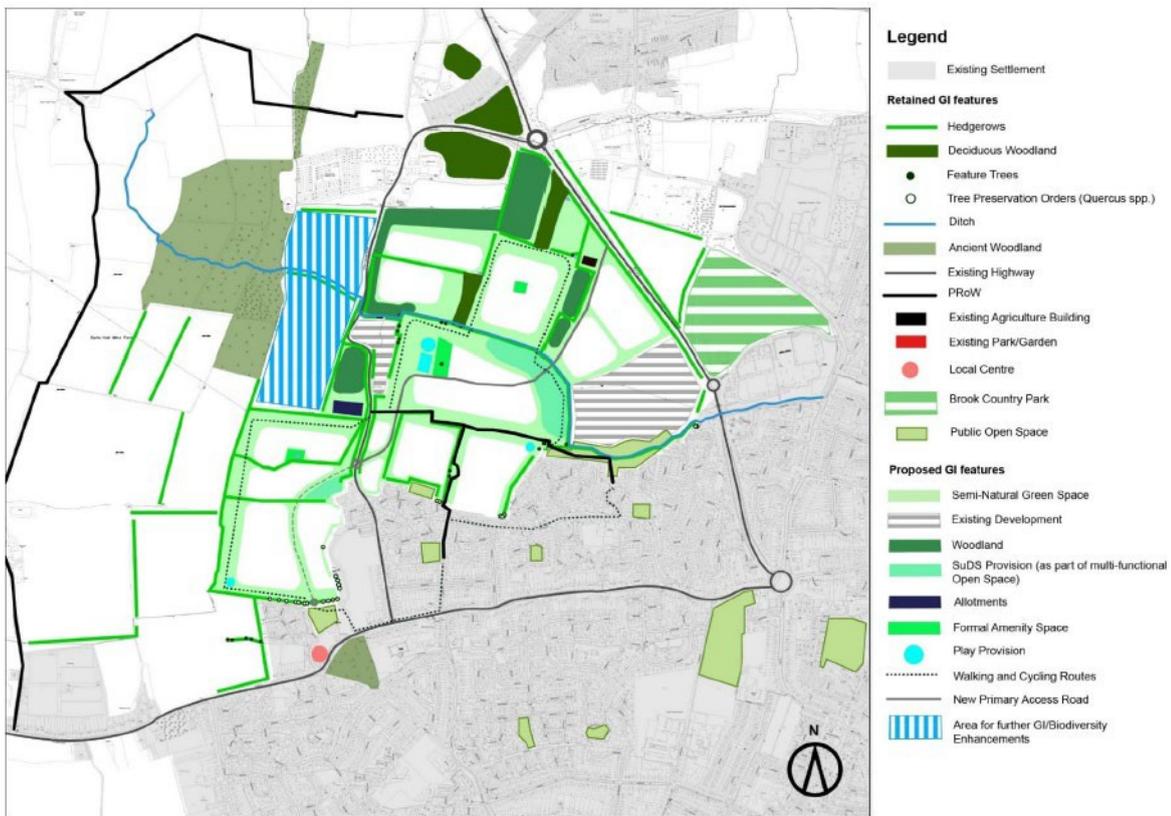
- Reducing the amount of development land within the site;
- Utilising land within the development parcels for habitat creation;
- Providing off-site habitat creation or enhancement; and
- Increasing the size and boundary of the site to enhance existing habitat and create new habitat.

4.11 In terms of meeting the 10% net gain requirement in a way that genuinely improves the condition of existing priority habitat and would improve the ecological network around the site it is recommended that the area of land in between the site and Hartley Woods (ancient woodland and local wildlife site) is assessed for this purpose. A significant improvement could be made on this land to enhance both the condition of and setting to the woodland through the creation of a habitat buffer to the woodland through new habitat creation, which would meet the 10% net gain in new habitat. The additional land could also provide the additional 2 km of hedgerow that would be needed to achieve the 10% gain in hedgerow units.

4.12 The Green Infrastructure Network plan below at Figure 20 highlights this land for consideration in the plan-making process.

4.13 Following the further ecological and landscape work undertaken the Council would suggest that consideration is given to including the area of land between the current site boundary and Hartley Woods within the broad location policy so a holistic and comprehensive approach can be taken to ecological planning alongside the delivery of 1700 homes and that the land available for development is used efficiently and sustainably. **Appendix 8** (attached) illustrates the alternative boundary that could be adopted if the additional land were to be included.

Figure 20 Green Infrastructure Network Plan



Part 5: Viability and delivery

- 5.1 A financial viability appraisal was undertaken to assess the ability of the site as a whole to deliver the required development and infrastructure. A link is provided to this report at (**Appendix 9: [EB9.1.1 Economic Viability Study Addendum 2019](#)**).
- 5.2 This financial viability appraisal assumed 1,700 units and 30% affordable housing. The appraisal has used the infrastructure requirements set out in the 'Tending Infrastructure Delivery Plan Review, June 2019' (Navigus Planning) a link is provided for (**Appendix 2: [EB10.1.1 TDC IDP Review June 2019.pdf](#)**).
- 5.3 This provides a detailed assessment of infrastructure requirement, including at the time the strategic link road costed at £5.68 million plus 40% contingency. The viability testing assumes a full policy on scenario with a 38.5 dph average across the site, and an infrastructure and s106 cost of £32,000 per unit. Based on the appraisal, benchmark values per hectare are recorded at £250, 000 per hectare. The residual value per hectare minus the benchmark value is recorded at c £200, 000. Clearly the viability of the scheme would improve if a strategic link road of the type currently envisaged in the Local Plan were not required to be funded by the development.
- 5.4 In terms of deliverability the site is in multiple ownerships. Key landowners controlling a large proportion of the site include:
- Britton Developments Ltd (the developers of the adjacent Brook Park West);
 - Greenwich Hospital Trust;
 - Smith Farms;
 - Edward and Mary Fox; and
 - Margaret Anne Wild.
- 5.5 The ownership plan is attached at **Appendix 1**. All the landowners within the revised study area are understood to be willing landowners and in principle would be prepared to make their land available at the point envisaged in the planning process, which currently is year 2025. However, the willingness of landowners outside of the study area, but part of the allocation and the suggested broad location boundary, is less certain. This outstanding issue is arguably one of the reasons that the development has not been able to proceed in the timescales originally envisaged. This topic paper demonstrates however that with the exclusion of landholdings where owners are less willing to release their land, a comprehensive scheme that delivers upon the fundamental objectives of the plan can still be achieved.
- 5.6 A Statement or Statements of Common Ground between the Council and the key landowners will be prepared and made available for the examination with the aim of demonstrating a way forward for cooperation and a comprehensive approach.
- 5.7 Whilst some landowners have been separately promoting their individual landholdings for development, this has partly been due to the absence of a clear site wide planning framework for the site (to co-ordinate planning and delivery). To address this issue the

Council is now leading on the masterplanning process and will co-ordinate further work (in close consultation with the landowners) to agree a site wide masterplan through a DPD that will then provide a comprehensive framework for sustainable and integrated development with fair and proportionate contributions to the site wide infrastructure co-ordinated through s106 contributions.

5.8 Key site wide issues, to avoid piecemeal development, that require resolution in the site wide masterplan and DPD are:

- Further Transport Assessment work with Essex County Council to agree a strategic highway strategy for the site that will secure safe vehicular access to the site to support the anticipated scale of development and ensure residual impacts upon the network are mitigated;
- To agree how the new vehicular access points can be delivered given the multiple ownerships;
- To undertake further Transport Assessment work to agree a public transport strategy for the site and support new walking and cycling routes to existing destinations to support climate change objectives, healthy active lives and sustainable development/living locally;
- To agree the site wide approach to biodiversity net gain that each parcel can contribute towards in achieving a site wide ecological network. This will need to recalculate the baseline using Natural England's updated Metric 3.) due for publication in January 2021. This approach should include options to include adjacent land or 'off site improvements';
- In consultation with the Local Education Authority, to agree the optimal location for the new primary school to ensure access by active travel, a healthy environment supporting healthy lifestyles and reducing carbon emissions;
- To undertake an outline drainage strategy to identify ground conditions, infiltration potential, assessment of volume, location and nature of surface water attenuation (SUDS), storage and treatment required to achieve multi-functional green infrastructure benefits;
- A more detailed utility load assessment in consultation with utility providers to agree the most cost effective and efficient site wide utility investment strategy and how this can be effectively phased on site;
- To undertake a decarbonisation/ low carbon energy assessment to assess opportunities for renewable, decentralised energy systems, and identify an energy efficient standard for new buildings, including low carbon heat pumps and heat networks. Gas heating will be banned from 2025;
- To refine the proposed Green infrastructure Framework for the site following more detailed masterplanning work on drainage and transport;
- To prepare a detailed cost plan and provide a detailed financial viability appraisal on the updated masterplan and set out the delivery strategy in terms of land assembly/acquisition, infrastructure costs, funding, phasing and

planning applications. This may include public sector land acquisition or infrastructure funding through Homes England as the project requires in order to accelerate and facilitate development.

Further Planning Requirements and Work Programme

5.9 The overall aim of the council is to produce a planning policy and design framework to ensure the comprehensive and sustainable development of the site. If the proposed broad location Policy SAMU 2 Hartley Gardens is found sound by the Inspector, then this route would be through a site-specific Hartley Gardens DPD as the indicative stages below set out.

Project Inception	Spring 2021
Stage 1 Evidence Base Studies	Summer 2021
Draft DPD (Reg 18 consultation)	Autumn 2021
Publication DPD (Reg 19 consultation)	Winter 2021
Examination	Spring 2022
Adoption	Summer 2022

5.10 A draft scope of work for the DPD and further masterplanning is attached at **Appendix 10**.

5.11 However, if the Inspector considers the evidence base for the site to be proportionate to a strategic site allocation and a more expedient way to prepare the site wide master planning work is through a Hartley Gardens Masterplan SPD pursuant to the allocation then a suggested red line boundary for an allocation is attached at **Appendix 11**.

5.12 Regardless of the policy route for further masterplanning work the Council is committed to working in partnership with the landowners and their representatives to help guide and steer the masterplan work. A Hartley Gardens Project Group will be established with the following members:

- District Council (Planning, Open Space, Heritage and Trees);
- Essex County Council (including Sustainable Growth, Education, Ecology, Landscape and Highways); and
- Key landowner representatives.
- Governance structure for resolving issues

5.13 The role of the group would be as follows:

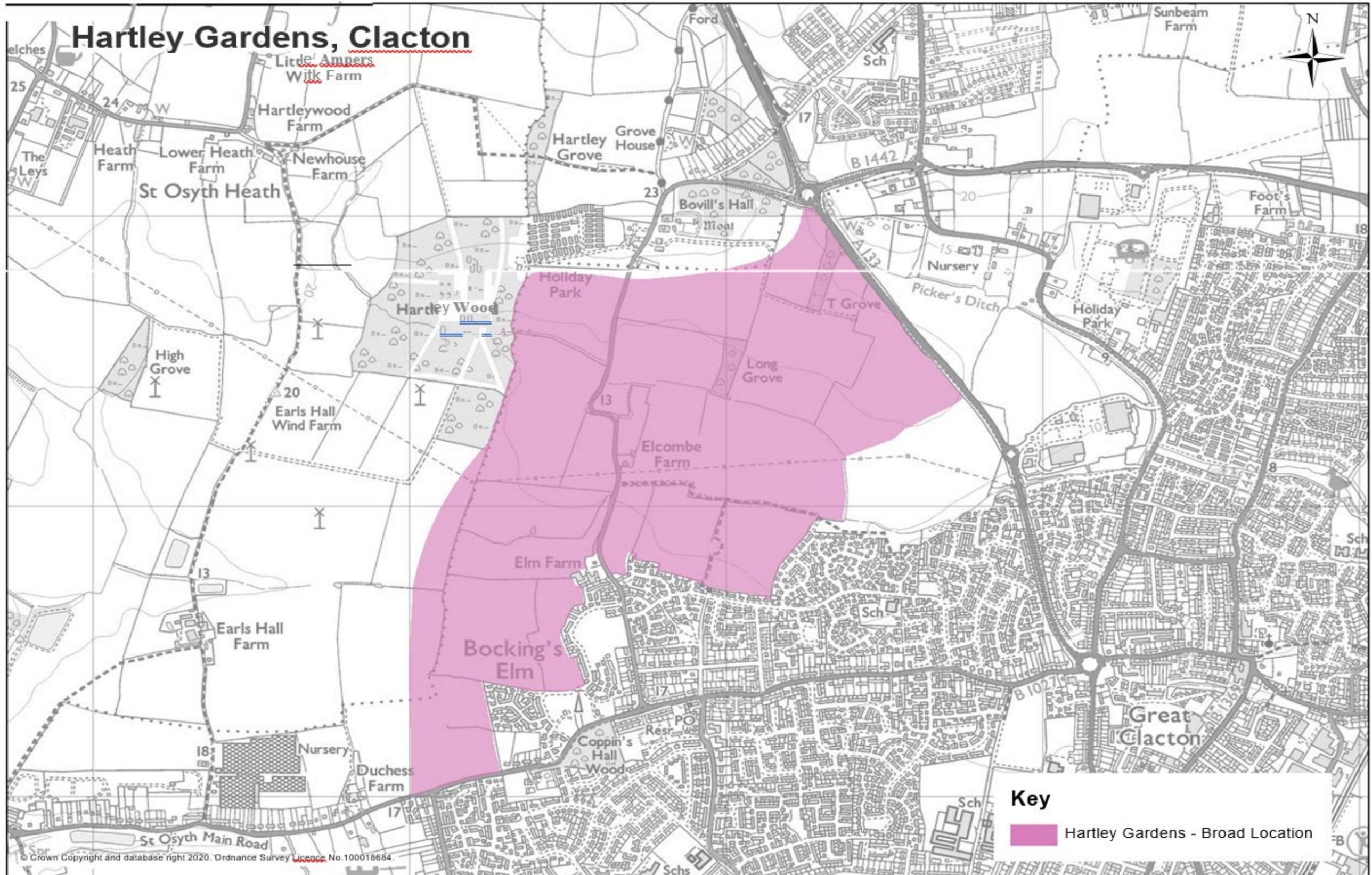
- Co-ordinate project activity and ensure the effective integration of project outputs to support sustainable place-making
- Prepare and agree the Hartley Gardens Masterplan brief
- Maintain a project plan to guide and co-ordinate project activity and meet milestones and timescales

- Convene meetings on a regular basis to ensure progression of the Hartley Gardens DPD
 - Preparing and approving the Hartley Gardens Masterplan brief
 - Appointing and managing the external multi-disciplinary consultancy team
 - Liaise with key officer, stakeholder bodies and members where needed (e.g. Homes England, Essex Wildlife Trust)
 - Lead on the statutory planning process for the DPD and site wide masterplan
 - Lead on consultation and communications strategy
 - Manage project budgets and procurement of technical advice

5.14 This Topic Paper is accompanied by a range of evidence base reports which demonstrate the deliverability of the site for 1700 homes and the Council's commitment to co-ordinating a sustainable and integrated new community.

Part 6: Overall conclusions

- 6.1 The Hartley Gardens proposal in Policy SAMU2 of the Section 2 Local Plan is considered, alongside the Oakwood Park allocation, to be the most suitable and sustainable location for long-term strategic growth at Clacton on Sea - the district's largest and most sustainable settlement at the top of the settlement hierarchy where housing need is greatest and where housing growth is key to generating demand in goods and services and supporting growth in a predominantly service-sector economy. There are limited alternative options for growth around Clacton that would not conflict with the Council's Strategic Green Gap policies and lead to the unwanted coalescence of settlements and neighbourhoods.
- 6.2 Although delivery of the Hartley Gardens development is no longer strictly necessary to ensure the Council addresses objectively assessed housing requirements in the remainder of the plan period to 2033, the Council maintains that the proposal should remain in the plan, as a broad location, and be earmarked for longer-term and comprehensively planned growth that provides headroom and flexibility in the supply and that, with the right interventions, could still deliver a good contribution of housing towards the supply within the plan period.
- 6.3 Issues surrounding multiple ownership across the site and the complexities involved in delivering a comprehensive approach to planning and infrastructure delivery mean that the site is unlikely to deliver within the timescales that were originally envisaged when the site was allocated in the plan in 2017. However, the Council is now taking a leading role in producing the evidence required for a masterplanned approach and proposes to work with the relevant landowners and other stakeholders to bring about a shared vision and programme of activity moving forward.
- 6.4 The information contained within this topic paper along with the appended technical documents support the Council's suggestion to the Inspectors that the Hartley Gardens allocation could be re-defined as a 'broad location' for growth to be followed by a more detailed Development Plan Document (DPD) or masterplan, guided by a revised set of policy wording and a fresh approach to planning across the site.
- 6.5 In the run up to the examination hearings, the Council continues engagement with landowners and other stakeholders and, where possible, will enter into statements of common ground, which may or may not generate further suggestions for revisions. The Council is keen to work with the Inspectors and other participants in the examination process to achieve the most appropriate policy framework for this development and this topic paper sets out the Council's current suggestions.



Hartley Gardens Masterplan Framework

**Evidence/
Technical Studies**



Option Testing

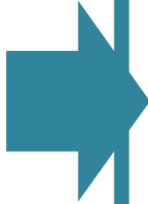


- 1. Flood and drainage work
- 2. Transport modelling and accessibility audit
- 3. Ecological and habitat surveys
- 4. Landscape and visual impact study
- 5. Site investigations/ ground conditions
- 6. Market Evidence

- Baseline Report**
- Composite constraints and opportunities
 - Strategic mitigation and infrastructure needs

- Option Development and Testing**
- 1. Test quantum and type of land uses required (housing, employment, education, retail etc)
 - 2. Test quantum of green space required and function/location (green space and landscape network)
 - 3. Define strategic and critical infrastructure requirements
 - 4. Confirm site boundary can accommodate development requirements (capacity testing)
 - 5. Test viability and deliverability
 - 6. Community involvement and participation in shaping the preferred option
 - 7. Landowner and stakeholder engagement in shaping the preferred option
 - 8. **Select Preferred Option and site boundary**

- Clearly set out evidence base planning and infrastructure requirements required to deliver strategic site and masterplanning process*
- 1. **GI Strategy**
 - Quantum of strategic green space required and location (RAMS)
 - Ecology & Habitats (BNG)
 - Strategic Flood & Drainage
 - Connectivity
 - Recreational (play/allotment/etc)
 - Strategic landscape structure
 - 2. **Transport Strategy**
 - Strategic and Critical highway access locations and routes
 - Strategic Ped/ cycle connections
 - Strategic Public transport improvements
 - 3. **Land Use Framework**
 - Quantum and location of key land uses and space requirements
 - Developable areas
 - Townscape and low carbon principles
 - 4. **Strategic Infrastructure Requirements & Mitigation (IDP)**
 - What, where, cost, funding and implementation
 - 5. **Delivery Strategy**
 - Financial Viability Appraisal
 - Implementation/Funding Plan



- Purpose to assist in a) implementation of policy b) co-ordinate development c) secure design quality d) further community and stakeholder participation in shaping proposals and e) inform, assess and determine planning applications*
- 1. Develop Masterplan Framework
 - 2. Define design concept and principles
 - Character Areas
 - Townscape
 - Densities
 - Built typologies
 - Landscaping
 - Public realm
 - Architectural
 - 3. Financial Viability Appraisal
 - 4. Infrastructure Delivery Plan
 - 5. Management & Stewardship Plan (BNG)
 - 6. Phasing Plan
 - 7. Public sector role (funding/ implementation – de- risking)
 - 8. Further Planning Application Requirements
 - 9. Design Quality Controls

APPENDIX: 11

